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28 July 2009

To: Chairman – Councillor Mrs PS Corney
Vice-Chairman – Councillor RJ Turner
All Members of the Planning Committee - Councillors Mrs VM Barrett,
Mrs PM Bear, BR Burling, Mrs JM Guest, Mrs SA Hatton, SGM Kindersley,
MB Loynes, CR Nightingale, Mrs DP Roberts, Mrs HM Smith, PW Topping and
JF Williams, and to Councillor NIC Wright (Planning Portfolio Holder)

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 5 AUGUST 2009** at **2.00 p.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
GJ HARLOCK
Chief Executive

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Important information for non-committee members, parish councils and members of the public wishing to speak at the meeting

The document called 'Public Speaking at meetings of the Planning Committee' (April 2009) is available by following this link.

[Public speaking at meetings of the Planning Committee](#)

AGENDA

PAGES

PUBLIC SPEAKING

Those non-Committee members wishing to address the Planning Committee should first read the Public Speaking Protocol.

PROCEDURAL ITEMS

1. Apologies

To receive apologies for absence from committee members.

2. **General Declarations of Interest** 1 - 2

3. **Minutes of Previous Meeting**

To authorise the Chairman to sign the Minutes of the meeting held on 1 July 2009 as a correct record.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

4. **S/2307/06/F - Hauxton (Land to the East of the A10 Known as the Former Bayer CropScience Ltd Site)** 3 - 30

Appendices 1 to 6 are attached to the electronic version of the agenda.

5. **S/2014/08/O - Hauxton (At land to the East of the A10 Known as the Former Bayer CropScience Ltd Site)** 31 - 72

Appendices 1 and 2 are attached to the electronic version of the agenda.

6. **S/0622/08/Rm - Orchard Park (Land North of Chieftain Way between Land Parcels E1 and E2 Adjacent A14)** 73 - 90

7. **S/0821/09/F - Linton (Land to the North of 42 Back Road)** 91 - 100

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10. **S/0564/09/F - Milton (6 Sunningdale Park, Chesterton Fen Road)** 115 - 124

11. **S/0628/09/F - Fen Drayton (14 College Farm Court)** 125 - 130

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Appendix 1 is attached to the electronic version of the agenda.

18. **S/0572/09/F - Duxford (Land to the South of Station Road West)** 177 - 188

19. **S/0665/09/F & S/0667/09/LB - Fulbourn (Buildings and Land to North of Coach House, Fulbourn Manor, Manor Walk)** 189 - 202

20. **S/0662/09/F - Fulbourn (Fulbourn Mill, Wilbraham Road)** 203 - 224

21. **S/0698/09/F Little Gransden (84 Main Road)** 225 - 230

- 22. Proposed Public Footpath diversion - Hatley 231 - 238**

INFORMATION ITEMS

The following items are included on the agenda for information and are, in the main, available in electronic format only (at www.scamb.gov.uk/meetings and in the Weekly Bulletin dated 29 July 2009). If Members have any comments or questions relating to issues raised therein, they should contact the appropriate officers prior to the meeting.

- 23. Review of Officer Delegation and the Chairman's Delegation Meeting**

- 24. Appeals against Planning Decisions and Enforcement Action 239 - 244**
Summaries of Decisions of interest attached.

Contact officers:

Gareth Jones, Corporate Manager (Planning and Sustainable Communities) – Tel: 01954 713155

John Koch, Appeals Manager (Special Projects) – Tel: 01954 713268

- 25. Appeal Statistics**

Contact officers:

Gareth Jones, Head of Planning – Tel: 01954 713155

John Koch, Appeals Manager (Special Projects) – Tel: 01954 713268

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"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

Notes

- (1) Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Corporate Manager (Planning and Sustainable Communities).
- (2) The Council considers every planning application on its merits and in the context of national, regional and local planning policy. As part of the Council's customer service standards, Councillors and officers aim to put customers first, deliver outstanding service and provide easy access to services and information. At all times, we will treat customers with respect and will be polite, patient and honest. The Council is also committed to treat everyone fairly and justly, and to promote equality. This applies to all residents and customers, planning applicants and those people against whom the Council is taking, or proposing to take, planning enforcement action. More details can be found on the Council's website under 'Council and Democracy'.

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South Cambridgeshire District Council

Planning Committee – 5 August 2009 – Declaration of Interests

Councillor

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villiage:

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villiage:

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villiage:

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Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villiage:

Reason:

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Personal / Personal and Prejudicial [delete as appropriate]

Item no: **App. No.** **Village:**

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

Item no: **App. No.** **Village:**

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

Item no: **App. No.** **Village:**

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

Item no: **App. No.** **Village:**

Reason:

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2307/06/F - HAUXTON**Demolition of Buildings (Including Nos. 90, 92 & 96 Church Road), Remediation of Land and Formation of a Development Platform
At Land to the East of the A10 Known as the Former Bayer CropScience Ltd Site****Recommendation: Approval****Date for Determination: 2nd March 2007 (Major Application)****Notes:**

This Application has been reported to the Planning Committee for re-determination after planning permission dated 25th March 2008 was quashed.

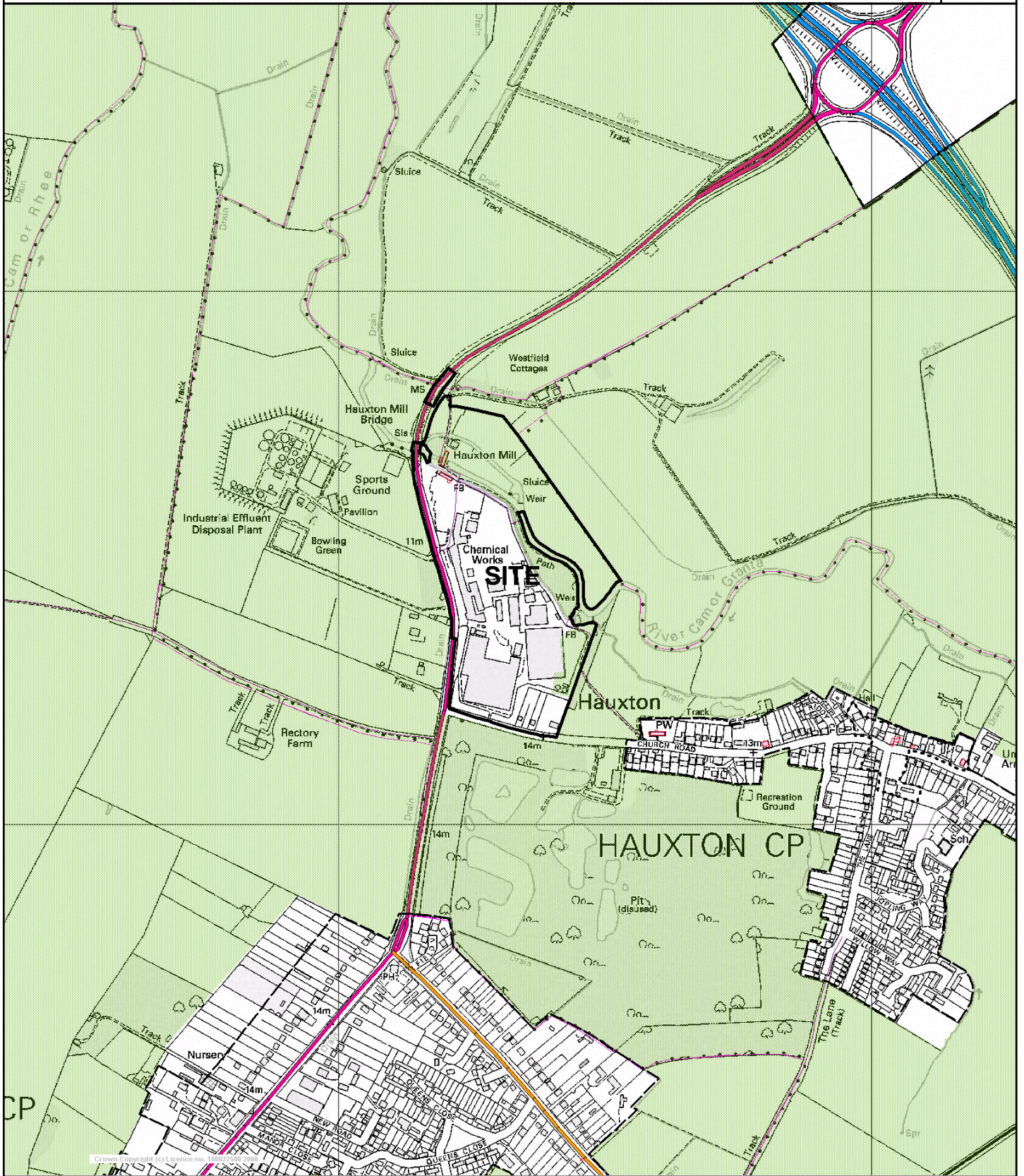
Background

1. A Consent Order dated 6th October 2008 quashed the planning permission dated 25th March 2008. The Council conceded that it failed to consider whether the development, the subject of the application, fell within paragraphs 9 and 10 of Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
2. Development falling within Schedule 1 of the above-mentioned Regulations requires Environmental Impact Assessment (EIA). Paragraphs 9 and 10 refer to waste disposal installations for hazardous and non-hazardous waste respectively.
3. The Planning application has to be re-determined.

Site and Proposal

4. The 14.9 hectare (ha) application site is the former agro chemicals plant known as Bayer CropScience, which carried out the production and testing of agricultural related chemicals for over 65 years until its closure in 2003, together with land in the River Cam Corridor. The full Bayer site is divided into two by the A10 with the factory site located to the east side and the west side providing a mix of uses including associated sports facilities and the waste water treatment facility.
5. This current application relates to the main factory site (8.7ha) on the east side of the A10, which, due to its previous use, has pockets of high levels of contamination. Many of the former buildings on the site have been demolished, including 3 detached 2 storey dwellings fronting Church Road. The site also contains large areas of hard standing in the form of a 276 space surface car park and areas of internal infrastructure.

S/2307/06/F Hauxton



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August Planning Committee 2009

6. In addition to the factory buildings, the site also contains two listed buildings known as Hauxton Mill and the Mill House both of which are grade II listed buildings while to the north of the Mill is the new Mill house which although not listed in its own right is located within the curtilage of the listed Mill. A public footpath (number 5) cuts across part of the site which provides a loop route with footpath number 4, from the A10 through the site over the Riddy Brook and the River Cam past the Mill House and the Mill to reappear further along the A10 at the access point serving Westfield Cottages. A second public footpath (number 1) links with footpath number 5 at the footbridge over the Riddy Brook and provides a route partly along the western bank of the Riddy Brook before crossing it to run along the western bank of the River Cam to then re-cross the Riddy Brook and continue along the eastern boundary of the application site and onto Church Road.
7. The site is bounded to the west by the A10, to the north and east by a 2.5 metre high boundary wall, also along this part of the site and below the ground level a Bentonite wall installed around 1972, provides a structural barrier preventing contamination crossing from the site into the Riddy Brook. To the south the site boundary is formed by Church Road, which provides the main link into Hauxton village from the A10.
8. The application, registered on 1st December 2006, relates to two main issues: the first being the demolition of the existing factory buildings, along with the three dwellings fronting Church Road but not the Mill House, Hauxton Mill or the New Mill House; and secondly the application relates to the necessary remediation measures required to provide a platform for the redevelopment for up to 380 dwellings, employment units and open space provision. Details of the proposed redevelopment of the site are the subject of a second application S/2014/08/O considered elsewhere in this agenda.
9. On 19th November 2008 an Environmental Statement (ES) was received. This provides information on the likely significant environmental effects of the proposed development. It also describes the measures that are proposed to mitigate any adverse effects and provides a statement as to the significance of any predicted impacts both before and after mitigation. A copy of the Remediation Non-Technical Summary is attached as electronic Appendix 6.
10. The applicant on both applications represents a specialist company, which acquires this type of site, obtains outline planning permission for redevelopment, carries out the remediation work and then sells the 'cleaned' site to a developer.

Planning History

11. This site has a very long planning history with numerous planning applications for development.

Planning Policy

12. Local Development Framework (LDF) Core Strategy DPD (adopted January 2007) policies relevant to this application: **ST/1** Green Belt; **ST/3** Re-Using Developed Land and Buildings; **ST/6** Group Villages. The former factory site is a pocket of land excluded from the Green Belt.
13. LDF Development Control Policies DPD (adopted July 2007) policies relevant to this application: **DP/1** Sustainable Development; **DP/5** Cumulative Development; **SF/8** Lord's Bridge Radio Telescope; **SF/9** Protection of Existing Recreation Areas; **SF/12** River Cam; **NE/4** Landscape Character Areas; **NE/6** Biodiversity; **NE/7** Sites of Biodiversity or Geological Importance; **NE/8** Ground water; **NE/9** Water and Drainage

Infrastructure; **NE/11** Flood Risk; **NE/12** Water Conservation; **NE/15** Noise Pollution; **NE/16** Emissions; **CH/1** Historic Landscapes; **CH/2** Archaeological Sites; **CH/3** Listed Buildings; **CH/4** Development within the Curtilage or Setting of a Listed Building.

14. LDF Site Specific Policies DPD (submission draft January 2006) policies relevant to this application: Policy **SP/7** Bayer CropScience. This identifies an 8.7 ha site for a mixed-use development, including the remediation of all contamination caused by previous industrial uses of the site. Policy SP/10 identifies the former Bayer CropScience site for B1 employment as part of a mixed-use redevelopment.
15. Government Policies **PPS1** Delivering Sustainable Development; **PPG2** Green Belts; **PPS7** Sustainable Development in Rural Areas; **PPS9** Biodiversity and Geological Conservation; **PPG15** Planning and the Historic Environment; **PPG16** Archaeology and Planning; **PPS23** Planning and Pollution Control; **PPG24** Planning and Noise; **PPS25** Development and Flood Risk.
16. East of England Plan (May 2008) policies of relevance are: **CSR3** Green Belt; **ENV6** The Historic Environment; **WMI** Waste Management Objectives.
17. **Circular 05/2005** – Planning Obligations – states that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respect.
18. **Circular 11/95**: The Use of Conditions in Planning Permissions – states that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

19. **Hauxton Parish Council**

Introduction

“Hauxton Parish Council identifies the Bayer Site (East and West of the A10) as a major complex problem requiring (i) remediation of the whole Bayer site and the surroundings that is effective in perpetuity and (ii) sustainable redevelopment that both funds the remediation and enhances the southern entrance to Cambridge City. The two planning applications (S/2307/06/F & S/2308/06/O) are for the largest developments of Hauxton in its entire history, doubling the number of households. The revised and new applications S/2307/06/F and S/2014/08/O are substantially similar to the former and can therefore be considered against the same criteria.

Hauxton Parish Council requests close participation in the deliberations of the planning authorities and the Environment Agency (for the remediation and the flood risk management) to ensure the complexity and extent of the remediation and development achieves suitable outcomes.

Hauxton Parish Council supports the planning applications S/2307/06/F & S/2014/08/O subject to resolution of a number of significant issues involving the developer, statutory consultees and Local Authorities and subject to satisfactory benefit to the village of Hauxton.

Demolition of the Factory Buildings and Nos. 90, 92 And 96 Church Road and Remediation of the Site (S/2307/06/F)

Hauxton Parish Council is seeking assurances that the Demolition and Remediation Strategy of the former Bayer CropScience site that is designated Contaminated Land under part 2a of the Environment Protection Act 1990 will be:

1. Robust in terms of Health, Safety and the Environment using best practice to limit the impact of noise, dust and smells on the Village and the Environment. To date demolition work has proceeded relatively smoothly with few complaints
2. Carried out using the "best practice" remediation methods. See Issues
3. Quantifiable for pollutants by location and type. The remediation method statement and associated documentation appear to cover this adequately for the extent known before the slab is broken out.
4. Sufficient to cover the full extent of the known pollution including ground water beyond the site boundaries.
5. Sustainable long term in perpetuity with a proper exit strategy that includes monitoring and continued treatment if necessary.
6. Carried out to a standard that reflects the ultimate use of the site for residential development.
7. Indemnifies owners and local stakeholders, who may take on responsibility for part of the land, against future problems relating to or arising from the pollution and remediation.

Items 4-7 have issues identified in the following comments. It also notes that replies to some of the issues raised have been made by Harrow Estates but for the record the Parish Council wishes to reiterate them in modified form against the revised application.

Key Issues

- (a) ·Hauxton Parish Council is seeking dialogue with the Environment Agency to understand the apparent ambiguity and imprecision at present in the planning documents so as to arrive at a robust, effective remediation programme under effective scrutiny by the Environment Agency under Part 2a of the Environment Protection Act 1990. We urge both South Cambs District Council and the Environment Agency to have the remediation plan account for the 'worst case'.

The Atkins documents gave recommended remedial targets. The remediation method statement appears to interpret these as "guides to work towards" and "however for the avoidance of doubt we do not believe these targets are achievable through the use of readily available and commercially viable remediation technologies or without significant export of materials off site". Reference is also made to using cost benefit analysis and Best Available Technology Not Entailing Excessive Cost (BATNEEC) and a plan to revisit the risk assessment model to "improve the recommended remedial targets" Likewise the statement apparently relates the degree of remediation to the end-use which unfortunately cannot be guaranteed in perpetuity e.g. the Land under the commercial areas may in the future be required for another use. Hauxton Parish Council urges both SCDC and the EA to recognize the stated complexity of the geological sequence and the complex ground water flow and so have the remediation plan account for the 'worst case'. For example the documents identify hotspots under structures that may well be mobilized by

demolition work. The possibility that materials may have to be exported from site should be recognised and suitably planned.

- (b) Hauxton Parish Council is concerned that redevelopment of part of the East Site prior to completion of remediation of the whole East Site could compromise remediation to a satisfactory standard.

Clean cover applied before completion of remediation of the whole east site runs a risk of being contaminated by migration up to the time the site is declared fit for purpose by the EA.

- (c) Hauxton Parish Council requests best practices throughout the remediation and strongly objects to any use of the imprecise weaker term 'reasonable measures'.

There is only a single opportunity for remediation (i.e. when the factory is demolished thereby providing access and while there is funding for the remediation). Therefore the clean up has to be effective in perpetuity. There must be no prospect of an adverse legacy falling on owners of the properties created, SCDC or Hauxton Parish Council.

- (d) Hauxton Parish Council is seeking dialogue with the Environment Agency on the extent of ground water contamination outside the Bayer site (both East and West of the A10). It also requires assurances from the Environment Agency that responsibility for this, if not with Harrow Estates, rests with those who caused the pollution or their successors either severally or jointly.

There is documentary evidence of the full history of the site and data on the contamination levels as measured. The maps showing levels of individual chemicals seem to show ground water contamination beyond the boundaries of the site. Furthermore there are some remarkably big numbers for pollutant levels i.e. >100,000 µg/kg. The method statement appears to show that where any possible pathways into or out of the site are identified they will be capped or stopped up. This in itself may well prevent natural flow of contaminated ground water back into the site as levels within are lowered. It is the EA's responsibility to formulate a plan to account for how this off-site contamination will be managed and funded.

- (e) Hauxton Parish Council seeks assurances that clean covering with a layer of unpolluted soil is not an acceptable substitute for remediation.

Hauxton Parish Council interpret the documents to say the remediation and redevelopment will include scraping soil off the north meadow to provide flood relief and putting that clean soil down on part of the factory site to raise the land as protection from floods - and raising the ground level one metre. The documents further states that it will be necessary "to provide suitable growing media within the garden areas". Accepting this to be the case, the fundamental principle that must operate is 'all and any materials returned to the ground must have a maximum contaminant level that represents no threat to either the public or any environmental receptor.'

The covering layer should not be regarded as a remediation technique in itself.

- (f) Hauxton Parish Council is seeking dialogue with the Environment Agency on the long term ground water modelling including outside the Bayer site and on the monitoring programme short and long term.

Hauxton Parish Council seeks clarification as to what the remediation will do precisely to which parts of the site. What will success be defined as in terms of measurements over a period of time in specified places at properly agreed depths for soil/substrate AND ground water. The Parish Council notes the rebound phenomena and notes that remediation procedures will temporarily drop the ground water levels but once the remediation stops the remaining reservoir of chemicals in the soil/substrate could rebuild the levels in the ground water back up and perpetuate their spread to and/or from the site. A suitable plan of on-going monitoring must be left in place to prove that this does not occur.

Hauxton Parish Council also note that the two deep boreholes on the Site are or will no longer be used to abstract water and will be de-commissioned. We would like the EA and the appropriate water authority which have approved this work to give reassurance that this will not have a long term adverse effect on the hydrology of the Site and surrounding area.

Bearing in mind the above issues Hauxton Parish Council believe that it is necessary to demonstrate that the remediation of the contaminated land is carried out to a degree that ensures the safety and well being of future residents of the site in perpetuity. To this end a liaison group should be set up that is led by a senior official of the Environment Agency and incorporates representatives of both the remediation Company and the local Community. By this mechanism hopefully it can be demonstrated openly and fairly, that the site is being remediated to appropriate final concentrations of residual contaminants and that adequate policing and controls are in place to ensure that it is.

The Parish Council is committed to help resolve issues arising wherever possible and believe a liaison group to be the best way that this project can be delivered and properly communicated to the local residents.

The River Valleys: Hauxton Parish Council was mindful that POLICY EN2 should also be a factor for the Developers and South Cambs District Council in their considerations.

(Extract from POLICY EN2: The District Council will not permit development which has an adverse effect upon the wildlife, landscape and the countryside character of the River Valleys of South Cambridgeshire. Where appropriate the District Council will consider the use of Article 4 Directions to protect this setting.)

The Parish Council supports in principle the Ecology Management measures as outlined to us at the October meeting at SCDC and would like to be party to their development as the plans for the River corridor and Mill environs expand.

Dialogue with the Developers and South Cambs District Council Planners

Hauxton Parish Council will continue to maintain the very valuable dialogue they have established with Harrow Estates, their Agents and SCDC Planning and will work to resolve any problems and issues that arise wherever possible.

Given that there is now a need to again determine the application, Hauxton Parish Council may well wish to modify or alter its responses in the light of future discussions and developments.

20. **Harston Parish Council**

"Harston Parish Council has been working closely with Hauxton Parish Council and supports and endorses the submission of Hauxton Parish Council for this application. To this end Harston Parish Council recommends **APPROVAL** of this planning application subject to:

- (a) The points itemised in Hauxton Parish Councils response being adequately addressed.
- (b) It is absolutely essential that the remediation of the contaminated land is carried out to a degree that ensures the safety and well being of future residents of the site in perpetuity. To this end a liaison group should be set up that is led by a senior official of the Environment Agency and incorporates representatives of both the remediation company and the local community. By this mechanism hopefully it can be demonstrated that the site is being remediated to appropriate final concentrations of residual contaminants and that adequate policing and controls are in place to ensure that it is."

21. **Environment Agency** accepts the Flood Risk Assessment and revised Hydraulic Modelling dated September 2007. In conjunction with the Council's Environmental Health Officer it recommends a number of conditions be imposed on any permission. (See recommendation).

22. **Cam Valley Forum (CVF)** has responded to the additional material submitted by the applicant:

- (a) CVF is pleased that the applicant has confirmed that no new building should take place until the entire site is remediated and validated as such.
- (b) Further monitoring should be undertaken by an independent consultant. Atkins cannot be viewed as independent.
- (c) The results of "significant sampling" should be made available to the CVF as a party interested in the welfare of the Cam and its tributaries.
- (d) "All areas on the site will be monitored" is welcomed. However, the phrase "there will remain the risk of unknown and unidentified contamination" is of concern.
- (e) CVF is relieved that all contractors' staff will be wearing Personal Protective Clothing.
- (f) It is hoped that the understanding of leachate chemistry is matched by practical techniques of stopping leachate reaching the Riddy and the Cam.
- (g) Given the statement:

"We are clear in our understanding that some treatments for some soils may not be wholly successful due to either the suitability of soils or nature of the contamination" it is suggested that **specialists who know a lot more about**

pesticide breakdown, especially those developed some time ago, are brought in. Sites where pesticide and dyestuff chemical residues have built up over years have caused problems to those clearing the areas and also those who have lived near or on these sites, in terms of human health, plants planted in gardens and the local environment.

- (h) Use of words “only trace levels” in relation to some pesticide residues is also of concern. A trace of DDT can be all that is necessary to wipe out aquatic invertebrate populations.
- (i) CVF refer to Schradan (see comments from adjoining landowner in Paragraph 43).
- (j) The phrase ‘alternative means’ (for example, disposal from site) is often used. In practice it is likely to be a very last resort because of expense of transport in sealed containers and the enormous cost of dumping at specially registered sites. CVF would therefore welcome **disposal from site to be built into the plan rather than a contingency**, with estimates of quantities involved, registered sites approached and financial budgets spelt out.
- (k) CVF is happy that reasonable thought is being given to natural flooding of water meadows and weir construction.
- (l) CVF is very disturbed about the lack of assurances about the problems likely to be caused by the breakdown of the Bentonite Wall. It is old and is unstable. All contaminated material currently held behind the wall should be carefully removed using best efforts to prevent the breakdown of the wall. During this process there should be plastic sheeting plus straw bales or some other techniques to ensure no contamination reaches the river.
- (m) The developers suggest that some elements of SUDS are not particularly suitable for the site, such as infiltration and open storage ponds, as **these measures will involve breaching the cover system which will be designed to be protective of human health**. However they also claim they will remove all contamination to below health hazard levels and have generally denied that soil cover (i.e. imported fill) was designed to be part of the remediation strategy to cover over contaminated material. This needs clarification with the aim of ensuring effective remediation. All the toxic residues should be broken down on site or removed to a registered toxic waste facility. Covering the area with a cover system is not acceptable.

23. **Natural England**

“The application site is approximately 3.5km away from Barrington Chalk Pit Site of Special Scientific Interest (SSSI), and within 5km of Whittlesford-Thriplow Hummocky Fields SSSI, Thriplow Peat Holes SSSI and Dernford Fen SSSI. The site is immediately adjacent to the River Cam County Wildlife Site (CWS). A number of protected and notable species are known to occur in, or are likely to use parts of the application area including bats, badgers, barn owl and otter.

Based on the information provided, Natural England has no objection to the proposed development, subject to the inclusion of our recommended conditions and the proposal being carried out in strict accordance with the details of the application and any agreed mitigation strategy. The reason for this view is that we consider that the proposal is unlikely to have a significant direct effect on the interest features of the

above mentioned SSSIs, and provided that adequate mitigation is agreed with the local authority impacts to protected species should be minimal.

We are satisfied with the outlined mitigation and enhancement measures in the Environmental Statement. However, in order to ensure the long term maintenance and enhancement of the wildlife value at the site, especially with regard to the increased human activity in the area and potential pressures this will place on wildlife interests, we advise that these proposals should be detailed further and agreed with your Authority prior to any construction works taking place. As such we would wish to see the following points are assured through planning conditions / obligations:

Prior to any works starting on site, an Ecological Management Plan (EMP) for the entire site will be agreed with the LPA. This will include the full details of:

- (a) Mitigation during construction to ensure minimal impact to habitats and wildlife, such as timing and methodology of works;
 - (b) Management measures including a work programme to maintain and enhance the value of the site for wildlife once the development is completed;
 - (c) Sensitive planting plans including appropriate locally native species that will be of benefit to wildlife. This should include details for providing plants of a local provenance, ideally from seed collected from suitable habitats in the surrounding area;
 - (d) Erection of specialist bird and bat boxes within the development area and in surrounding semi-natural habitats. Ideally we would wish to see more long-term mitigation for bats both on and off site, including provision for roosting bats and habitat enhancements for foraging and commuting. For example, we would encourage the provision of some access into roof voids of non-dwelling buildings, through the use of bat tiles. These would be particularly beneficial on buildings adjacent to any wildlife corridors (i.e. the river) or other known roosts (i.e. at the Mill);
 - (e) Measures to enhance the Riddy Brook habitat and other wildlife corridors for bats, birds, mammals, invertebrates and fish;
 - (f) Lighting control (construction and operational) around bat roosting sites and foraging areas;
 - (g) An ecological monitoring programme to ensure that mitigation and enhancement is successful, and to guide future management of the site;
 - (h) Details of commuted funds to enable the site to be managed to benefit wildlife in the long-term, and detail who will be responsible for carrying out this work.
24. **Ramblers Association** expects existing rights of way to be kept open as development proceeds, if necessary by means of temporary diversions. It would be helpful if the RA were involved at the design stage to ensure best routes for any additional access.
25. **Highways Agency** - No objections.

26. **NHS Cambridgeshire**

“We reviewed this application, taking advice from the Health Protection Agency Chemical Hazards and Poisons Division, with respect to the suitability of the proposed remedial targets for contaminant remediation in light of the proposed use of the site for residential development.

We cannot comment on the approach to remediation of contaminated land or on the target levels proposed by the applicants as they state that they are subject to change during further site evaluation. However, in consultation with the HPA we should be able to confirm whether the site is fit for residential use from a human health perspective once remediation is completed.

The Remediation Method Statement incorporates a plan for a human health risk assessment on completion of remediation to ensure that the site does not pose a risk to human health. The findings of this assessment will need to be reviewed to determine suitability for residential use post remediation.

We did not have details of the original site survey showing the level of contamination. However, plans for dust monitoring need to be reviewed as the dust from the site may be equally contaminated. Similarly, further information is needed on plans for addressing noise, odours and volatile organic compound (VOC) emissions which may impact on human health.”

27. **Ecology Officer** has no objections. The production of the Ecological Management Plan (as requested by Natural England) will be the best means to address many of their points.

28. The Council’s **Environmental Health Officer** has been working very closely with the Environment Agency to produce draft conditions (see recommendation). In addition the Environmental Health Officer is fully aware of the detailed responses made to the application and has commented accordingly. The Officer’s response to the points made by Mr Brathwaite are attached as electronic Appendix 1.

Representations

29. Owners of the private nature reserve and wildfowl site to the south of Church Road and opposite the former factory comments on the following statement in the Flood Risk Assessment:

“There is a greenfield area (3ha) south of the site, on the opposite side of Church Road, which includes a few water bodies which would provide attenuation storage to any significant volumes of run-off from the area.”

The owners have not been contacted by Harrow Estates plc about such a proposal. They would not give permission for such run-off to be directed onto their property, where unclean and possibly contaminated water could do grave damage to the wildlife reserve. In any case, the ponds are sealed water bodies which could not take up excess water.

It is noted that the remediation processes proposed are likely to generate large amounts of dust (with up to 8ha of concrete and hardstanding to be broken up and crushed) and that much of the remediation actually works by releasing quantities of volatile chemical breakdown products into the air, particularly in warm weather, which

it will be very difficult to control with such large amounts of soil being processed over the next two or more years.

The unpleasant effects that such dust and malodorous, as well as possible unhealthy, air pollution will harm the enjoyment of their property, and indeed that of neighbours, as well as creating a very negative environment with regard to the organic food business that the owners' daughter runs on the site.

30. Mr P Elliott, the owner of land on one side and tenant on the other of land directly affected by the Bayer CropScience site objects. Whilst the writer wishes to see the site safely remediated, he considers the proposals are deeply flawed and geared to avoiding effective control and monitoring. They have fears for their family health, the security of their business, future potential of their land and the health and sustainability of the environment.

He believes the application should be refused so that all the unanswered questions can be scrutinised at a public planning inquiry.

Detailed comments are attached as electronic Appendix 2, to which Members are referred. In it the following matters are discussed (summarised):

- (a) Background to the farming enterprise growing high-value, high quality crops. Asparagus is grown on Church Meadow to the east of the factory site. The water meadows on the south side of the River Cam are used for hay production and sometimes for grazing horses.
- (b) The history of contamination of the Packhorse Field to the west of the A10 and on which alpine strawberries and other crops were grown. In 1999 a High Court Judge ruled that the ground water contamination emanated from the factory site. The field no longer grows crops.

Regulatory authorities (Environment Agency and South Cambridgeshire District Council) took no action to ensure a clean-up of the site, despite borehole ground water analyses demonstrating that chemical contamination had spread beyond the site (even beyond the Bentonite wall installed in 1973).

- (c) The particular problems of this application are:
 - (i) On going contamination of part of Church Meadow adjacent to the eastern boundary of the factory due in part to a lower ground water level and a gravel subsoil, which also extends westwards under the factory.
 - (ii) If remediation on-site fails to clean up contamination off-site, asparagus will continue to fail with continued financial loss on part of the meadow which will also be blighted for future development again with financial loss.
 - (iii) The remediation process (exposure and dewatering) is likely to generate odours and dust causing a health hazard to the writers' 3 year old daughter and her friends who play in Church Meadow and who rides horses in the adjacent meadow. Several activities are likely to generate vapours and potentially have a significant effect on air quality.

- (iv) Dust contamination of the asparagus crop has already occurred during demolition work. There would have to be some agreement to avoid a conflict between remediation and the asparagus season (March to approximately end of June).
- (d) The Appendix to the Methods Statement lists the properties of the dangerous contaminants on the factory site. There has been a long series of leakages of contaminated ground water into the Riddy Brook, via drains into the River Cam or else by malfunction of the Waste Water Treatment Plant.
- (e) The new Remediation Method Statement (RMS) for the remediation of the site prepared by Vertase echoes the problems foreseen by Biogenic Site Remediation Ltd in an August 2007 report for the applicants. This indicated that the remediation procedures (excavation and dewatering), in situ bioremediation and in site chemical oxidation) had serious defects and either wouldn't work or would not reduce critical contaminants to the necessary "stringent risk-based targets."
- (f) Concern is raised that remediation targets cannot be met. The RMS is still uncertain about what techniques will work or can be applied. It does not believe the original targets agreed between the Environmental Agency and Atkins are likely to be either technologically achievable or commercially viable. Reasons are being sought to lower the targets set. The use of capping material to cover material that "will be replaced at the site that does not meet the present generic criteria" is not acceptable. The contaminated layer is shallow (only up to 4m in depth) with impermeable strata below (ie within rooting depth) and buried incompletely remediated material will continue to contaminate ground water the site itself and surrounding areas.
- (g) In 1973 a barrier composed of Bentonite was implanted down to the impermeable gault clay along the boundary of the factory site and the Riddy Brook. There is evidence of seepage, particularly of solvents, through the Bentonite wall. An Enviro Report (2005) commissioned by Bayer indicated that the wall may be beyond the typical design life considered for barrier walls. A detailed investigation of both the integrity of the Bentonite wall and the off-site migration of contaminants should have formed an essential part of any Environmental Impact Assessment.
- (h) Breaching of the levee upstream of the weir will reduce the water level upstream and lead to less seasonal flooding and further drying out of water meadows upstream, accelerating their degradation and loss of biodiversity. The construction of the flood relief channel is not necessary if ground and finished floor levels are raised on the site. They suspect that a major purpose of the excavation is to provide "fill" for raising ground levels cheaply and conveniently.
- (i) There is a significant gap in the ES with regard to ground water flows beneath the factory site. Local geology and ancient river deposits laid down by a south to north flowing forerunner of the present east to west flowing River Granta acts as a conduit for ground water. Thus although ground water is mostly carried away to the Waste Water Treatment Plant (WWTP), contaminated ground water is also able to flow along a downhill hydraulic gradient to the east entering Church Meadow and to the west, across the A10, impinging on

to Packhouse Field. After 10 years fallow, this is still badly affected by contamination.

31. Roger Braithwaite of Zero Environment Ltd, acting for Mr Elliott, has submitted a detailed response to the ES and RMS. This is included as electronic Appendices 3, 4 and 5 to this report. He does stress that his role is as an Expert Witness and his comments should be taken as completely impartial and provided in the interests of the Council and the residents at large.

The ES considers the highly complex remediation of one of the most contaminated sites in the country which is going to take, potentially, several years to complete. The writer's summary is as follows:

- “(a) The applicants are submitting a low cost remediation strategy, seemingly to try to fit within a budget.
- (b) The potential impact of airborne pollution as a result of the remediation process has been dismissed as minor. There has already been a significant impact on surrounding land as a result of demolition processes carried out illegally without the benefit of planning permission. Both volatiles and particulates have the capacity to form a serious risk to both human and property receptors. It is not acceptable to merely state they will not form a risk, as long as the job is done properly.
- (c) What is being proposed will not work, ie remediation targets cannot be met.
- (d) There is no consideration of how metals will be remediated.
- (e) There has been no consideration of dioxin contamination. Pesticides manufacture is a known significant source of dioxins.
- (f) There seems to be no targets for soil gases.
- (g) Non Aqueous Phase Liquids (NAPLs) have not been considered at all. This is key to success of the project, as Atkins have previously suggested.
- (h) It needs to be made clear which contaminants will not respond to the treatments proposed and how they will be dealt with, eg removed from site or other (more expensive) treatments.
- (i) There has been no consideration of the volumes of material which may have to be removed from the site. If this were only 1/10th of the 250,000 m³, if we take 1m³ to equal approximately 2 tonnes, that would involve 2,500 twenty tonne lorry movements.
- (j) There is no finalised/confirmed site layout for the final end use to inform the conceptual model. This is essential to identify where the biggest risks lie, eg in private gardens.
- (k) There is no mention of foundation design. This is similarly essential as piling could create new pathways to deeper bodies of ground water in the major aquifer below the site.
- (l) There is no mention of cap design. This could require the importation of potentially thousands of tonnes of material to replace that taken off site, and to

raise platform levels. Again involving hundreds, or thousands of additional lorry movements.

- (m) The Bentonite cut-off wall has failed. Protection of the water courses and the future of the cut-off wall needs to be considered and agreed **before** the commencement of the remediation process.
- (n) There is no clear hierarchy of responsibility for the safe development, secure occupation of the site, or future liability, should the remediation fail. This needs spelling out as simply as possible so there is absolutely no confusion here.
- (o) The environmental statement underestimates the potential environmental impact of the development.
- (p) No formal Emergency Plan has been developed in association with the authorities.”

The representations (see electronic Appendix 5) from Mr Braithwaite include a very detailed technical critique of the RMS Revision 5 (November 2008), the statement to Planning Committee on 3rd October 2007 and an addendum suggesting the possible use of a planning obligation to require the developer to provide sufficient funds to allow an independent observer to be appointed to oversee the remediation and any post remediation conditions. The matter is covered in PPS23.

Representations from the applicants

32. The applicants have submitted by letters dated 22nd June 2009 further material in response to consultation comments and discussions. It comprises:
- (a) An addendum to the Ecological Assessment incorporating further ecological site investigation work carried out in February 2009, in relation to bats and otter and water vole survey;
 - (b) An ES addendum. The amendments are summarised in the ES addendum as follows:
 - (i) “Clarification that as it is considered likely that only a small amount of waste, if any, would have to be disposed of off-site during the remediation process and that any associated vehicle movements would be limited and not have a significant environmental impact the Environmental Statement does not assess the transport effects associated with the proposed remediation of the site.
 - (ii) Correction of appendices references.
 - (iii) Further ecological site investigation work was undertaken on 19th February 2009.”
 - (iv) Minor amendments to the Remediation Method Statement for the site have been made following further review of procedures and receipt of consultation comments. The Remediation Method Statement is now Revision 6 (2009) rather than Revision 5 (10th November 2008) as included in the original Environmental Statement in November 2008.

These amendments have also necessitated continuity amendments in parts of the Environmental Statement.

(c) Lengthy responses to the following consultation responses:

- (i) Cam Valley Forum
- (ii) Mr R Braithwaite
- (iii) Environmental Agency

33. In addition, the applicant has responded to the suggestion (Para 31 above) that there should be an obligation for independent monitoring of the remediation process. To summarise, Vertase FLI is the proposed contractor for the remediation of the site. The Company carries an Environmental Permit for the technologies proposed and this is registered with the Environment Agency. In addition, Atkins has been employed by the applicants as environmental consultant to monitor that the works are carried out to the standard required to meet the remediation requirements. Whilst Atkins is employed by the applicants, it is placing its worldwide reputation, stock market status and Professional Indemnity Insurance on achieving the successful remediation of the site. Harrow Estates believes that any additional monitoring would be an unnecessary duplication of roles and is not necessary. Additional financial burdens could also result in the need to reduce the extent or range of contributions that could be delivered by the proposals for the site to maintain viability.

Representations in response to additional material submitted by the applicant

34. The owner of the nature reserve and woodland nursery on the south side of Church Road is pleased that the proposal to divert surface water drainage on to his land has been dropped. However, concerns remain that a much larger quantity of surface run-off is anticipated because the 'green' plans for rainwater collection have been abandoned. All surface run-off will be disposed of directly into the River Cam by the A10 road bridge. This will require filtering, which will need regular and expensive maintenance by either the Parish or District Councils. It would also jeopardise work to improve and safeguard the river and its environment in the new Trumpington Meadows Country Park.
35. Concern is expressed that any disturbance of the soil below 1 metre is liable to cause a public health risk by disturbing some kind of protective barrier material. This will be intolerable to future householders.
36. Given that the Environment Agency is the Statutory Regulator of the site, a representative from the Agency should be invited to attend the Planning Committee to answer questions where requested.
37. There is still concern about the release of noxious odours and dust affecting the writer's land and business, given the scale and timetable of the proposed operations.
38. Mr Elliott, the owner of The Little Manor and land adjoining to the east of the site does not believe that the applicants are capable of remediating this site to a standard fit for residential development. The remediation strategy relies on a physical barrier of imported fill to cover contaminated material. Any disturbance of this seal would create a public health hazard.
39. The applicants have denied that there is any contamination of surrounding land. The remediation proposals would not solve problems in this surrounding land, where, in part, crop production has been banned.

40. The applicants no longer deny that contaminated groundwater was getting into the Riddy. Recently there has been a more serious seepage, which the Environment Agency has not inspected. The Riddy is not in a good state of health as it is inhabited by the American Signal Crayfish, a very tough crustacean, that has proved resistant to various methods of control.
41. If during remediation there is a serious pollution event for the River Cam, the Council, the Environment Agency and the Developers will have to take the environmental and financial consequences.
42. The proposed flood relief channel is an excuse to quarry material cheaply for raising the site levels. Raising the weir would breach the security of the writer's meadows. This structure is also partly on his land. Moreover, the level of the water at the weir is irrelevant. Flooding of the Riddy will continue.
43. Schradan is one of the most dangerous pesticide products to human health. This was manufactured at Hauxton. Evidence suggests that, although banned, stocks were maintained on the factory site into the 1990's. The writer knows that his land is also contaminated by Schradan, as well as by a range of herbicides. This, amongst other chemicals, will be very difficult to eliminate on the factory site - and would explain the proposal not only to cover the entire site with imported 'fill', but the necessity for this layer to remain unbreached.
44. It would be impossible to maintain such a protective layer and to build a large housing estate on top of such dangerous ground.
45. The applicant welcomes the need for an independent analyst to monitor progress, efficiency and success of monitoring. But the use of Atkins, who are the main consultants to the Developers, would not be appropriate. Monitoring should be paid for by Harrow Estates Ltd but carried out by a reputable firm on the recommendation of an appropriate independent professional body.
46. Mr Braithwaite, Environmental Consultant, stands by all his previous submissions. He wishes to highlight the following matters:

The remediation statement is nowhere near significant enough for a site of this nature, where no area will be contaminated with just one chemical or even a simple group of chemicals. It is unique and difficult to handle. The chemicals are very hazardous. They have to be made safe and will be treated by various means to render them safe, or safer. The dangerous 'stuff' left (the residues) following treatment, will be disposed of - as **waste**. Some of the bulk will also be disposed of as **waste** either because no-one wants it, or it is not safe enough. That is a lot of **very hazardous waste**, either 'dealt with', and/or 'disposed of' in or from, Hauxton.

The writer values his reputation as an independent expert witness and not biased because his client is 'an interested party'. The use of Atkins, by the applicants, suggests that their employers will not be an 'interested party'.

No planning permission has been granted for any process to date. The permission that was granted and subsequently quashed had no less than 10 conditions relating to the demolition and the potential impact it may have. Despite this, substantial demolition has taken place and caused a substantial nuisance in the process. The asbestos has also been removed.

As a consequence leaks were visibly evident out of the Riddy bank. The adjacent landowner has been able to prove that chemicals were escaping from the factory and entering the brook above the water line resulting in emergency, “temporary mitigation measures” being taken.

The applicant’s statement that the only acceptable method of ascertaining the integrity of the Bentonite wall is physical excavation adjacent to the wall is refuted.

Pollution from the site continues to run into the brook unabated.

47. Hauxton Parish Council comments

“Hauxton Parish Council (HPC) note the additional requirements from the EA in particular ‘*The required duration of groundwater monitoring post remediation will be dependent on the results of monitoring and the estimated travel time for contaminants to migrate across the site.*’ This is reassuring.

HPC welcome Harrow Estates (HE) statement that ‘*Harrow Estates agrees that there should be no development until the site is remediated and validated as such.*’

HPC still held reservations about the use of the clean cover layer, was appreciative of HE’s comments regarding the use of materials for flood alleviation but sort from HE further clarification of the following;

- (a) That the site in totality will be subject to one set of remediation targets. It is understood that this is will be the case and that wherever the target levels vary for soil and ground water the lower level will be used.
- (b) No concessions will be given for variation in these targets based on current proposed land use within the boundary. We understand that the only concession might be to utilise materials that whilst satisfying the criteria for human health in adults might, for reasons of detectability at threshold levels, be possibly unsuitable for 0-2 year olds. These, with EA, approval might be located under the commercial area or failing that removed from site. If the former were the case any future use of the commercial area would have to be subject to a new planning application and assessment as to suitability. HPC believe it would be better to avoid this scenario if at all possible.
- (c) That the maximum allowable concentration of any contaminant prior to ‘capping’ is below the threshold of adverse human health effects. We understand that the target levels for human health are based on two main criteria that for a 0-2 year old child and for an 18-65 year old adult any of the areas where the former will have access will be remediated to that standard i.e. all the residential and amenity areas.
- (d) That ‘capping’ is for the purpose of (i) flood prevention, and (ii) providing fertile growing material for gardens etc, and for no other reasons. We understand that in addition to the above capping has a secondary role as a preventative barrier between the remediated soil and the clean fill. It acts as a back-up and is designed to eliminate physical contact with the former. It is not however in any way to be considered a substitute for remediating the land below the cap to the appropriate standard. We understand that owing to a virtual total lack of topsoil on the site this will need to be imported from a certified source.

With the above in mind it is thought not appropriate to have the inclusion of 'open storage ponds' on site at the conclusion of the remediation.

(e) Flash Flooding

HPC expressed a concern that in light of the recent extreme rainfall, that once the concrete slab is broken up and remediation excavations started, flash flooding could compromise the integrity of the site and cause pollution beyond the boundaries.

We are given to understand that a system of temporary lagoons will be put in place on the East Site to assist with the remediation and de-silting of the liquid phase prior to pumping to the waste water treatment plant and that one will be kept available as a contingency. We also understand that the actual areas of site under treatment at any one time relative to the whole will be small and sufficient pumping capacity will be held on site to cope with these being inundated.

We were also informed that close monitoring of the weather patterns is an essential part of the remediation process.

In the light of its long association with the Site, HPC would strongly recommend that if the lower car park areas are to be used for access in and out of the Site and there is any risk of contamination on this hard stand measures are put in place to prevent overspill of excess rain water into the Riddy and incursion into the area of flood water from the Riddy or River.

(e) Off-site ground water

HPC is still concerned that the EA appear to regard the pollution of ground water off-site as not causing an unacceptable risk and therefore there is no requirement to remediate the land beyond the Part IIa boundary which is contiguous with the Site Boundary. HE allow that the remediation methodology whilst not specifically designed to clean up off site ground water will contribute to it as it is drawn back into the site but again that there is no requirement to address areas beyond the boundaries. Hopefully this will prove to be the case. However an earlier Enviro study based on actual off-site sampling indicated significant levels of pollution in certain areas, this begs HPC to ask the question should this be proved in the future who is responsible for cleaning it up?

HPC continues to support the Remediation Planning Application and encourages SCDC the EA and other regulatory bodies to work towards resolving any outstanding problems so the work can get underway this season."

Planning comments

Demolition

48. Most of the extensive area of buildings on the site, including warehouses, office blocks, production buildings, storage towers and tanks have already been demolished as part of the decommissioning process. Three former vacant houses on the southern part of the site fronting Church Road have also been demolished. Demolition has been undertaken only to the top of the concrete slab. That and foundations will be removed as part of the remediation works.
49. None of these buildings made a positive contribution to the appearance and character of the area. Indeed the commercial buildings had a negative impact on the surrounding Green Belt.

50. The loss of the factory buildings is not considered to be unacceptable. The removal of large areas of hardstanding around the curtilage of the Mill House will help to improve the setting of this Grade II listed building. The houses on Church Road were not listed buildings nor the subject of any special control.

Remediation

51. Chemical manufacturing operations in the past have contaminated the land and the ground water on the previously developed site. Government Policies on Planning and Pollution Control within PPS23 (Planning And Pollution Control) states in paragraph 8 “any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to an impact on health, is capable of being a material planning consideration, in so far as it arises or may arise from any land use.” Paragraph 15 continues by stating “Development control decisions can have a significant effect on the environment, in some cases not only locally but also over considerable distances. Local Planning Authority’s must be satisfied that planning permission can be granted on land taking full account of environmental impacts.” Paragraph 23 states: “In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The Local Planning Authority should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the Environmental Protection Act (EPA) 1990. Intending developers should be able to assure Local Planning Authorities have the expertise, or access to it, to make such assessments.”
52. Paragraph 25 states:
- “The remediation of land affected by contamination through the granting of planning permission (with the attachment of the necessary conditions) should secure the removal of unacceptable risk and make the site suitable for its new use. As a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the EPA 1990.”
53. The PPS concludes (Para 26) that “opportunities should be taken whenever possible to use the development process to assist and encourage the remediation of land already affected by contamination.
54. The ES and the addendum (June 2009) to it assesses the likely environmental effects of the remediation of the site. The Non-Technical summary, incorporating revised Chapter 3 is attached as electronic Appendix 6.

In summary:

55. “The overriding strategy to achieve the remediation of the site is to excavate all materials at the site to ensure that uncertainty regarding contaminants and geological conditions are removed. This will entail excavation of approximately 250,000 m³ of materials across the Main Site area. This material will be segregated, classified and treated as appropriate, returned to the site and validated. It is envisaged that 90,000 m³ of materials will require formal treatment. Ground water will be separated, treated and disposed of from the site under discharge consent. Following remediation, the

soils will be replaced at the site and a clean cover system will be imported to provide finished levels.” (Para 3.28 addendum).

It will involve a number of phases:

- (a) Preparation works including upgrading the Waste Water Treatment Plant (WWTP) to the west of the A10;
- (b) Remedial Treatment works using a variety of techniques and technologies on site working in 3 zones. Para 3.31 of the Non-Technical Summary describes the phased techniques that will be adopted.

The preferred remediation options identified in the ES comprise a combination of:

- (a) Pump and Treat ground water. This involves the installation of wells across the site and injecting water at pressure. The water is extracted from the site using the existing WWTP. The current pump and treat facility in the southern area of the site would be retained to de-water the site area, and a filter pond would be incorporated to reduced suspended solids prior to entering the WWTP.
- (b) Chemical Oxidation of the saturated zone through installation of a number of injection points across the site area and the injection of a chemical reagent to neutralise the contaminant.
- (c) Bio-treatment of soils and ground water. This comprises an injection of air under various pressures and flow rates into an injection well screened at the base of the contamination area. This allows and encourages the natural bacteria to react with the contamination to reduce it to an acceptable condition.

56. In response to concerns regarding the condition of the Bentonite wall, the applicant has indicated that

“An investigation to determine the current condition of the Bentonite wall will be carried out by Vertase in the first few weeks of the remediation programme, following which it will be considered whether to leave the wall in place, remove it and reuse the material or dispose off site, or repair and improve the wall if necessary. The Remediation Method Statement produced by Vertase F.L.I. states that the site will be remediated adequately to satisfy requirements under the EPA 1990.”

57. The applicant has set aside a period of 12-18 months to allow for the remediation and regular monitoring of the site. During this period the verification of the works will include sampling of soil, and a period of ground water quality monitoring including the River Cam and Riddy Brook upstream and downstream, all of which will aim to demonstrate the effectiveness of the remediation works.

58. As part of the remediation process the applicant has confirmed that site levels across the site will be changed with the use of ‘clean’ cover over the development site. This material, which is likely to be sourced from the provision of a shallow swale and removal of the artificial levee, both within the north meadow, is not however viewed by the applicant as the primary method of remediation for the site but as a consequence of the requirement to undertake land raise to accommodate the flood risk issue. The applicant continues by explaining that the use of a layer of ‘clean’

material will be further protective of human health and is a sound sustainable re-use of materials.

59. Proposed final levels suggest varying increases in height of the site. The most noticeable increase will be at the north west end near The Mill House, where there will be an increase of up to 1 metre. In a small part of the centre of the site there will be a similar increase but elsewhere it will be less. The land will slope up from north to south from 11 metres to 13.5 metres.

Flood Risk

60. As the application site is located within an identified area of flooding due to a common boundary with the Riddy Brook and the River Cam the applicant has submitted a detailed flood risk assessment (Final Report November 2008). The Environment Agency has considered this assessment and finds it acceptable subject to conditions to ensure no material is deposited or stored in the floodplain nor any ground raising within the flood plain, submission and approval of a surface water drainage scheme and provision, implementation and maintenance of the flood relief channel.
61. The site has some history of flooding. In October 2001 flooding occurred within parts of the surface car park in the north of the site, the Old Mill House, the island and adjacent field. The applicant's information advises that this flooding was due to high water levels in the River Cam upstream of the main weir elevating the water level in the Mill Race and increasing the volume of flow into the Riddy Brook. The construction of the main weir in the River Cam has also resulted in the flood storage capacity of the field to the north of the river being under utilised. Furthermore the field to the north east of the River Cam is currently fallow and floods as a result of the high levels in the River Cam but due to the artificial rising of the riverbanks this has restricted access for floodwater into the field from the river.
62. In order to improve the situation the applicant proposes to create a shallow swale in the field to the north of the site to act as a flood relieve channel and hence why the applicant has restricted this north meadow as an area of ecological enhancement with no public access. Any floodwater will enter the field area via an engineered breach in the levee, to be located within the channel of the River Cam upstream of the main weir. This will ensure that in the event of high water levels within the River Cam the excess water will breach the levee to allow the overflow weir to the Riddy Brook, which will be refurbished and raised to suit the engineered breach of levee, to function as normal but limiting the amount of upstream water levels by allowing this excess flow to be stored within the field. The applicant is of the opinion that these proposals will minimise the risk of flooding to the development and in other areas in accordance with Policy NE/11 of the LDF.
63. Under the current situation all ground water and surface water from the site is collected and pumped to the WWTD located on the west side of the A10 where it is treated prior to the discharge into the River Cam. As part of the remediation measures on the clean-up of this site the applicant proposes to retain this method in order to clear any contaminates out of the ground and surface water on the site.

Listed Building

64. The Mill House was previously used by Bayer CropScience as an office building and as such the interior has been significantly altered with partition walls, false ceilings and fire regulation doors although the wooden frames on the windows have been retained. With regards to Hauxton Mill, this has not been used for many years and the

interior retains a number of original features. Unfortunately due to the lack of use the interior is in poor state of repair with many of the floorboards and staircases unsafe for use. The building does however have a large area of floor space and occupies a prominent position at the head of the River Cam, Riddy Brook and the North Channel as well as being clearly visible from the River Cam Road Bridge.

65. The applicant is committed to facilitating and delivering sustainable future uses of the listed Mill and Old Mill House but state that third parties are not willing to enter into agreements on potential uses until certainties regarding the remediation and redevelopment of the main site are resolved. There are planned changes to the site levels and in particular to the levels of the footbridge located close to the Mill House linking the main site with that of the Mill Island. Although full details of the work around the listed buildings have not been provided the applicant is committed to the satisfactory upkeep of the listed buildings on the site and specific contracts have been let for appropriate monitoring and maintenance work to be carried out including cleaning the guttering.
66. The applicant has indicated that it will utilise Mill House as an operational site office for the duration of the remediation works and validation process for a period of up to two and a half years and as such will continue to ensure that this building and those other listed buildings are properly managed and maintained.

Section 106 Agreement

67. A Section 106 Agreement has been the subject of lengthy negotiations for a considerable period of time. It relates primarily to the application for redevelopment. However, there are elements within it material to the remediation application:
- (a) Flood mitigation plan - annual visual inspection of and, if necessary or required, the repair and maintenance of flood relief channels and weirs. North Meadow shall not be used for any purpose other than flood mitigation.
 - (b) Management Company to undertake management and administration of the Flood Mitigation Plan.
 - (c) Approval by the Local Planning Authority of a River Corridors Ecology Management Plan.
 - (d) Establishment of a Local Liaison/Consultative Committee to monitor progress of the development and to provide a means to consider matters of local concern. The initial aims and objectives of the Committee are set out with a Schedule of the Agreement.
 - (e) The Owner shall secure agreement from Atkins or other consultants with the necessary Specialist in Land Condition (SiLC) qualifications and approved by the Local Planning Authority that it will agree to act as an impartial and independent expert to produce a report confirming their role in monitoring and that the proper remediation of the site consistent with BS10175 (2001) Code of Practice for the Investigation of Potentially Contaminated Sites has been achieved and that the site is suitable for the development. The owner is not to commence development until such a report has been issued.

Section (e) is supported by the Environment Agency, subject to the addition of a reference to PPS23.

Conclusion

68. The case provided by the applicant in support of this application has demonstrated that with the removal of the industrial use and the cleaning of the site the proposal would represent an improvement to this part of Hauxton. Furthermore this improvement works would also allow for further ecological enhancements and flood relief within the area and allow for the opportunity to provide an enhanced appearance to the edge of the Green Belt and the approach to Cambridge.
69. Due to the level and type of contamination on the site this application represents a real opportunity to not only improve the site but also the appearance of the immediate area. This improvement work to the site will therefore allow for the redevelopment of this Brownfield site. However it must be noted that the development could only proceed on the basis that the site is cleaned to a satisfactory level with the removal of unacceptable risks to allow the redevelopment.
70. Following the receipt of very detailed comments from consultees, the applicant has responded very fully including submitting an addendum to the Ecological Assessment, an addendum to the Environment Statement, revised RMS and detailed responses to comments made by The Cam Valley Forum, Mr R Braithwaite and the Environment Agency. Moreover, the Environmental Health Officer has responded in detail to Mr R Braithwaite's comments.
71. I am satisfied that, subject to the imposition of appropriate conditions, the application can be approved.

Recommendation

72. Subject to the prior completion of the S.106 Agreement, Approve subject to the following conditions:
1. The development must be begun not later than the expiration of 3 years beginning with the date of this permission.
(Reason - To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with Section 51 Planning and Compulsory Purchase Act 2004.)
 2. Remediation approved by this planning permission shall be carried out in accordance with the Remediation Method Statement April 2009 - Revision 6 and the remedial targets contained within the Statement. No changes to the agreed target concentrations shall be accepted without full justification in the form of a Quantitative Risk Assessment being submitted to and agreed in writing by the Local Planning Authority.
(Reason - To prevent the increased risk of pollution of the environment or harm to human health.)
 3. No spoil or material shall be deposited or stored in the floodplain, nor any ground raising allowed within the floodplain, until the flood relief channel referred to in Condition 7 has been implemented or unless expressly authorised in writing by the Local Planning Authority.
(Reason - To prevent increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.)

4. As soon as remediation commences, progress reports shall be submitted to the Local Planning Authority and the Environment Agency at monthly intervals. These should include all monitoring results detailed within the Remediation Method Statement and **weekly** ground water level contour maps. (Reason - To protect the environment and prevent harm to human health by ensuring that the site is being reclaimed to an appropriate standard.)
5. No works shall be undertaken on the Bentonite wall, other than investigative works to establish its condition. Upon the conclusion of such investigations a method statement including an options appraisal shall be submitted in writing to the Local Planning Authority detailing proposals for a long-term solution for the Bentonite wall. Once approved in writing by the Local Planning Authority such works as proposed shall be carried out in strict accordance with the method statement.
(Reason - To prevent the increased risk of pollution of the environment or harm to human health.)
6. No raising of ground levels shall take place until the Flood Relief Channel referred to in condition 7 has been constructed and is fully operational.
(Reason - To ensure no loss of flood storage due to the proposed development.)
7. The physical dimensions of the Flood Relief Channel, Inlet Weir and Outlet control shall be strictly constructed in accordance with drawing nos. 17657/R/CVD/002/B and 17657/R/CVD/003/A and modelling report dated September 2007 (see informative below) unless otherwise agreed in writing by the Local Planning Authority. Any changes in these dimensions will require further modelling in order to ensure no increased flood risk elsewhere and shall be agreed in writing by the Local Planning Authority.
(Reason - In order to ensure the Flood Relief Channel is operational, as designed, during times of flood.)
8. Other than development connected with the remediation works no development shall commence until the completion of the remediation process and approval of the validation report. Upon the completion of the remediation works a validation report shall be submitted to and agreed in writing by the Local Planning Authority that confirms that the required works regarding contamination have been carried out in accordance with the approved Remediation Method Statement. The validation report shall include details of the post remediation surface water drainage, management and maintenance and such provision as agreed shall thereafter be provided to the satisfaction of the Local Planning Authority. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring and reporting shall also be detailed in the report.
(Reason - To ensure that appropriate steps have been taken in respect of the remediation and acceptable levels have been achieved in the interests of environmental and public safety.)
9. During the implementation of the works, hereby approved, should any unforeseen contamination be encountered during the development, the Local Planning Authority shall be informed immediately. Any further investigation, remedial, or protective works shall be carried out to agreed timescales and approved in writing by the Local Planning Authority.
(Reason - To ensure the presence of contamination is detected and

appropriate remedial action is taken in the interests of environmental and public safety.)

10. Any soil materials brought on to the site shall be subject to appropriate sampling and analysis by a suitably qualified person. Details of the sampling and analysis shall be submitted to the Local Planning Authority for approval in writing within one month of the soils arrival on site and in the Validation Report.
Please note that sampling and analysis certificates submitted by the supplier of the soil material will not be accepted.
(Reason - To ensure that any materials brought on to the site are not contaminated.)
11. Sampling of material imported on to the development site should comprise random sampling for every 90m³ of soil from a single source (see soil definition below). The required sampling frequency may be modified by the Local Planning Authority when the source is known.

Soil Source - the location of which the soil was loaded on to the truck prior to delivery at the site.
(Reason - To check the quality of soils and materials being imported on to the site.)
12. Prior to the commencement of development, excluding demolition, details of an independent accredited laboratory, to be used during the works, shall be submitted to and approved in writing by the Local Planning Authority.
(Reason - To ensure soils and ground water from the site, as well as soils imported on to the site are analysed.)
13. No soils or materials shall be exported from the site other than in accordance with a scheme, which shall include the provision of wheel washing equipment, which has been submitted to and approved in writing by the Local Planning Authority.
(Reason - To protect the amenity of local residents and businesses and in accordance with the proposals in the Method Statement.)
14. The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site, and shall remain so displayed unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interest of local amenity.)
15. No work or other activities involving the use of heavy plant and equipment shall take place on site on Sundays or Bank Holidays, and all work and other activities involving the use of heavy plant and equipment on other days shall be confined to the following hours 8.00 a.m. until 6.00 p.m. Monday-Friday and 8.00 a.m. until 1.00 p.m. Saturdays.
(Reason - To safeguard the amenities of nearby residents during development.)
16. No works shall take place within North Meadow, except for the Flood Relief Channel referred to in condition 7 unless otherwise agreed in writing with the Local Planning Authority.
(Reason - To ensure the floodplain of the River Cam is protected.)

17. Prior to the commencement of flood relief works an Ecological Management Plan for North Meadow shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall include details on:
- (a) Mitigation during site preparation and construction of the flood relief works to ensure minimal impact upon habitats and wildlife, such as timing and methodology of work;
 - (b) Management measures including a work programme to maintain and enhance the value of the site for wildlife once the flood relief works are completed;
 - (c) Sensitive planting plans, including appropriate locally native species that will be of benefit to wildlife, to include details for providing plants of a local provenance, ideally from seed collected from suitable habitats in the surrounding area;
 - (d) A monitoring programme that establishes appropriate baseline information on species, including fish and aquatic invertebrates, in order to ensure that mitigation and enhancement is successful, and to guide future management of the site against agreed objectives for key species and habitats;
 - (e) The appointment of an Ecological Clerk of Works to ensure that all staff working on-site are familiar with appropriate Environmental and Wildlife legislation and are suitably briefed on the site's sensitivities.
(Reason - In the interests of safeguarding the long term benefits of the local wildlife at the site and in accordance with advice within PPS9 and the Wildlife and Countryside Act 1981.)
18. Prior to the importation of materials, if required, details of the supplier and confirmation on the source(s) of any soil material should be supplied to the Local Planning Authority. The soil should be free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2007 - Specification for Topsoil and requirements for use. A description of the soil materials should be forwarded to the Local Planning Authority based on BS5930 Code of Practice of Site Investigations.
(Reason - To ensure that no contaminated materials are brought onto the site.)
19. The development, hereby permitted, shall be carried out in accordance with the Site Waste Management Plan incorporated within Appendix S of the Remediation Method Statement April 2009 - Revision 6 unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that waste is managed sustainably during the development in accordance with the objectives of Policy DP/6 of the Local Development Framework Development Control Policies adopted July 2007.)

Plus Environment Agency Informatives.

Background Papers: the following background papers were used in the preparation of this report:

- Government Policy Guidance referred to in Para 15.
- Local Development Framework Core Strategy and Development Control Policies adopted 2007; Site Specifics Policies DPD submission draft January 2006.
- Circulars 05/2005 and 11/1995.
- East of England Plan May 2008.
- Planning Application reference S/2307/06/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

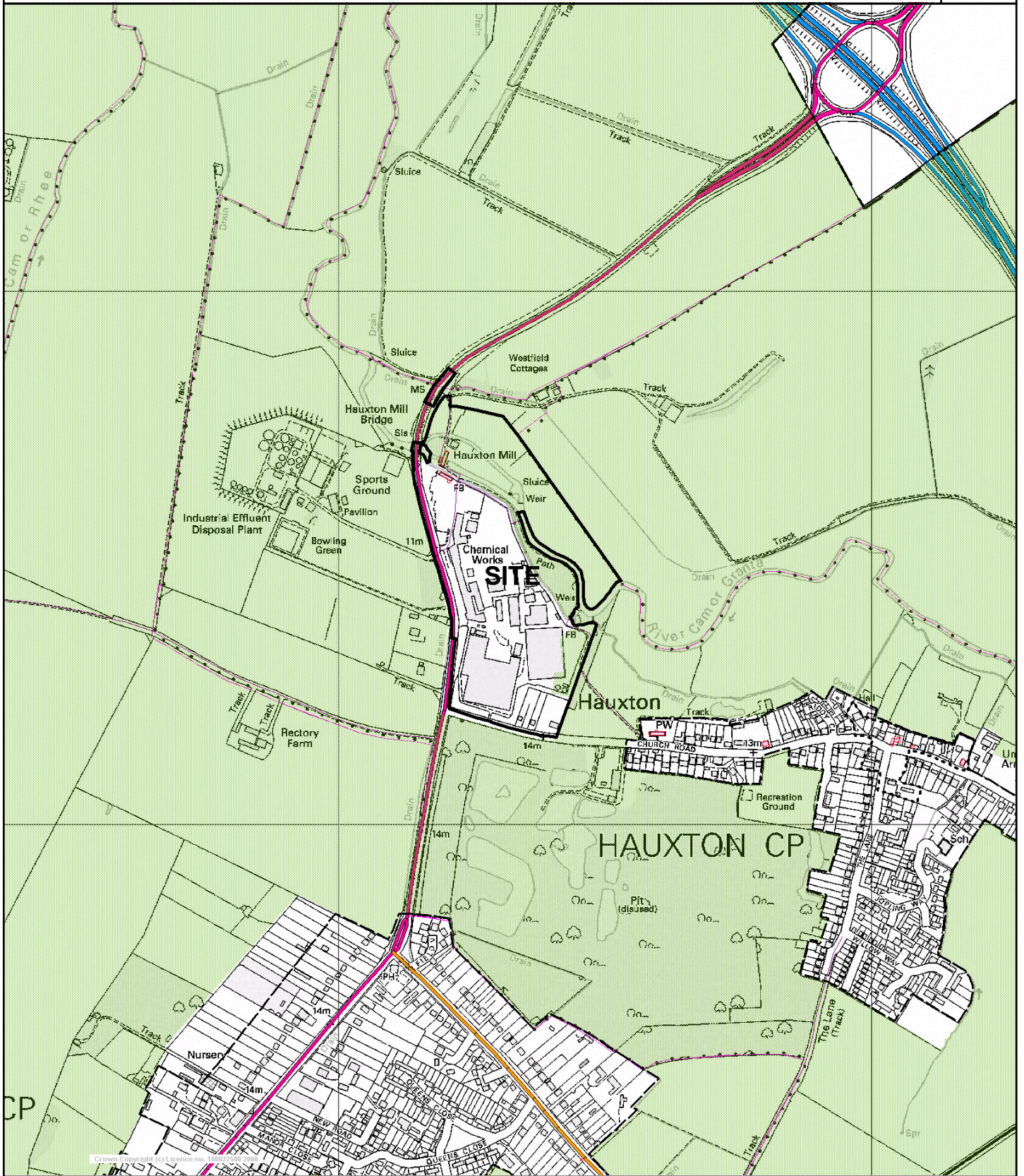
S/2014/08/O - HAUXTON**Redevelopment of 8.7ha of Previously Developed Land for a Mix of Uses Including Up to 380 Dwellings, approximately 4,000 sq metres of Employment Use (Class B1), Retail Floor Space (Class A1), Open Space Provision and Access.****At land to the East of the A10 Known as the Former Bayer CropScience Ltd Site****Recommendation: Approval****Date for Determination: 18th February 2009
(Major Application)****Notes:**

This Application has been reported to the Planning Committee for determination because there are outstanding objections to the scheme and the proposal is a departure from the development plan policies.

Site and Proposal

1. The 14.9 hectare (ha) application site is the former agro chemicals plant known as Bayer CropScience, which carried out the production and testing of agricultural related chemicals for over 65 years until its closure in 2003, together with land in the River Cam Corridor. The full Bayer site is divided into two by the A10 with the factory site located to the east side and the west side providing a mix of uses including associated sports facilities and the waste water treatment facility.
2. This current application relates to the main factory site (8.7ha) on the east side of the A10, which, due to its previous use, has pockets of high levels of contamination. Many of the former buildings on the site have been demolished, including 3 detached 2 storey dwellings fronting Church Road. The site also contains large areas of hard standing in the form of a 276 space surface car park and areas of internal infrastructure. The contamination will require remediation prior to any development on the site. That is the subject of application S/2307/06/F considered elsewhere on this Committee.
3. In addition to the factory buildings, the site also contains two listed buildings known as Hauxton Mill and the Mill House both of which are grade II listed buildings while to the north of the Mill is the new Mill house which although not listed in its own right is located within the curtilage of the listed Mill. A public footpath (number 5) cuts across part of the site which provides a loop route with footpath number 4, from the A10 through the site over the Riddy Brook and the River Cam past the Mill House and the Mill to reappear further along the A10 at the access point serving Westfield Cottages. A second public footpath (number 1) links with footpath number 5 at the footbridge over the Riddy Brook and provides a route partly along the western bank of the Riddy Brook before crossing it to run along the western bank of the River Cam to then re-cross the Riddy Brook and continue along the eastern boundary of the application site and onto Church Road.

S/2014/08/O Hauxton



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August Planning Committee 2009

4. The site is bounded to the west by the A10, to the north and east by a 2.5 metre high boundary wall, which rests above a Bentonite wall along the edge of the Riddy Brook. To the south the site boundary is formed by Church Road, which provides the main link into Hauxton village from the A10.
5. In detail this application, registered on 19th November 2008, seeks outline consent for redevelopment of 8.7ha of previously developed land for a mix of uses including up to 380 dwellings, up to 4,000 sq metres of B1(A) office floorspace, not greater than 250 sq metres (gross) retail development (Class A1), provision of open space and associated access and engineering works.
6. With regards to the residential element it is proposed to provide a mix of dwelling type to a density of 54 dwellings/hectare, to allow for a variety of accommodation sizes and tenures across the development, and to encourage a diverse community on the site. The buildings will be predominantly 2 and 3 storeys in height with some 4-storey development located at appropriate locations such as entrance points. In terms of mix the proposal is to provide 50% 1 and 2 bedroom dwellings, 25% 3 bedroom houses and 25% 3+ bedroom dwellings. The majority of the residential development will be located within the southern part of the site, in order to benefit from proximity to the main part of Hauxton village. In terms of design, although this is only an outline application the submitted Design and Access statement (D&A) shows an illustrative layout and elevation details with a mix of contemporary and traditional design buildings across the site.
7. The applicant has agreed in principle to provide 70 units 'extra care' housing as an on-site affordable housing provision as part of the development. Extra care housing means purpose built accommodation to meet the needs of frail elderly people in which varying amounts of integrated care and support can be offered and where some services and facilities are shared.
8. Turning to the proposed employment area the illustrative layout plan shown in the D&A shows this area allocated in the northern part of the site close to the listed Mill House. The total amount of floor space will be equal to 4,000 sq metres fronting onto the A10 and comprising smaller 'incubator' units for small to medium sized local businesses. A retail element is sought to serve not just the redevelopment but also the existing Hauxton village although in terms of size and location it is considered that this should be determined at the detailed application stage rather than at outline.
9. The primary access to the site is in the form of a new signalled controlled T-junction via the A10 and is combined with a number of traffic calming measures along this stretch of the A10. These measures include a reduced speed limit (see Highway Authority comments below - paragraph 38), the details of which are still being investigated, and the creation of a pedestrian refuge on the A10 located to the south of the Hauxton Mill Bridge. The main access point will provide an internal spine route through the development to link onto Church Road. In addition there will be two local access points from Church Road, each serving approximately 20 houses.
10. On the issue of open space the revised D&A provides details on an open space framework, which confirms that the development will provide a series of open space facilities across the site. These facilities include the provision of a village green and a riverside walk along the Riddy Brook while the area located to the rear of Hauxton Mill on the Mill Island will be allocated as areas of informal open space within the development. The area known as the North meadow located to the north and east of the River Cam is allocated as an ecological area with restricted access and would not be open to the general public. Distributed throughout the development will be a

series of public squares, Local Areas of Play (LAPs) and a Local Equipped Area of Play (LEAP) on the Village Green.

11. Formal outdoor sports provision is to be accommodated on the opposite side of the A10 on land within the control of the applicant. This amounts to 1.5 hectares of land with a commuted maintenance sum for off site sports facilities. An off-site financial contribution to Hauxton Parish Council towards the provision of a Neighbourhood Equipped Area for Play (NEAP) in Hauxton Village has also been agreed in principle by the applicants.
12. The application is accompanied by:
 - (a) Environmental Statement (ES) plus addendum (June 2009).
 - (b) Planning Statement (containing Sustainability appraisal) amended June 2009.
 - (c) Design and Access Statement amended June 2009.
 - (d) Transport Assessment and addendum June 2009.
 - (e) Ecological Assessment and Bat Survey.
 - (f) Health Impact Assessment.
 - (g) Community Consultation Statement.

The ES Non-Technical Summary June 2009 is attached as electronic Appendix 1.

13. The technical appendices of the ES include the following:
 - (a) Air Quality Assessment.
 - (b) Noise Impact Assessment.
 - (c) Flood Risk Assessment.
 - (d) Remediation Method Assessment.
 - (e) Archaeological Assessment.
 - (f) Historic Buildings Assessment.

Planning History

14. Application **S/2307/06/F** (demolition and remediation of the land) and **S/2308/06/O** (redevelopment for mixed uses) were considered at Planning Committee on 3rd October 2007.
15. In regard to application **S/2307/06/F**:

“the Committee **APPROVED** the application for the reasons set out in the report from the Corporate Manager (Planning and Sustainable Communities), subject to the Conditions referred to therein, including conditions addressing the concerns raised by the Environment Agency (referred to in paragraph 38 of the report), Highways Agency (paragraph 35) and the Council’s Ecology Officer (relating to bat and owl surveys and habitat restoration), and to wheel washing equipment.”
16. On 27th February 2008 the Secretary of State confirmed by letter that requests from two parties that the application be called in for her determination would not be justified. She considered that the main issues relevant to this case are her policies to encourage the redevelopment and beneficial use of contaminated land and to ensure that any unacceptable risks to human health, buildings and the environment are identified and properly dealt with as new development and land uses proceed (PPS23: Planning and Pollution Control) and to take proper account of the flood risk (PPS25: Development and Flood Risk). She stated that: “The application concerns a proposal on a brownfield site that would be of no more than local significance. The

decision as to whether to grant planning permission will therefore remain with South Cambridgeshire District Council.”

17. Application **S/2307/06/F** was approved and the Decision Notice dated 25th March 2008. However, a Consent Order dated 6th October 2008 quashed that planning permission. The Council conceded that it failed to consider whether the development, the subject of the application, fell within paragraphs 9 and 10 of Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
18. Development falling within Schedule 1 of the above-mentioned Regulations requires Environmental Impact Assessment (EIA). Paragraphs 9 and 10 refer to waste disposal installations for hazardous and non-hazardous waste respectively.
19. The application has therefore to be re-determined and is reported elsewhere on this Committee agenda.
20. In regard to application **S/2308/06/O**: “The Committee was **MINDED TO GIVE OFFICERS DELEGATED POWERS TO APPROVE OR REFUSE** the application, subject to it being referred to the Secretary of State as a departure from the Development Plan and not being called in for determination, to the prior completion of a Section 106 Legal Agreement securing:
 - (a) A Neighbourhood Equipped Area of Play with Hauxton village.
 - (b) A Local Equipped Area of Play within the site.
 - (c) Contributions towards:
 - i. the improvement in public transport provision;
 - ii. the enhancement of cycleways along the A10;
 - iii. enhancement of the Great Shelford health centre;
 - iv. education facilities at Hauxton primary school;
 - v. the maintenance of the River Riddy walk and trees; and
 - (d) The provision of extra-care units on the site,to the satisfactory resolution of outstanding issues (including the village hall, playing fields and listed building), withdrawal of the Environment Agency’s objection (relating to the submitted Flood Risk Assessment) and withdrawal of the Highways Agency’s Article 14 direction relating to the submitted transport assessment, and subject to the conditions listed in the report along with any others required in order to lift the outstanding objections.”
21. The application was referred to the Secretary of State. In her decision letter dated 4th July 2008 she stated: “that the main matters relevant to her decision in this case are her policies which promote high quality, inclusive design in terms of function and impact, which takes the opportunities available for improving the character and quality of an area (PPS1, Delivering Sustainable Development); to assist in safeguarding the countryside from encroachment (PPG2, Green Belts); meet the housing requirements of the whole community (including those in need of affordable housing), widen housing opportunity and create mixed communities (PPS3, Housing); maximise the use of previously-developed land in sustainable locations for all forms of built development (PPG4, Industrial/Commercial); ensure that development proposals are in line with sustainable development principles and, consistent with these principles and taking account of the nature and scale of the development, that development is

located in sustainable (accessible) locations (PPS7, Sustainable Development in Rural Areas); adequate provision is made for development and economic growth whilst ensuring effective conservation and enhancement of the diversity of England's wildlife and geology (PPS9, Biodiversity and Geological Conservation); promote accessibility to development comprising jobs, shopping, leisure facilities and services so that there is a realistic choice of access by public transport, walking and cycling, recognising this may be less achievable in some areas (PPG13, Transport); encourage the redevelopment and beneficial use of contaminated land and to ensure that any unacceptable risks to human health, buildings and the environment are identified and properly dealt with as new development and land uses proceed (PPS23, Planning and Pollution Control); ensure that all planning applications in flood risk areas be accompanied by a flood risk assessment (PPS25, Development and Flood Risk).

Having considered carefully these and other relevant planning issues raised by this proposal, the Secretary of State is of the view that the applicant appears to have taken PPG2 into account and to have accepted that the proposed development is inappropriate development in the Green Belt. The applicant has therefore put forward very special circumstances, which in his view outweigh the harm caused by the development. The Secretary of State is satisfied that the issues raised do not relate to matters of more than local importance, which would be more appropriately decided by her rather than the Local Planning Authority. She has therefore concluded that the application should be decided by South Cambridgeshire District Council."

22. That application has not been determined. Section 106 negotiations have continued.
23. In the meantime the current application was submitted along with an ES.

Planning Policy

24. Local Development Framework (LDF) Core Strategy DPD (adopted January 2007) policies relevant to this application: **ST/1** Green Belt; **ST/3** Re-using Developed Land and Buildings; **ST/6** Group Villages. The 8.7 ha former factory site is a pocket of land excluded from the Green Belt.
25. LDF Development Control Policies DPD (adopted July 2007) policies relevant to this application: **DP/1** Sustainable Development; **DP/5** Cumulative Development; **HG/1** Housing Density; **HG/2** Housing Mix; **HG/3** Affordable Housing; **SF/6** Public Art and New Development; **SF/8** Lord's Bridge Radio Telescope; **SF/9** Protection of Existing Recreation Areas; **SF/12** River Cam; **NE/4** Landscape Character Areas; **NE/6** Biodiversity; **NE/7** Sites of Biodiversity or Geological Importance; **NE/8** Groundwater; **NE/9** Water and Drainage Infrastructure; **NE/11** Flood Risk; **NE/12** Water Conservation; **NE/15** Noise Pollution; **NE/16** Emissions; **CH/1** Historic Landscapes; **CH/2** Archaeological Sites; **CH/3** Listed Buildings; **CH/4** Development within the Curtilage or Setting of a Listed Building.
26. LDF Site Specific Policies DPD (Submission draft January 2006) policies relevant to this application: Policies **SP/7** and **SP/10** Bayer CropScience. These identify an 8.7ha site for a mixed-use development, including the remediation of all contamination caused by previous industrial uses of the site. The Inspector's binding report is expected in late July or August 2009.
27. Government Policies **PPS1** Delivering Sustainable Development; **PPG2** Green Belt; **PPS3** Housing; **PPG4** Industrial and Commercial Development; **PPS7** Sustainable Development in Rural Areas; **PPS9** Biodiversity and Geological Conservation; **PPG13** Transport; **PPG15** Planning and the Historic Environment; **PPG16** Archaeology and

Planning; **PPS23** Planning and Pollution Control; **PPG24** Planning and Noise; **PPS25** Development and Flood Risk.

28. East of England Plan (May 2008) policies of relevance are: **SS1** Achieving Sustainable Development; **CSR3** Green Belt; **ENV6** The Historic Environment; **ENV7** Quality in the Built Environment; and **WM1** Waste Management Objectives.
29. **Circular 05/2005 – Planning Obligations** – states that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respect.
30. **Circular 11/1995: The Use of Conditions in Planning Permissions** – states that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

31. **Hauxton Parish Council**

“Introduction

Hauxton Parish Council identifies the Bayer Site (East and West of the A10) as a major complex problem requiring (i) remediation of the whole Bayer site and the surroundings that is effective in perpetuity and (ii) sustainable redevelopment that both funds the remediation and enhances the southern entrance to Cambridge City. The two planning applications (S/2307/06/F & S/2308/06/O) are for the largest developments of Hauxton in its entire history, doubling the number of households. The revised and new applications S/2307/06/F and S/2014/08/O are substantially similar to the former and can therefore be considered against the same criteria.

Hauxton Parish Council requests close participation in the deliberations of the planning authorities and the Environment Agency (for the remediation and the flood risk management) to ensure the complexity and extent of the remediation and development achieves suitable outcomes.

Hauxton Parish Council supports the planning applications S/2307/06/F & S/2014/08/O subject to resolution of a number of significant issues involving the developer, statutory consultees and Local Authorities and subject to satisfactory benefit to the village of Hauxton.

Many of the issues, fears and aspirations of Hauxton and other local Villages' Parishioners have been documented in the reports arising from the two Public Consultation meetings, the latter Community Consultation Report an appendix to the Planning Applications.

Hauxton Parish Council has also been party to the discussions and decisions with SCDC, Harrow Estates and their agents on the determination of the previous Planning application S/2308/06/O most of which are well covered by the documentation accompanying the revised application.

It also notes that replies to some of the issues raised have been made by Harrow Estates but for the record the Parish Council wishes to reiterate them in modified form against the new application.

Hauxton Parish Council continues to SUPPORT the application but is still seeking to ensure that the following issues are addressed and remedied:

Bayer Site (East and West of the A10):

- (a) Hauxton Parish Council requests South Cambs District Council to support the process of determining sustainable use of the two listed buildings (Hauxton Water Mill and Old Mill House). Short term this means addressing vehicle access across Riddy Brook and also the Conservation Policy.

Two listed buildings on the site (Hauxton Water Mill and Old Mill House) have no identified future in the proposal. Accepting that no detailed undertaking may be possible at this stage the process of determining sustainable use of these buildings must be started. This means planning so as to ensuring access across the Riddy from the South and it means opening dialogue with those determining conservation policy so as to arrive at a sustainable use of Hauxton Mill and Old Mill House. Hauxton Mill is particularly challenging owing to its small internal size and the redundant, derelict New Mill House within it's curtilage and hence subject to similar restrictions. Several previous attempts have failed to find sustainable uses for either.

Specifically it was noted that there appeared to be no vehicular access to Hauxton Mill across the Riddy from the proposed development, this is thought to be essential in order to (i) have a vehicle access that is an alternative to road access on the bend on the A10 – which is most dangerous – and (ii) access the parking provided for the business units available outside office hours e.g. for a shop/public house/restaurant in the Old Mill House/Hauxton Mill.

- (b) Hauxton Parish Council requests South Cambs District Council to ensure the integrity of the public footpath from Hauxton Church to the Mill along the whole length of the river is maintained. The line of the footpath actually follows the factory wall by the Riddy. The footpath across Church Meadow on the proposed plans no longer carries on through the woodland to the Riddy but appears to end in a street on the estate and this is not acceptable.
- (c) Hauxton Parish Council is seeking dialogue with the Environment Agency and/or Developers on management of flood risk. The Parish Council were promised that when the plans for flood management were finalised a member or team from the Environment Agency would explain how the model works. This has yet to occur.
- (d) Hauxton parishioners via the Parish Council are still of the opinion that lack of traffic lights and some lane management at the Hauxton Gap will cause rat-running through the new development.

The traffic study in the new application is largely unchanged except for clarification of policies. There will still be a significant percentage of traffic usually exiting Church Road via Hauxton Gap utilising the new road through the development and going North via the new signal controlled T junction. This is not consistent with the stated policy of calmed traffic within the development.

If there are no traffic lights or a formal left turn lane installed on Church Road at the A10 junction queuing traffic will block Church Road at peak times and there will be a temptation for all traffic, including that turning left on the A10 towards Harston, attempting to use the road through the development.

- (e) Hauxton Parish Council is still of the opinion that there is a need to establish the extent that tangible benefits will accrue from the development for the existing village and new community.

Certainly the priority for Hauxton Village is remediation of the whole Bayer site and the surroundings, including groundwater and this in itself will be a benefit. However the proposal doubles the number of households in the village and unless facilities are generated within Hauxton for shops and leisure as part of the redevelopment then the additional householders will have to travel to shop and for leisure. Inevitably that means private vehicle use. On sustainability grounds the proposal must lead to a shop and a leisure facility.

Hauxton Village no longer has a shop or a public house and the village needs affordable housing. There is a Primary School and a small village hall that is insufficient for the needs of the village at present. When the development is completed, doubling the number of households, support in addition to current known 106 funding initiatives will be necessary.

The principle of getting developers to incorporate green space, children's play and leisure areas within the development or fund alternatives elsewhere is fine in principle provided it is sustainable.

Hauxton Parish Council are worried that the level of additional funding is not able to be defined and has set up a Village wide group to look into and report back on perceived and future needs and how they can be integrated with what is currently available from the development and other funding bodies. As this is an organic process it may well mean future discussions at the detailed planning stage.

- (f) It should be noted that Hauxton Parish Council has expressed interest to Harrow Estates to take on the management of the river corridor (mowing, tree management, litter control, dog walking control etc along the river banks) subject to suitable assurances and financial arrangements.

The river corridor is seen as an important amenity for South Cambridge, extending the proposed Trumpington Country Park along the riverside to the Norman Church at Hauxton which is a building of considerable historic value.

(Extract from POLICY EN2: The District Council will not permit development which has an adverse effect upon the wildlife, landscape and the countryside character of the River Valleys of South Cambridgeshire. Where appropriate the District Council will consider the use of Article 4 Directions to protect this setting.)

- (g) Hauxton Parish Council notes that the fate of the West site impacts on the sustainability and environmental quality of proposed housing on the east site.

(The West Site is not covered in planning application S/2014/08/O).

The Parish Council is currently involved in discussions with Harrow Estates on land on the West Site to be transferred for Sporting and Recreational use as part of the East Site development. It would like to further this once plans for the West Site are developed and once again confirms an interest in expanding these further at that time.

While the proposals for a Waste Recycling Centre on the West Site and Rectory Farm may not be accepted as material at this stage they clearly have implications for the viability of the development on the East Site and on several issues. Hauxton Parish Council has made representations to Cambs County Council (CCC) that the West site (waste water treatment plant and surroundings) is an entirely inappropriate location for the Waste Recycling Centre. Hauxton Parish Council makes the following points:

1. To be effective a waste recycling centre needs to be close to the source of the waste and on a site already visited for other purposes. Therefore Trumpington Magistrates Court area is a more effective alternative.
2. The Bayer West site is green belt for the major part and not previous industrial land and contributes significantly to the green River Cam corridor.
3. The Bayer West site fails the criteria of avoiding existing housing and is therefore unsuitable.
4. Use of the Bayer West site as a Waste Recycling Centre blights the regeneration of the East site to the detriment of Hauxton residents.
5. The West site fails the requirement of road infrastructure capable of supporting the additional vehicle movements.
6. The proposed plan offering Rectory Farm land behind and adjacent to the West Site, as an area of search for a re-cycling facility, we believe would also cause similar problems and we will be objecting accordingly.

- (h) Hauxton Parish Council is of the opinion that the proposed bus service, whilst laudable in concept, raises important questions:

The proposed bus would be of little or no use to older/less agile residents of the present village unless there was some way of extending the bus route into the centre of Hauxton Village. Likewise the proposed bus fails to transport children from the proposed housing on the Bayer site to Hauxton Primary School.

Could there be provision for a bicycle park and ride? Would there be any synergy in investigating an electric powered buggy service from the new development into the old village to facilitate transport to and from the school if required and to accommodate the less able-bodied residents? Such vehicles seem to work well around large holiday complexes.

- (i) Hauxton Parish Council asks for information on how the Bayer site development fits into the wider general infrastructure planning e.g. for water, power and sewage viz a viz Trumpington, Clay Farm, Glebe Farm, Addenbrooke's developments.

The planning statement document indicates these will follow policies in the adopted structure plan and emerging LDF and be taken as reserved matters once the development is better defined. Although small in comparison to the Southern Fringe developments etc. there appears to be no co-ordinated plan to marry them all together. It should also be remembered that the existing site was largely stand alone including the facility to treat its own sewage.

- (j) Hauxton Parish Council notes that when the 3D visualisation of the proposed Development is viewed there are questions on the density of building and lack of public space. Would there be sufficient car parking spaces in the residential and commercial areas? Where would the wheelie bins go? What amenities and facilities would be provided for the Elderly and Disabled?

The planning statement includes the provision of facilities within the development for young children, within the Village for older children and juveniles and the provision of recreational facilities on the West Site as a means to mitigate the reduced area for such on the East Site.

We have already been advised that, unlike affordable housing, the Social Care housing provision cannot be Hauxton specific in the first instance. We would therefore like further input at the detailed planning stage regarding the other issues above.

- (k) Hauxton Parish Council is concerned that the proposal appears at this stage to be a high density urban style development in a rural setting namely a village with distinct characteristics (river valley setting, Norman church and a preponderance of low rise dwellings).

Whilst recognising that space is of a premium the redevelopment needs to be village style with a good mix not dense, tall urban style boxes. The site has a unique feature, the River Cam, and an outlook onto the Norman Hauxton Church and these should be the visual focus (REF POLICY EN2). Density and design of the proposed development is an issue that will require further discussion when the project reaches the detailed design phase.

M11 JUNCTION

Hauxton Parish Council is concerned that an integrated comprehensive South Cambridge fringe transport assessment is not already available given the advanced state of plans for house building in Trumpington etc.

Hauxton Parish Council understands that the issue over the M11 is that the development will have an impact upon the M11 & the Highways Agency wants this to be addressed in the transport assessment and by 106 funding. The Highways Agency is understood to have stated that it would be better to have one transport assessment to cover all developments rather than lots of isolated ones an approach that Hauxton Parish Council endorses.

A10 ROAD

Hauxton Parish Council is concerned that the proposed pedestrian refuge crossing and the more northerly gate crossing over the A10 north of the site are neither safe nor consistent with the traffic density and current speed limits and support the planned reduction of speed limit to 30mph.

The Parish Council is concerned that the proposed cycleway through the development has to cross and run alongside the A10 on the West Side in order to safely cross the river bridge going north where presumably it meets other cycles coming south. It may be safer to route this via The Mill footpath and up to the crossing opposite the point where the proposed cycleway emerges from the Country Park.

Hauxton Parish Council also understands that the City Council may have a requirement for the developer to fund improvements to the cycleway to the M11/A10 junction and to fund a Pegasus crossing on the A10 where the footpath exits the

proposed Trumpington Meadows Country Park. The Parish Council questions the safety of horses and riders coming out of the country park to progress over any such Pegasus crossing and down the A10 and is of the view that any proposal for a Pegasus crossing is neither safe nor consistent with the traffic density. The existing cycleway alongside the A10 from the Gated crossing going north will presumably be superseded by that through the Country Park so there is no justification to burden the developer with such a requirement.

HAUXTON SCHOOL

Hauxton Parish Council requested information on the amount the proposed Clay Farm, Glebe Farm, Addenbrooke's and Trumpington developments are to contribute to the LEA and relevant schools in order that the Parish Council can see proportionality of cost burden in relation to the number of new households in Hauxton.

Hauxton Parish Council understands that negotiations regarding the degree of funding for Hauxton School may still not be resolved as is the issue of whether CCC continues to support the building of a new School at Hauxton. The degree to which developments at the school fit in with plans for other facilities in the Village is part of the Village Group's brief and their recommendations will be made available to the Parish Council, SCDC and the Developers.

Primary Care Trust (PCT)

Hauxton Parish Council have noted the provision of additional facilities at Lt Shelford Surgery, is mindful that the proposed Clay Farm, Glebe Farm, Addenbrooke's and Trumpington developments will create a much larger number of additional patients than the housing on the Bayer site and requests information from the PCT on the location(s) of the additional GP surgery capacity.

Hauxton Parish council would have preferred additional facilities at Harston Surgery but recognises that the site area and availability for parking limit this as it stands at present.

Whilst not entirely a part of this application Hauxton Parish Council would like to enter into a dialogue with South Cambs District Council to try establish a mechanism whereby all new development by planning application within it's control receives an agreed levy to contribute towards local facilities.

This mechanism is already partly working in areas of Norfolk and Councillors there are seeking to extend it to all development (Ref. Filby Parish Council). In order that this is not seen to be stifling development it would seem appropriate that the levy be a percentage of selling price paid when the properties are sold. It is not unusual for Estate Agents selling the properties to charge between 2-3% for their efforts whereas the Parish Councils which may have had to expend many hours of mostly voluntary effort, working on the resolution of the planning applications, have no mechanism to reward their Parish for their efforts. Hauxton Parish Council believes that the planned expansions in the area need to have an agreed mechanism in place to avoid what almost seems like an unseemly scramble to secure 106 funding.

Dialogue with the Developers and South Cambs District Council Planners

Hauxton Parish Council will continue to maintain the very valuable dialogue they have established with Harrow Estates, their Agents and SCDC Planning and will work to resolve any problems and issues that arise wherever possible.

Given that there is now a need to again determine the application, Hauxton Parish Council may well wish to modify or alter its responses in the light of future discussions and developments.”

32. **Harston Parish Council**

“With reference to Planning Application S/2014/08/O for the Redevelopment of 8.7ha of Land East of the A10 on the former Bayer Crop Science Site Harston Parish Council has been working closely with Hauxton Parish Council and supports and endorses the submission of Hauxton Parish Council for this application. To this end Harston Parish Council recommends APPROVAL subject to:

- (a) The conditions and recommendations laid out in Hauxton Parish Councils response to this Planning Application
- (b) The provision of support for Harston Surgery to accommodate the increase in patient numbers that this development will undoubtedly create.

Harston Surgery is situated in Church Road, Harston. The surgery, which provides an excellent standard of medical care to Harston and nearby villages, has a long-term problem relating to the lack of availability of sufficient parking places for the numerous visitors to the practice. The following points are pertinent:

- (a) Church Road is narrow and provides one of the few routes from the A10 across the River Cam to Haslingfield and several other villages and destinations. As such it is a very busy road.
- (b) The Industrial Estate in Button End results in a large number of HGV's having to use this road. In addition the road is used as a 'rat run' for all types of vehicles particularly during peak periods.
- (c) The surgery is situated amidst numerous residential dwellings on every side.
- (d) Many visitors to the surgery are unable to park in the existing facilities because they are full. As a result they resort to parking along Church Road increasing both the congestion and the risk of accident and injury to patients, road users and residents alike.
- (e) The surgery has tried hard but unsuccessfully to resolve these problems and lately has tried to encourage patients to use the 'Queens Head PH' car park, which thanks to the generosity of the Landlord has been offered for short term parking. This however is not an adequate solution to the problem because of (a) the distance of the PH from the surgery, and (b) the narrowness of the footpath.
- (f) The problem has increased substantially over time as a result of local populations increasing.

The proposed new residential development at Hauxton will undoubtedly increase the patient numbers at Harston Surgery exacerbating an already very serious problem. Support must be provided from the relevant authorities to initiate those actions necessary to overcome this before the new development at Hauxton is realised.”

33. **Environment Agency** finds the FRA and Hydraulic modelling report dated September 2007 acceptable. In conjunction with the Council's Environmental Health Office a number of conditions are recommended.

34. **Cam Valley Forum** summarise its comments as follows:

- “1. We have grave doubts about the ability of the remediation measures planned to make the site safe for builders and subsequent householders. The nature and volumes of the chemicals on site (and the difficulty of remediation and

monitoring in hidden parts) make this area unsuitable for human habitation in the short and medium term. (Even Vertase express doubts about the procedures planned).

2. Because of the nature of the chemicals in the soil and water and because of the fact that many are mixed or in close proximity to each other, it is vital that all remediation of the site is completed before the first brick is laid. Significant reductions in the contamination are far from assured and unpredictable chemical reaction could occur. We believe that staged building ahead of total remediation of the site compromises the process of achieving chemical breakdown and compromises the safety of those who will work and live on site as well as the local and wider environment. We understand the need of developers to begin building as soon as possible to earn some early income to help pay for the remediation but we believe there should be no question of this happening because human health and safety must be of paramount importance and certainly more important than cash-flow considerations.
3. We applaud the replacement of an ugly, dangerous site with housing, offices and open space and we believe the increased population can help to justify the cost of better school, medical, retail and recreation activities. We are concerned about extra traffic but all these factors are qualified by the need for effective remediation of the site.
4. We also have concerns about sound ecological management of the Riddy banks and the future of both otter and black poplar populations in the vicinity.

35. **Natural England**

The application site is approximately 3.5km away from Barrington Chalk Pit Site of Special Scientific Interest (SSSI), and within 5km of Whittlesford-Thriplow Hummocky Fields SSSI, Thriplow Peat Holes SSSI and Dernford Fen SSSI. The site is immediately adjacent to the River Cam County Wildlife Site (CWS). A number of protected and notable species are known to occur in, or are likely to use parts of the application area including bats, badgers, barn owl and otter.

Based on the information provided, Natural England has **no objection** to the proposed development, subject to the inclusion of our recommended conditions and the proposal being carried out in strict accordance with the details of the application and any agreed mitigation strategy. The reason for this view is that we consider that the proposal is unlikely to have a significant direct effect on the interest features of the above-mentioned SSSIs, and provided that adequate mitigation is agreed with the local authority impacts to protected species should be minimal.

We are satisfied with the outlined mitigation and enhancement measures in the Environmental Statement. However, in order to ensure the long term maintenance and enhancement of the wildlife value at the site, especially with regard to the increased human activity in the area and potential pressures this will place on wildlife interests, we advise that these proposals should be detailed further and agreed with your Authority prior to any construction works taking place. As such we would wish to see the following points are assured through planning **conditions / obligations**:

Prior to any works starting on site, an Ecological Management Plan (EMP) for the entire site will be agreed with the LPA. This will include the full details of:

- (a) mitigation during construction to ensure minimal impact to habitats and wildlife, such as timing and methodology of works;
- (b) management measures including a work programme to maintain and enhance the value of the site for wildlife once the development is completed;
- (c) sensitive planting plans including appropriate locally native species that will be of benefit to wildlife. This should include details for providing plants of a local provenance, ideally from seed collected from suitable habitats in the surrounding area;
- (d) erection of specialist bird and bat boxes within the development area and in surrounding semi-natural habitats. Ideally we would wish to see more long-term mitigation for bats both on and off site, including provision for roosting bats and habitat enhancements for foraging and commuting. For example, we would encourage the provision of some access into roof voids of non-dwelling buildings, through the use of bat tiles. These would be particularly beneficial on buildings adjacent to any wildlife corridors (i.e. the river) or other known roosts (i.e. at the Mill);
- (e) measures to enhance the Riddy Brook habitat and other wildlife corridors for bats, birds, mammals, invertebrates and fish;
- (f) lighting control (construction and operational) around bat roosting sites and foraging areas;
- (g) an ecological monitoring programme to ensure that mitigation and enhancement is successful, and to guide future management of the site;
- (h) details of commuted funds to enable the site to be managed to benefit wildlife in the long-term, and detail who will be responsible for carrying out this work.

36. **Ramblers Association** “expect existing RoW to be kept open as the development proceeds, if necessary by means of temporary diversions (though there seems no reason why this should be necessary, except for the short path that crosses the car park at the front of the site). Also it would be mutually helpful if the RA were to be involved at the design stage, as we can have ideas about the best routing for any additional access.”

37. **Highways Agency** has no objections but directs that the following condition, relating to the M11/Junction 11, be imposed:

“No part of the Bayer site development shall be brought into its intended use unless, and until, the highway improvements as shown in outline on the (Atkins) drawing 5026095/006/002 Revision B dated 10th October 2006 have been implemented to the satisfaction of the Local Planning Authority (SCDC) in consultation with the Local Highway Authority (Cambs CC) and the Highways Agency acting on behalf of the Secretary of State for Transport.”

38. **County Highways Authority** has been in lengthy negotiations with the applicants in regard to the A10 junction with the development and the access to the playing fields to the west of the A10.

In regard to the latter, a revised junction arrangement proposes “a left in/left out with no signal control. Whilst this layout not being signal controlled is acceptable, the Highway Authority would bring to the attention of the developers that the implications of this junction for their longer term aspirations opposite the site will prevent any further development on this leg apart from a very low flow use. Conversion to a signalled crossroads at a later date is not an option due to the congestion problems.

Again allowing it to be signalled later with full turns from it would be allowed but again only if it had the current number of trips.

The junction will need to be designed to a 50mph design speed, as the limit is not reviewable until the works have been completed and comparisons have been made between the data taken before and then after the implementation of the site.”

39. **NHS Cambridgeshire (PCT) comments:**

“A development of this size could result in an increased population of approximately 950 people, depending on actual type and mix of dwellings.

Access to Health Services is essential for this new population. Currently, the nearest GP Practices that serve this area are Harston and Great Shelford. Both Practices have confirmed that due to constraints with their buildings and available car parking they currently could not provide the Primary Medical Services to new patients living within this new development. To create the necessary capacity, substantial improvements would need to be undertaken to the CP Practice facilities in either Great Shelford or Harston or both in order to meet the needs of this expanded community.

As any improvement to these GP Practices Premises would be required as a direct impact of this development, we feel that a S106 Planning Obligation to pay for such improvements should be incorporated into any planning approval. Agreement was reached with Bridgemere UK PLC that a sum of £168,750 would be made in respect of a Section 106 Contribution to fund an extension to Shelford Health Centre in order to accommodate the additional patients resulting from this development. I would request that the same obligation be given in respect of the new application, as without this being included, we will have to object to this application.

From a Public Health perspective, it has already been identified from the previous applications (S/2307/06/O and S/2308/06/O) that the site includes some contaminated land. We would need to be satisfied that the land has been properly assessed for environmental and health risks and that contamination has or will be suitably dealt with to reduce any risks to an acceptable level.

We would also want to be satisfied that any revised transport infrastructure and arrangements meet the approval of Cambridgeshire County Council.”

The PCT has further commented that: “further consideration be given to allow more flexibility in the Section 106 Agreement. The reason for this is to allow the PCT to use those funds in the most appropriate way when the development comes to fruition.

We feel that with the current economic position and the slow down of the housing market completion of the development may be some years off which could result in us wanting to do something different in respect of the development of Primary Care Services.

A level of flexibility would allow us to address the needs in the most appropriate and cost effective manner both for the PCT and the residents of the new development.”

40. **Ecology Officer** original comments are as follows:

“Whilst I appreciate the progress that current action has made with respect to dealing with potential contamination at this site the fact that this application is now subject to EIA means that we require all information to allow the potential impacts to be properly

considered. To this end in re-submitting the various information I would have expected it to have been appropriately reviewed, edited and updated where necessary. This has not happened. This means that the bat report is actually out of date and misleading as the means of mitigation and compensatory measures are now wrong.

The bat report should be updated to state what the current findings have been, the processes that have taken place with Natural England and the compensatory measures undertaken.

A repeat badger survey should take place as it was reported that a sett was within 10m of a pipeline and should works to this pipeline need to take place then a disturbance license would be required.

A repeat of the otter survey should be undertaken as it is nearly 2 years since the original survey and a potential holt site was identified. New such sites may be found which may have an influence in the design process.

I also have concern at the proposed treatment of the Riddy in the D&A statement. It thought that the final edge treatment of the Riddy was going to result in restoration of semi-natural habitats not retention of a steep-faced concrete edge.

Furthermore, much work has recently taken place on negotiating schedules to go within the site's S106 agreement. The agreed measures should be contained within the submitted ES otherwise the general public are not aware of further measures that are being provided to safe guard the site's environment and future management."

He subsequently has commented that the Ecological Management Plan is the best means to address many of the points raised by Natural England.

41. **Wildlife Trust**

Firstly, the contribution to biodiversity enhancement is pretty negligible for a development of this scale. We are aware of the provision of bat boxes (required to comply with protected species legislation), the north meadow, for example, is a major missed opportunity because of the requirements for engineered flood storage.

The following measures should therefore be added to the current proposals:

- (a) Use a natural bank to the Riddy rather than the proposed concrete bank, which should not be required if the site is fully de-contaminated;
- (b) Introduce a management programme for the willow pollards through the site;
- (c) Enhancement of the land opposite the site on the other side of the A10. this area is adjacent to the proposed new Trumpington Meadows Country park and could form a valuable, if small additional area of habitat along the river corridor.

Finally, because of the very limited amount of accessible greenspace associated with this development it is inevitable that the new residents will seek their informal recreational needs from the new Trumpington Meadows site opposite. This will increase the number of visitors at the "quieter, more wildlife-rich" end of the park, with the potential for adverse impacts on some of the biodiversity conservation objectives of the park. There will be a need for the provision of additional information, additional rangering and additional community consultation above that anticipated from the

Trumpington Meadows development itself and existing communities. It would therefore seem wholly appropriate that this development should provide some contribution to the enhancement and future management costs of the Trumpington Meadows country park. The Wildlife Trust therefore requests that South Cambridgeshire District Council negotiate some provision from the developers of this site towards the Trumpington Meadows park.

42. **County Council New Communities**

“In terms of an education contribution for the original 2006 application, you will probably be aware that we have had a number of discussions with the developer and their consultant to try and negotiate an appropriate S106 contribution. A final agreement was never reached.

As negotiations on the 2006 application ran over a long period of time, a number of issues have now changed as updated information has become available. For the new 2008 application we need to ensure that our education requirements are based on the most up to date information.

The County's desire to build a replacement school at Hauxton has not changed. However, new pupil forecast figures released just before Christmas now show the existing Hauxton Primary to be approaching full capacity in 2013/14. Therefore there will be less spare capacity at the school to cater for the proposed development.

In addition to the changing pupil numbers, the cost of building has reduced. The BCIS All-in Tender Price Index has fallen since the Feasibility Study (Option 2) was written for the replacement school back in April 2008. As a result, the total cost of the scheme has been reduced.

The County Council seeks a developer contribution of £762,933 to be applied to primary education serving Hauxton. The contribution should be index linked to Q3 2009 (BCIS All-in Tender Price Index).”

43. **Conservation Officer**

“The proposals affect the Grade II Listed buildings; Hauxton Watermill, Hauxton Mill House, Hauxton Watermill Bridge and the curtilage listed New Mill House, together with the settings of the Church of St Edmund (listed Grade I), Little Manor House (listed Grade II) and the Milestone on Hauxton Mill Bridge (listed Grade II). English Heritage should be consulted if not already done so.

Whilst resolving the future of this site is supported in principle, there are still significant concerns that the future of the Listed buildings on the site is unclear; and that the Listed buildings have been placed to one side and not incorporated successfully in to the final design, harming their setting and future viability and failing to resolve their need for adequate maintenance. Policy SP/7 identifies the need for the new use to be clearly identified as an integral part of the masterplan for the site, and this is still not resolved.

The proposed use of the Mill House as possibly a pub or restaurant is without a specific scheme and would require significant alterations such as kitchen flue, wheelchair accessibility and toilets, and a bar. The relationship of this new use with the improved access to the River Cam is also unresolved. The implications of the changes to the buildings need to be assessed properly prior to determining the use, as they may be harmful to the character of the buildings; and a Listed building

application for the Listed buildings should be determined prior to acceptance of the principle of redevelopment in this position.

The proposals for the site would also harm the viability of the Listed buildings by providing an urban backdrop separating them from their context, siting the industrial buildings closer to the Listed buildings than they previously were, crowding the Listed buildings with new development and providing insufficient car parking space for the proposed use of the Mill House and the potential future use of the Watermill.

Any proposals for development around Listed buildings require the following fundamental architectural principles of scale, height, massing and alignment, and the use of appropriate materials. The submitted plans show insufficient information regarding materials and details, little relationship with the existing Listed buildings, and deep span bulky buildings up to four storeys in height throughout the site and in primary views of the Listed buildings in contrast with their modest narrow span and scale.

The development has an urban rather than rural character that is harmful to the setting of the existing rural group. The precedents used for the design are also overly urban (Accordia, Cambourne and Great Shelford). Although this is an outline application, in principle the concept, the bulk and spans and architectural style in the proposals are alien to the character of the village. The bulk determines the extent of development and number of units; and because the proposals are too bulky for the setting, the principle of the proposed number of units is problematic.

The Design and Access statement shows previous development circled within the Mill House group (Fig 21). A scheme on that basis would obtain more support than the submitted proposal, as the scale, proportion, spans and orientation of the adjacent buildings are significantly more sympathetic.

The proposed off-site tree management by others to reinforce the screening from the Listed church is not adequate, as it cannot be controlled. The improved screening should comprise a continuous band of trees and hedging within the site, to be permanently maintained. This would probably require the development along the eastern boundary to be reduced and be further from the hedge-line.

The proposed plan also shows new development in the position of the existing footpath in the northeast corner of the site. The loss of the historic link between Church and Mill group would be harmful and the proposal should be amended to retain the footpath in a rural setting and to reduce the extent of development in this area.

The raised levels associated with the remediation measures associated with the contamination of the site are not identified and therefore the impact on the setting is unclear.

Although the applicant agreed as part of S/2308/06 to maintain the properties to acceptable standards as statutorily required, they have not continued to do so. For instance, the gutters are blocked and ivy is growing up the walls of the Listed Watermill. The condition of the buildings gives concern about the unresolved future uses and maintenance for these buildings and increases the need for a practical solution to be found now as part of any Phase 1 approval for the redevelopment, rather than later as a condition of the approval.

Should this application be approved, I recommend the conditions as recommended by David Grech for S/2308/06 regarding submission of reserved matters, a

landscaping condition to include the retention and reinforcement of the eastern boundary, and:

The extent of repair of the existing Listed and curtilage Listed buildings at Hauxton Mill shall be agreed and carried out to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development hereby approved.”

44. In response to the applicant’s additional information, the following comments are made:

“The difference between the situation that David Grech commented on and I have subsequently commented on is that although there has been a statement of commitment to maintain the Listed buildings, this has not been done. When I visited, the gutters of the Watermill were full of plant growth and ivy was climbing back up the walls. Whilst I would agree some maintenance had been carried out previously to the Watermill and possibly the Mill House (but not to the curtilage Listed New Mill House), it has not been thorough enough. It therefore gives concern about the long term condition of the buildings and therefore the necessity for the repair condition.

Subject to this, the lack of communication about the future use of the buildings under SP/7 is of concern. We would have more confidence in the promises if we could see that a future use was being investigated and that the proposed use was likely to be acceptable. A concurrent application for Listed building consent and planning permission as necessary for the Listed buildings would substantially allay our concerns, but in the absence of that there should be some reasonable indication that the proposals will not be significantly damaging to the buildings, will not leave them unviable in future, and will not leave the buildings to deteriorate further.

I would therefore suggest that the future of this part of the site is discussed much further on the basis that the position and character of Listed buildings results in a limited range of future uses that the agents could readily identify; and some of those potential uses may be rendered unviable by the type of development proposed on the adjacent land. To leave the future of the Listed buildings unknown and possibly damaged is contrary to PPG15:

3.8 *Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings in conservation areas is in question.*

B3 *The Act empowers an authority to seek such particulars as it requires and an authority should certainly seek any particulars necessary to ensure that it has a full understanding of the impact of a proposal on the character of the building in question. An authority should not accept an application for consideration until it has sufficient information to provide such understanding.*

2.16 *Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from*

their surroundings, eg by new traffic routes, car parks, or other development.

It would be inappropriate to agree proposals that put the future of the Listed buildings in doubt. In view of the worsening condition of the Listed buildings and the lack of information submitted with the application, both conditions regarding their future are required.

45. **Corporate Manager (Health and Environmental Services)** recommended in collaboration with the Environment Agency that the following 5 conditions be imposed:
- “1. Development approved by this permission shall not be commenced unless a validation report, as detailed in the Remediation Method Statement for application S/2307/06/F, has been approved in writing by the Local Planning Authority. The validation report should provide verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
(Reason - To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.)
 2. Development approved by this permission shall not be commenced unless a Human Health Detailed quantitative Risk Assessment, and method statement for any remedial measures required, has been submitted to and agreed by the Local Planning Authority.
(Reason - To ensure the site will be suitable for the proposed development.)
 3. No spoil or materials shall be deposited or stored in the floodplain, nor any ground raising allowed within the floodplain, unless expressly authorised in writing by the Local Planning Authority.
(Reason - To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.)
 4. No soil material shall be brought onto the development site until a protocol has been agreed with the Local Planning Authority. This should address the source of material, sample frequency, sampling procedure, analyses, targets and reporting.
(Reason - To check the quality of soils and materials being imported onto the site.)
 5. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.
(Reason - The site is contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.)”

Further discussions have resulted in modifications, which are incorporated in the recommendation below.

46. **Arts Development Officer** is disappointed that the applicant has not provided public art. The Council has had a policy since March 2004, adopted as part of the LDF in

July 2007 and an adopted SPD for public art in January 2009. This is a large development and more should have been expected.

Representations

47. The owners of The Little Manor and Church Meadow have made comments, which are summarised below:
- (a) They are not yet convinced that this site can be remediated over a comparatively short timescale to a condition where it is sensible to use it for housing development. That being so they have no objection in principle to the site concerned being converted largely to residential use.
 - (b) It is appreciated that the present design proposals are merely illustrative and are a matter for a full planning permission application. Nevertheless they are pleased that some of the features that they, and no doubt others, criticised appear to have been modified in the direction of their suggestions.
 - (c) The most severe worry is the proposal to treat the site as a two-phase project, remediating and developing the southern half of the site before remediating the more severely polluted northern part.

The arguments are very firmly to do with public health. These are summarised in the agenda report on application S/2307/06/F. Extending the remediation to two separate periods would greatly extend the period of a risk, probably for a period of up to 4 years. Secondly, developing the southern part of the site so that housing can be put on the market early, would be bound to endanger yet more small children. On the technical side, it would not be possible to control ground waters from re-contaminating treated areas if the whole site wasn't addressed systematically.

- (d) The density of the site (as well as the drawings of flat roofed 3 to 4 storey housing blocks) is alien to the still generally rural location of the site. There is an ambiguity between the main planning proposal showing a density of 54 houses per hectare (380 houses) and the information in the Design and Access Statement stating in Section 3.9 (page 24) "With regard to the local areas a density between 40-50 dwellings per hectare was considered appropriate", and in Section 3.11 "The preferred option for the development is380 dwellings on 8ha of land (at a density of 47.5 d/ha)." Elsewhere the developers have justified the high density on the grounds that the site should be regarded as "suburban", however, as an island within the Cambridge Green Belt, this is not really a proper classification.
- (e) The developer's concerns to make the site more sustainable by making special arrangements for public transport and trying to latch on to the opportunities provided by the Guided Bus is appreciated but in the short term at least this is unlikely to be a successful strategy. The guided bus route will really only service directly a small number of employment centres. People with cars are unlikely to make their way to work (even if they do work within the city area) using a series of bus changes. This does not bode well for sustainability. The idea that there will be a 20-30% drop in car use from the rural norm by residents is very optimistic. This is not a suburban site but beyond the fringe of Cambridge City. There is a stick and carrot approach to bus versus car transport, because of the restricted carport facilities. Severe parking problems with cars inevitably being parked on streets overnight are anticipated. There appears to be no intention of having any garage parking.

The policy of the developers is not simply driven by the advantages of sustainability, but rather by maximising site density. Garages are used for far more than just car storage, and absence of this kind of facility will devalue the residential desirability of the development in the long run, as will uncontrollable parking requirements.

- (f) The traffic flow information in the Transport Assessment report contains lots of data and flow diagrams from their traffic survey (now 2 years old). However, there is absolutely no interpretation of this data. It is clear that very large numbers of vehicles pass the entrance to the development site, particularly at rush hour times in the morning and late afternoon. The Highways Authority was initially clearly unhappy with the proposed traffic-light signalled access/exit to the site on the A10. In finally agreeing to it under pressure, they stated that it would "inconvenience" traffic on the A10.

If the public transport "carrot" fails to work and if there is more development of 'park and ride' and other facilities close to the M11 junction, it is envisaged this "inconvenience" leading to regular traffic queues right into Harston village.

- (g) The Planning Committee should take note of the need for Affordable Housing, which is as badly needed in Hauxton as in other villages in South Cambridgeshire. At the October 2007 Planning Meeting the Applicants argued that the high cost of remediation should preclude them from this obligation. Nevertheless they are planning homes for those in need of care (also to try to moderate financial commitments to the health authorities). This "Affordable Housing" relies on finding a provider who would build "70 Extra Care Dwellings", half of which would be sold. These "Home Care" flatlets will not benefit those who genuinely struggle to afford housing. This does not meet the requirements for the provision of affordable housing.

48. The three Partners at Harston Surgery have made representations regarding the S106 monies agreed by the PCT and the health provision documents. They believe the forecast of 900 extra residents in the development should be viewed as conservative given that the figures are based on the 2001 census. The quickest route to Shelford Health Centre has a dangerous bottle-neck outside the Church and Primary School in Great Shelford. 20% of the dwellings being used for vulnerable elderly residents casts doubts on any assertion of lower than average health needs for the development.

Harston Surgery is significantly closer to the development than Shelford (2.1km cf 3.8km). Harston Surgery is fast approaching safe capacity. The expected additional number of patients cannot be simply absorbed into the current health system at present. Similarly Shelford cannot accept further patients without major investment. Although the option of providing health facilities on the site has not been explored, the expansion of current facilities would be preferable. They are keen to explore opportunities to extend Harston Surgery.

The decision-making of the PCT is flawed. Public transport links from the new development will make Harston Surgery more accessible than Shelford. The PCT overlooked this factor. Although pleased that the PCT has acquired funding, the fact that no funding has been made available to improve Harston Surgery means that future residents at the Bayer site will not get the GP service they are entitled to expect without travelling further. Worse still, it will lead to a reduction in service for current patients and the increase chance of accidents along Church Street, Harston.

The Partners therefore urge the Council to revisit this part of the application and to

refuse it entirely until what they believe to be reasonable factual concerns are addressed satisfactory.

Representations in response to additional material submitted by applicants

49. Cam Valley Forum (CVF)

- (a) CVF is pleased that the applicant has confirmed that no new building should take place until the entire site is remediated and validated as such. Doubts remain about the ability of the remediation measures to make the site safe for builders and householders.
- (b) There is disappointment that a 40-50 metre green corridor next to Riddy Brook has been rejected by the applicant. It would add considerably to the landscape of the area, would buffer the river from soil and pollution ingress and form flood meadows to help prevent flooding on site.
- (c) Although there are few signs of otter in the Riddy today, numbers will return especially if water quality improves and fish become more common.
- (d) CVF does not believe that the applicant has found out if there is capacity to accommodate foul sewerage.
- (e) The developers suggest that some elements of SUDS are not particularly suitable for the site, such as infiltration and open storage ponds, as these measures will involve breaching the cover system which will be designed to be protective of human health.

However, they also claim they will remove all contamination to below health hazard levels and have generally denied that soil cover (i.e. imported fill) was designed to be part of the remediation strategy to cover over contaminated material. This needs clarification with the aim of ensuring effective remediation.

- (f) CVF share the concerns of the Highways Authorities regarding the layout of the A10 access. There are likely to be peak traffic problems causing difficulties for residents of Hauxton and those travelling on the A10.

50. The owner of the nature reserve and woodland nursery on the south side of Church Road is pleased that the proposal to divert surface water drainage on to his land has been dropped. However, concerns remain that a much larger quantity of surface run-off is anticipated because the 'green' plans for rainwater collection have been abandoned. All surface run-off will be disposed of directly into the River Cam by the A10 road bridge. This will require filtering, which will need regular and expensive maintenance by either the Parish or District Councils. It would also jeopardise work to improve and safeguard the river and its environment in the new Trumpington Meadows Country Park.

Concern is expressed that any disturbance of the soil below 1 metre is liable to cause a public health risk by disturbing some kind of protective barrier material. This will be intolerable to future householders.

Given that the Environment Agency is the Statutory Regulator of the site, a representative from the Agency should be invited to attend the Planning Committee to answer questions where requested.

There is still concern about the release of noxious odours and dust affecting the writer's land and business, given the scale and timetable of the proposed operations.

51. Mr Elliott, the owner of The Little Manor and land adjoining to the east of the site does not believe that the applicants are capable of remediating this site to a standard fit for residential development. The remediation strategy relies on a physical barrier of imported fill to cover contaminated material. Any disturbance of this seal would create a public health hazard.

The applicants have denied that there is any contamination of surrounding land. The remediation proposals would not solve problems in this surrounding land, where, in part, crop production has been banned.

The applicants no longer deny that contaminated groundwater was getting into the Riddy. Recently there has been a more serious seepage, which the Environment Agency has not inspected. The Riddy is not in a good state of health as it is inhabited by the American Signal Crayfish, a very tough crustacean, that has proved resistant to various methods of control.

If during remediation there is a serious pollution event for the River Cam, the Council, the Environment Agency and the Developers will have to take the environmental and financial consequences.

The proposed flood relief channel is an excuse to quarry material cheaply for raising the site levels. Raising the weir would breach the security of this writer's meadows. This structure is also partly on his land. Moreover the level of the water at the weir is irrelevant. Flooding of the Riddy will continue.

Schradan is one of the most dangerous pesticide products to human health. This was manufactured at Hauxton. Evidence suggests that, although banned, stocks were maintained on the factory site into the 1990's. The writer knows that his land is also contaminated by Schradan, as well as by a range of herbicides. This, amongst other chemicals, will be very difficult to eliminate on the factory site - and would explain the proposal not only to cover the entire site with imported 'fill', but the necessity for this layer to remain unbreached.

It would be impossible to maintain such a protective layer and to build a large housing estate on top of such dangerous ground.

The applicant welcomes the need for an independent analyst to monitor progress, efficiency and success of monitoring. But the use of Atkins, who are the main consultants to the Developers, would not be appropriate. Monitoring should be paid for by Harrow Estates Ltd but carried out by a reputable firm on the recommendation of an appropriate independent professional body.

52. Hauxton Parish Council (HPC) comments:

"HPC note the changes to the Site Junction on the A10 and now understand that the Highways agency and CCC have reached an accord with HE on the changes necessary to the A10 to facilitate the development. With that in mind HPC are reluctantly happy to accept a 40mph speed limit as a compromise.

HPC continues to urge SCDC and all involved conservation groups to assist HE in arriving at a suitable ongoing, viable and sustainable use for The Mill and Old Mill House and a resolution to the problems associated with New Mill House, the derelict building within the curtilage of the Mill. These problems have dragged on un-resolved

through several owners for around 30 years and this re-development is time to sort them out once and for all.

HPC notes HE comments regarding the density of the proposed development and open space provision and would like to reserve the right to make further comments on these and other related matters at the detailed design phase.”

Dialogue with the Developers and South Cambs District Council Planners

HPC will continue to maintain the very valuable dialogue they have established with Harrow Estates, their Agents and SCDC Planning and will work to resolve any problems and issues that arise wherever possible.

HPC continues to support the planning application but given that there is now a need to again determine the application, HPC may well wish to modify or alter its responses in the light of future discussions and developments. “

Planning Comments – Key Issues

Principle

53. This site clearly represents a vacant brownfield site for which the Government provides clear planning guidance in the form of Planning Policy Statements (PPS). The advice within PPS3 (Housing) under paragraph 36 is that housing should be developed in suitable locations which offer a range of community facilities with good access to jobs, key services and infrastructure, and that priority for development should be previously developed land and in particular vacant and derelict sites and buildings. Paragraph 40 of PPS3 continues by stressing that a key objective of Local Planning Authorities is that they continue to make effective use of land by re-using land that has been previously developed. In addition to this the advice continues in paragraph 44, that Local Planning Authorities should consider whether industrial sites could be more appropriately reallocated for housing development when considering previously developed land. The redevelopment of this former industrial site for housing would clearly comply with this National advice. In addition the re-allocation of the site has been taken forward in the LDF Site Specific Policies DPD Submission Draft January 2006.
54. It is however important to note that, due to the contamination on this site, the applicant will need to ensure that the site is fit for development use prior to any work commencing on site. Guidance for this is provided within PPS23 (Planning And Pollution Control) and the applicant has submitted an application to address this particular issue along with that of demolition on the site. This further application (S/2307/06/F) is considered elsewhere in this Committee agenda and development on this site could only proceed on the basis that the site was considered fit for use by this Authority and the Environment Agency.
55. With regards to Development Plan Policy, Hauxton is identified within Policy ST/6 of the Core Strategy DPD as a Group Village. In such locations residential development and redevelopment up to an indicative maximum scheme size of 8 dwellings will be permitted within the village frameworks of such Group Villages. Development may exceptionally consist of up to about 15 dwellings where this would make the best use of a single Brownfield site. Part of the site, north and northeast of the Riddy Brook, is also located within the Green Belt for which this type of major redevelopment would be considered as inappropriate under PPG2.

However, the land within the Green Belt, as defined in the adopted Proposals Map (February 2008) is proposed to be used for informal open space and flood relief,

neither of which would harm the openness of the Green Belt or be inappropriate development.

56. The site is identified as an area for redevelopment to provide a mixed use of housing and employment under Policy SP/7 of the Site Specific policies. This policy has been considered at a public examination and is awaiting the Inspector's binding report before being adopted. It is a material consideration in the determination of this application, although it should be noted that a representation was made that the site should not be considered for redevelopment for housing as it is in an unsustainable location, not in a Rural Centre or Minor Rural Centre.
57. The policy underlines the fact that this brownfield site is located close to the edge of Cambridge and offers a specific opportunity for redevelopment. In considering this site it was initially envisaged that an appropriate redevelopment would comprise a mix of uses, to maximise sustainability of the site with a balance of employment uses split with a residential development anticipated at 250 dwellings. The redevelopment of the site will enable a visual improvement to this prominent location along the A10 with an enhancement, in appearance, to a major approach into Cambridge.
58. In considering the details of the proposed development against the local Policies it is clear there is a significant difference in numbers of dwellings proposed to that anticipated in the draft policy. The application is for 380 dwellings, which is 130 more than the Local Planning Authority had anticipated. This level of development is achieved with a density across the site equal to 54 dwellings/hectare. This is a net density as defined in PPS3. The applicant recognises that there is a difference between the policy and the submitted details, and has approached the consideration of balance between the uses on the site from both a viability and overall sustainability position. The applicant considers that a bias towards a residential use is more beneficial in terms of providing the necessary funding to facilitate a high standard remediation scheme as well as to sustain the public transport improvements, to make the best use of the site in line with Policy HG/1 of the adopted LDF Development Control Policies DPD and the objectives and guidance of PPS3 and to help meet the need for housing in the District and sub-region.

Notwithstanding the total number of houses proposed, the intended mix of 50% 1 and 2 bedroom dwellings, 25% 3 bedroom and 25% 3+ bedroom dwellings fully complies with Policy HG/2 of the LDF Development Control Policies DPD.

59. In considering this justification it is important to recognise that this is a highly contaminated site for which significant levels of investment will be required to ensure the land is cleared fit for development. Although the applicant specialises in dealing with this type of site throughout the Country, this particular site has complex contaminated issues and more detailed exploratory work to ascertain the precise contamination issues were still required after the site had been acquired. This level of uncertainty in bringing forward contaminated brownfield sites and the associated financial risks is partly why relatively few developers are willing to become involved with such sites. Nevertheless, sites of this nature require a positive development resolution, if they are not to remain and result in environmental degradation.
60. For these reasons it is considered that the mix on the site although not in line with the draft policy is considered appropriate in this instance. As such the principle of the proposed redevelopment on this site is considered acceptable.

Employment

61. The scale of employment development (4,000 sq.m.) is seen by the applicants as an appropriate land use balance sought in Policies SP/7 and SP/10 of the Site Specifics DPD. Neither policy gives guidance on amount of development but Policy SP/10 indicates that the total site size for employment development should be specified following the preparation of a Masterplan or Development Brief. The application complies with that requirement and proposes small to medium sized businesses in the B1(a) office class. To accord with Policy ET/1 of the LDP Development Control Policies DPD these units would have to be conditioned to uses which provide an essential service for Cambridge as a local or sub-regional centre.

Transport

62. The Highways Agency had issued an Article 14 Holding Direction, which prevented this Authority from granting permission for this development. The main area of concern listed with the Direction was that *'the information submitted with the application is insufficient to enable the impact of the proposed development on the M11 and surrounding highway network to be robustly assessed.'* That direction has been lifted by the Highways Agency subject to the imposition of a condition (see recommendation). At the same time discussions are still being pursued with the County Highways Authority regarding a modified signal controlled junction design to the site on the A10. This will involve modifications of the lane allocations, relocation of the western access approximately 7m to the north and designed so that it is a left in/left out give-way only and lengthening of the proposed central island to prevent right turning into/out of it. A 40mph speed limit along the A10 through this junction is being considered by the County Council, since it does not support the introduction of a 30mph limit. Negotiations appear to be close to successful completion.
63. The Site Specific Policy SP/7 for the redevelopment of this site states that the proposal should be capable of being developed with good links to the Trumpington West development, the Trumpington Park and Ride, as well as the village of Hauxton itself. The redevelopment should also make contributions towards the improvement of public transport provision along the A10 corridor. To address this point the applicant proposes to improve the public transport links with the site to the Park and Ride facility at Trumpington which will be further enhanced at a later stage with improved links with the Cambridgeshire Guided Bus route. The applicant plans this bus service in a three-stage approach. The first stage will provide an interim shuttle bus service between the site and the Park and Ride while the second stage follows the implementation of the Guided Bus service and a service will be provided by the Guided busway buses between the site and Cambridge city centre. Both the first and second stage will provide a 20 minute frequency service between the hours of 0700-1900 during Monday to Saturday. The third and final stage will allow for the extension of the Guided Bus service to evening services.
64. To fund this public transport initiative it is proposed that a new bus service is set up by the developer of the site and the applicant has been in discussions with Stagecoach who has confirmed that a service could be provided on a 20 minute frequency. The continuation of the service and its extension would be funded through a service charge raised against each property. As part of the package of improvements each household on the site will be issued with a single Gold Rider ticket at no charge. This ticket (or a renewal) will be available for the period of a legal agreement, which has been suggested by the applicant to be in the region of 15 years. The free Gold Rider ticket will be available for use by any one member of the household, while other occupants will be able to purchase additional tickets at specified discounted rates. As an extra incentive, all members of each new

household will be allowed to travel for free on Stagecoach buses for the first month of occupation.

65. In considering pedestrian and cycle provision the Site Specific policy also requires the redevelopment of this site to establish links to the Trumpington Meadows Development, the Trumpington Park and Ride, as well as with Hauxton village. The proposal will achieve these requirements with a proposed pedestrian/cycle link to the Country park area of Trumpington Meadows and a contribution towards the improvement of the existing cycle way serving the Park and Ride. The transport assessment also shows a new cycle link along the A10 fronting the development site leading to Church Road to provide access to the main village of Hauxton. The proposed traffic calming measures along the A10 are designed to improve the safe crossing of the A10 for residents to access the pedestrian/cycle way and the country park within the Trumpington Meadows development. The crossing will also provide a safer access point to the sports pitches on the west side of the A10, which are also within the ownership of the applicant. The proposed traffic calming measures are considered acceptable.

Flood Risk and River Frontage

66. As the application site shares a common boundary with the Riddy Brook and River Cam and is located within an identified area of flooding the applicant has submitted a detailed Flood Risk Assessment (FRA). The Environment Agency accepted this assessment.
67. The site has some history of flooding which the applicant states has been located within parts of the surface car park in the north of the site, an area of some 1500 sq. metres. The amended Planning Statement (June 2009) indicates that:

“The flooding has been due to high water levels in the River Cam upstream of the main weir elevating the water level in the Mill Race and increasing the volume of flow into the Riddy Brook. The construction of the main weir in the River Cam has also resulted in the flood storage capacity of the field to the north of the river being under utilised.

The main weir, Hauxton Mill and the narrow channel, through which the Riddy Brook flows, act as hydraulic restrictions. This is supported by the Environment Agency’s 1 in 100 year flood model data. If the flow through these restrictions can be increased, or the restrictions by-passed, then the flow can pass under the A10 road bridge without significant restriction.”

68. In order to improve the situation the applicant proposes a number of features along the Riddy Brook and within the north meadow. Along the Riddy Brook it is proposed to remove as many obstructions as possible, to increase the site level adjacent to the Mill House above the levels of flooding and to provide a high level flow channel excavated along the eastern side of the Riddy Brook. This feature would allow for an increase in the capacity during periods of increased flows within the Riddy Brook. Furthermore it is also proposed to excavate a shallow storage channel in the field to the north of the site to act as a flood relief channel and hence why the applicant has restricted this north meadow as an area of ecological enhancement with no public access. Any floodwater will enter the field area via an engineered breach in the levee, to be located within the channel of the River Cam upstream of the raised and refurbished main weir to the Riddy Brook. This will ensure that in the event of high water levels within the River Cam the excess water will breach the levee to allow the weir to the Riddy Brook to function as normal but limiting the amount of upstream water levels by allowing excess flow to be stored within the field. The stored water will

then be released back into the River Cam in a controlled fashion through a new engineered weir and low level drain located up stream in the River Cam and directly to the north of the New Mill House building. The applicant is of the opinion that these proposals will minimise the risk of flooding to the development and in other areas in accordance with Policy NE/11 of the LDF Development Control Policies DPD.

69. Turning to the main development on the site, the Masterplan illustrative site layout plan shows that the residential dwellings could be aligned to front onto the Riddy brook as well as the Mill Island to the north of the site. The plans also show the retention and improvement of a river side walk along the edge of the Riddy Brook and the use of this area and the Mill Island as an area of informal open space associated with the main development. Although the final details will be provided at the detailed stage of the application I consider that this proposal would comply with the requirements of both adopted and emerging LDF policies.

Infrastructure

70. The applicant has accepted that the development will impact upon the existing infrastructure in terms of the primary school located in Hauxton and the health centre. After lengthy discussions between the County Council and the applicant, a contribution of £762,933 to allow for a replacement of the Hauxton Primary School has been agreed. The County Council has provided evidence to justify the need for the construction of a new 150 place primary school, based upon the proposed development generating 78 pupils and the forecasts showing the existing school approaching full capacity (84 places) in 2013/14. In addition an apportionment of costs of the scheme based upon gross area has been agreed. The resultant contribution is included within the Draft S.106 Agreement.
71. The applicant has made an offer to the Primary Care Trust (PCT) of £168,750 towards an extension of 50 sq. metres to the health centre at Great Shelford. The PCT has confirmed that this amount has been agreed to fund an extension to Shelford Health Centre. In response to the comments received from the Harston Surgery, the PCT re-iterated its earlier comments, although, due to the long lead in to the project, it had asked for more flexibility in terms of the destination of the contribution. However, the applicant will not accept that the contribution be regarded as a general fund to be used for health care improvements elsewhere. Shelford Health Centre was agreed after exhaustive negotiations; travel times are comparable; and Shelford site is less constrained than the surgery at Harston. That is a significant factor, albeit the Harston Surgery would be accessible on a direct public bus route (hourly at present) and is approximately 2.4 kilometres from the A10 site entrance, compared with Shelford at 3.9 kilometres.
72. On affordable housing the applicant has demonstrated that due to the cost of the remediation works on the site the provision of affordable units will be limited. However Harrow Estates has previously agreed with this Authority to provide 70 Extra-Care dwellings on the site. This type of housing provides integrated care and support for frail older people and should not be confused with nursing or residential care homes. The Extra-Care units are purpose built housing which can be in the form of self-contained apartments with communal facilities providing a range of support and leisure services to enable residents to live independently. The number equates to 20% of the housing stock. These units are to be constructed by a Registered Social Landlord (RSL) under provisions of the draft S.106 Agreement, which states that at least 50% of the units shall be disposed of by way of shared ownership and/or social rented and that the mix shall be 25/45 one bedroom/two bedroom units.

73. The Council housing officers have previously supported this type of development and advised that the most authoritative assessment of need for Extra-Care sheltered housing is the Best Value Review (County Wide) of sheltered housing which was carried out in conjunction with all agencies involved in the Supporting People process. This assessment identified a need for 402 extra care sheltered housing units in South Cambridgeshire by 2015/16 and as such even with the provision of 70 units there will still be a significant shortfall but this proposal will go some way to help alleviate this shortfall in the demand for this type of accommodation. A RSL wishes to implement this element of the development.
74. In considering the provision of affordable housing against local policy, within the Development Control DPD Policy HG/3 states that the amount of affordable housing to be sought on new development will be 40% or more, which this proposal clearly does not comply with. However the policy makes clear that the proportion of affordable housing will be subject to negotiations with applicants and account will be taken of any particular costs associated with the development such as site remediation and other viability considerations which need to be given priority as part of the development. In this instance the main issue affecting viability is that of the remediation costs associated with this site. The applicant has demonstrated that the costs of this element of the scheme means that the provision of 40% affordable housing is not viable but that the extra care housing at 20% would in principle be acceptable. Taking all the information submitted into account it is considered that a justification has been made to warrant a reduced level of affordable housing on the site below that normally sought.

Negotiations have achieved the provision of a contribution of £300,000 towards community facilities in Hauxton, comprising:

- (a) an extension to the existing village hall; or
- (b) a new village hall; or
- (c) community facilities in conjunction with the Village School.

Open Space/Recreation/Ecology

75. The applicant has accepted that there is no provision for formal open space on the site and that this development would normally require a minimum of 2.03 hectare of land, incorporating approximately 30% for play and informal recreation and 70% as formal pitches based on National Playing Field Association Standards. However the area on the west side of the A10 provides a number of formal pitches, which had previously been operated by the Bayer CropScience for its work force and this is a potential provision for this development. The applicant does not wish to hand over the land if it is not maintained correctly or does not have a use. The Parish Council wishes to own and maintain the sports pitches for the benefit of the community. The draft S.106 Agreement makes provision for the transfer and maintenance of 1.5 hectare of land for this purpose, together with a £50,000 contribution to improvements and a £15,329 per annum for 5 years commuted maintenance sum payment.
76. Turning to the issue of informal open space the applicant has agreed that a Neighbourhood Equipped Area of Play (NEAP) will be provided on a location within Hauxton village and a contribution and commuted sum will be paid to Hauxton Parish Council. The illustrative layout plan submitted with the application shows that a Local Equipped Play Area (LEAP) will be provided within the site possibly on the 'village green' area. The creation of approximately 4 hectares of informal open space area providing a riverside walk is a welcome feature within the development and will comply with the requirements of the Site Specific Policy as well as presenting an attractive elevation along this frontage of the development and to the Green Belt. The

creation of the walkway and the improvements to the Riddy Brook will also allow for opportunities for ecological enhancements to take place as part of the development. The main ecological improvement will be the creation of the northern meadow as a species rich wetland that will have significant ecological content but restricted in terms of public access as it will be maintained as an area to control flooding. The area may, in the future, act as an educational resource.

77. On the site there will be 11 Local Areas of Play (LAPs) and a series of public squares. In total on-site open space comprises up to 0.76 hectares (draft S106 Agreement). Total provision of formal open space (2.26 hectares) meets the NPFA Standard and the recently adopted (January 2009) standards for amount of open space in the Open Space in New Developments SPD.

Listed Building

78. The Mill House was previously used by Bayer CropScience as an office building and as such the interior has been significantly altered with partition walls, false ceilings and fire regulation doors. With regards to Hauxton Mill, this has not been used for many years and the interior retains a number of original features. Unfortunately due to the lack of use the interior is in a poor state of repair with many of the floorboards and staircases unsafe for use. The building does however have a large area of floor space and occupies a prominent position at the head of the River Cam, Riddy Brook and the North Channel as well as being clearly visible from the River Cam Road Bridge.
79. In terms of potential reuse no plans for either of the buildings are submitted with this application. The applicant explains that this is due to the fact that there is a reluctance of any third party to suggest a use of the buildings until the development of the main site is agreed. The applicant is committed to securing optimum viable uses in accordance with Policy SP/7 of the Draft Site Specifics Policies DPD. However, it considers there is a need to bring forward the wider site to gain certainty in order to commence remediation processes. Concern has been expressed by officers of this Authority that the listed buildings appear to be placed to one side and will not be successfully incorporated into the final design. Furthermore it is considered by officers that the listed buildings should form part of the final design for the development, as they are an important and valuable feature within the site and their future should be addressed at an early stage.
80. The applicant has confirmed that it understands the importance of securing an appropriate use to secure the long-term future of the buildings but it will not rush into any agreements that would jeopardise the long-term future of the site or the listed buildings. In the interim period the applicant states that it will continue to maintain the properties to acceptable standards as statutorily required. Some details have however been submitted as part of the revised D&A (June 2009) which address the concern over the Mill House by improving the setting around this building by removing the tarmac surface around the building to replace it with a courtyard of high quality surface with planting of semi-mature trees. To the east will be an open space and a LAP.
81. Furthermore the revised D&A shows an opportunity to re-create the route of the original Mill Lane towards the Mill House to provide a direct link with the Mill and Riddy Brook footbridge. With regards to Hauxton Mill the applicant has agreed that this building should form part of the neighbourhood development and that the current proposal is to maintain the building with due regard to its setting and status. Although not an ideal situation the applicant has demonstrated an understanding of the importance of the two listed buildings on the site and as such their future should be

protected by the use of a condition requiring the phasing plan to include proposals in the vicinity of the Listed Buildings. The Conservation Officer has also recommended a condition requiring agreement of details of repairs to the existing Listed and curtilage Listed Buildings. The applicant has responded with a list of maintenance completed and identified. In addition it is intended to use Mill House as an operational site office during the remediation and validation process for a period of up to two and a half years.

82. There is a further listed building which also needs consideration in relation to this development. St. Edmunds Church located along Church Road is grade I listed and located approximately 150 metres from the boundary of the application site. The area of land between the church and the application site is currently used, as an open field and this will act as a green buffer between the Church and the development. In terms of proposed building heights the revised D&A shows buildings in the south eastern corner to be predominantly 2 and 3 storeys in height although it should also be noted that the levels of the site are shown to be increased by up to approximately 0.75 metre as part of the remediation measures associated with the contamination on the site. The final design of this area of the site will be in the reserved matters application and this area is shown as part of phase 1 of the redevelopment of the site.

Sustainability Appraisal

83. Due to the outline nature of the site it is difficult to commit to specific sustainable and renewable energy measures at this stage in the development process. However, the applicant has confirmed that they are committed to the provision of sustainability and renewable energy features as part of the development of the site and would be willing to agree to an appropriately worded condition being attached to the planning permission. This condition would require residential dwellings to be built to standards meeting Code Level 3 of the Code for Sustainable Homes and suggested wording for this condition has been provided.
84. In considering this approach it is important to recognise that code level 3 is possibly the best the applicant could achieve on this site as in order to obtain code level 4 or above would require an approved SuDs scheme on the site which due to the contamination issues would not be appropriate even when the contamination is cleaned. For this reason the applicant's suggestion for a condition is considered appropriate on this application.
85. The applicant has indicated that:

"The current redevelopment proposals are at the outline stage and therefore provisions for the inclusion of appropriate energy conservation and renewable energy technologies will be investigated when detailed design proposals are being prepared. These provisions will endeavour to meet the Development Control Policies DPD requirements as set out in Policies NE/1, NE/2 and NE/3 where feasible. Appropriate discussions will be required with the Council to agree suitable provisions at a later date." (Amended Planning Statement June 2009).

The amended Planning Statement also includes a Sustainability Appraisal, taking into account many of the criteria in Policy DP/1 of the Local Development Framework Development Control Policies DPD.

Section 106 Agreement

86. Any permission that might be granted would be subject to a range of conditions to ensure that the development is carried out satisfactorily and these are outlined at the

end of this report. There are also other matters, which will be included in a Section 106 Planning Obligation Agreement. This draft agreement has been the subject of extensive discussions since the earlier application S/2308/06/O was considered at Planning Committee in October 2007. The fourteenth draft is attached as electronic Appendix 2 to this report. The agreement comprises:

- (a) Provision of a NEAP within Hauxton village;
- (b) Provision of LEAP within the site;
- (c) Contribution towards public transport improvements;
- (d) Contribution towards pedestrian and cycleway improvements along the A10;
- (e) Provision of Extra-Care units on the site;
- (f) Contribution towards Great Shelford health centre improvements;
- (g) Contribution towards a new Primary School;
- (h) Provision of a River Corridors Ecology Management Plan;
- (i) Contribution towards community facilities in Hauxton Village;
- (j) Setting up a Consultative Committee;
- (k) Provision of an Ecology Management Plan;
- (l) Provision of Residential and Employment Travel Plans;
- (m) Provision of a Flood Mitigation Plan;
- (n) Contributions and commuted sums for open space;
- (o) Provision, transfer, contribution, commuted sum and works to sports land.

The draft S.106 Agreement does not include the provision of, or a contribution to, public art. The applicant has balanced viability considerations with local requirements, including contributions to education, healthcare and village hall. These are the same range and level of contributions agreed in principle in 2008 in respect of the earlier application S/2308/06/O. That application was considered by Planning Committee against the background of the adopted LDF Policy SF/6, which encourages the provision of public art. It is not mandatory. I do not consider the situation has changed to warrant pursuing such a contribution.

Conclusion

- 87. In accordance with Section 54A of the Act, planning applications should be determined in accordance with the policies in the development plan, unless material considerations indicate otherwise. The Core Strategy DPD was adopted in January 2007 with the Development Control Policies DPD adopted in July 2007. The Site Specific Policies DPD is currently in a draft form dated January 2006 and has been the subject of a Public Examination. The Inspector's binding report is anticipated in July 2009. Adopted SPDs of particular relevance are Open Space in New Developments (January 2000), Public Art (January 2009) and Biodiversity (July 2009).
- 88. The application site is partly located within the Green Belt where large-scale housing and employment would be discouraged as inappropriate development unless there are very special circumstances. The proposed uses within the Green Belt are not inappropriate and would not harm openness. The site is also allocated for a mixed-use development under draft Policy SP/7 Bayer CropScience within the Site Specific Policies DPD.
- 89. The case provided by the applicant in support of this application has demonstrated that with the removal of the industrial use and the cleaning of the site the proposal would represent an improvement to this part of Hauxton. Furthermore the improvement works would also allow for further ecological enhancements within the area and allow for the opportunity to provide an enhanced appearance to the edge of the Green Belt and the approach to Cambridge. This improvement work to the site

will therefore allow for the provision of up to 380 dwellings on the site, which would contribute towards the Councils housing provision for the District . The application site has been allocated as a potential site for a mixed-use redevelopment in the draft Site Specific policies, which is a material consideration.

90. Due to the level and type of contamination on the site this application represents a real opportunity to not only improve the site but also the appearance of the immediate area. It is considered that a case has been made to justify a departure from the adopted Development Plan, but can only proceed on the basis that the site is remediated to a satisfactory level in consultation with the Environment Agency and the Council's Environmental Health Officers.
91. The draft S.106 Agreement incorporates a raft of measures considered necessary in accordance with Circular 05/2005 to support the development and the local community facilities.

Recommendation

92. A. Subject to final confirmation from the County Highways Authority that the final design of the layout of the A10/site access /playing field access junction has been resolved, I shall recommend that Committee be minded to grant consent, to allow the application to be referred to the Secretary of State, as a departure, to decide whether the application should be "called in" for the Secretary of State's decision.
- B. If the application is not called in, and subject to confirmation of the allocation of the site in the Inspector's binding report on the draft SPD, the application be approved, subject to the prior completion of the S106 Agreement and to the following conditions, substantially in those terms but subject to any revisions considered necessary to secure completion of, and to accord with, the S106 Agreement or additional responses from consultees.
93. The following conditions are recommended:
1. Applications for approval of the reserved matters for any building, phase or sub-phase shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.
(Reason - The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Sections 91 and 92 of the Town and Country Planning Act 1990, as amended.)
 2. The development of any building, phase or sub-phase hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters for the relevant phase.
(Reason - To comply with Section 92 of the Town and Country Planning Act 1990, as amended.)
 3. Prior to the commencement of any building, phase or sub-phase of development, approval of the details of the layout, scale, appearance, and landscaping of that building, phase or sub-phase (herein called the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved.
(Reason - The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Sections 91 and 92 of the Town and Country Planning Act 1990, as amended.)

4. Prior to the first submission of reserved matters, a Plan identifying the intended disposition of phases, which shall include proposals for the Listed Buildings at Hauxton Mill and Mill House, shall be submitted to and approved in writing by the Local Planning Authority. Development shall not proceed other than in accordance with the approved phasing plan or such other phasing plan as may be submitted and agreed in writing by the Local Planning Authority.
(Reason - To control the development in detail.)
5. Development approved by this permission shall not be commenced unless a validation report, as detailed in the Remediation Method Statement for application S/2307/06/F, has been approved in writing by the Local Planning Authority. The validation report shall include details of the post remediation surface water drainage, management and maintenance and such provision as agreed shall thereafter be provided to the satisfaction of the Local Planning Authority. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring and reporting shall also be detailed in the report.
(Reason - To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.)
6. No building, phase or sub-phase shall commence until the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.
(Reason - The site is contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.)
7. All dwellings under any reserved matters approvals granted pursuant to S/2014/08/O shall be designed and constructed to a minimum level 3 of the Code for Sustainable Homes (DCLG, December 2006). Prior to the occupation of any residential building, a certificate following post-construction review, shall be issued by a Code for Sustainable Homes Licensed Assessor to the Local Planning Authority, indicating that the relevant code level has been met.
(Reason - In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of building and to ensure that the development makes an appropriate contribution to meeting the challenges of climate change in accordance with Policies DP/1 and NE/1 of the adopted Local Development Framework 2007.)
8. Prior to submission of any application for reserved matters approval for any building, phase or sub-phase, details of methods to be used across the site to ensure a minimum of 10 percent of energy is generated from renewable sources shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented and retained in effect thereafter unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure the development achieves the usage of a minimum of 10 percent of its energy from renewable sources across the site in accordance with South Cambridgeshire Local Development Framework Policy NE/2 adopted 2007.)
9. Prior to the commencement of development of any building, phase or sub-phase, a scheme for the provision and implementation of pollution control of

the water environment, which shall include foul water drainage, shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall not be constructed and completed other than in accordance with the approved plans.

(Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

10. No spoil or materials shall be deposited or stored in the floodplain, nor any ground raising allowed within the floodplain, until the flood relief channel referred to in conditions 13 and 14 below has been implemented or unless expressly authorised in writing by the Local Planning Authority.
(Reason - To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity In accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
11. Prior to the commencement of development of any building, phase or sub-phase a scheme for the provision and implementation of surface water drainage in accordance with the agreed Hauxton Flood Risk Assessment Final Report Version 3 dated November 2008 shall be submitted to and agreed in writing by the Local planning Authority. The works/scheme shall not be constructed and completed other than in accordance with the approved plans/specification and at such time(s) as may be specified in the approved scheme.
(Reason - To ensure a satisfactory method of surface water drainage In accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
12. Prior to the commencement of development of any building, phase or sub-phase the maintenance and ownership of the surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be maintained in accordance with the approved plans/specification.
(Reason - To ensure the correct and long-term operation of the surface water system.)
13. The flood relief channel located within the field to the north east of the River Cam, and highlighted in Figure 11 within the Entec Hauxton Flood Risk Assessment Final Report Version 3 November 2008 (FRA), shall be constructed and fully operational prior to any development, including ground raising, other than remediation, taking place on the land south of the River Cam.
(Reason - To ensure no loss of flood storage due to the proposed development in accordance with Policies DP/1 and NE/11 of the adopted Local development Framework 2007.)
14. The physical dimensions of the Flood Relief Channel, Inlet Weir and Outlet control shall be strictly constructed in accordance with drawing No.'s 17657/R/CVD/002/B and 17657/R/CVD/003/A and modelling report dated September 2007 (see informative below), unless otherwise agreed in writing by the Local Planning Authority. Any changes in these dimensions will require further modelling in order to ensure no increased flood risk elsewhere and shall be approved in writing by the Local Planning Authority.
(Reason - In order to ensure the Flood Relief Channel is operational, as designed, during times of flood.)

15. No works shall take place within the field to the northeast of the River Cam and highlighted in Figure 11 of the FRA, except for the said Flood Relief Channel.
(Reason - To ensure the floodplain of the River Cam is protected.)
16. Prior to the commencement of development, the minimum ground floor level of any building approved under any reserved matters application following this Outline consent shall be submitted to and agreed in writing by the Local Planning Authority and shall be at least 11.91m AOD to 12.18 AOD depending on site location and shall be cross linked to Section 4.2 of the FRA and associated modelling report.
(Reason - To provide a reasonable freeboard against flooding and an allowance for climate change.)
17. Prior to the commencement of development of any building, phase or sub-phase a programme of phasing for the development including temporary surface water disposal shall be submitted to and approved in writing by the Local Planning Authority.
(Reason - To ensure that flood risk is not increased elsewhere and there is no impact on the remediation scheme.)
18. Prior to the commencement of development of any building, phase or sub-phase a programme demonstrating the phased implementation of approved highways and transport works shall be submitted to and approved in writing by the Local Planning Authority. Such works as are approved shall be implemented having regard to the phasing agreed, and prior to the occupation of either commercial or residential development in each relevant approved phase.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
19. No development of any building, phase or sub-phase, the subject of this approval, shall commence until a detailed scheme for the provision of vehicle access junctions onto Church Road has been submitted to and approved in writing by the Local Planning Authority, in consultation with Cambridgeshire County Council.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
20. No part of the Bayer Site development shall be brought into its intended use unless, and until, the highway improvements as shown in outline on the (Savell Bird & Axon) drawing 62383/A/21 dated 1st April 2009 have been implemented to the satisfaction of the Local Planning Authority (SCDC) in consultation with the Local Highway Authority (Cambs CC).
(Reason - The Local Planning Authority must be satisfied with all the details of the proposed improvement to the A10 prior to the commencement of construction work in the interests of highway safety to comply with Policy DP/3 of the adopted Local Development Framework 2007.)
21. No part of the Bayer Site development shall be brought into its intended use unless, and until, the highway improvements as shown in outline on the (Atkins) drawing 5026095/006/002 Revision B dated 10th October 2006 have been implemented to the satisfaction of the Local Planning Authority (SCDC)

in consultation with the Local Highway Authority (Cambs CC) and the Highways Agency acting on behalf of the Secretary of State for Transport. (Reason - The M11 Motorway Junction 11 is unfit to accept the additional traffic that the development would generate until the proposed improvement has been completed.)

22. Reserved matters applications for any building, phase or sub-phase in proximity to the listed buildings (comprising the Mill House and Mill Building, together with the curtilage listed New Mill House) shall include external design, scale and massing details, sufficient to enable the Local Planning Authority to fully consider the impact of the proposed development on the character and setting of the Listed Buildings. Submissions should further include sufficient information to enable the Local Planning Authority to determine that proposals will not unacceptably impact the ability of the listed buildings to be adapted and used (subject to relevant consents) for a range of appropriate uses.
(Reason - To ensure that the character and setting of the Listed Buildings are protected and that they are incorporated into the development with an appropriate use in accordance with Policy CH/4 of the adopted Local Development Framework 2007.)
23. No development of any building, phase or sub-phase shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.
(Reason - To ensure an adequate water supply is available for emergency use.)
24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes [A, D, E, F and G] of Part [1] within Classes [A and B] of Part [2] and within Classes [A, B and C] of Part [8] of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - The site is contaminated and subsequent foundation works could lead to the contamination of groundwater in the underlying aquifer.)
25. During the period of construction no work or other activities involving the use of heavy plant and equipment shall take place on site on Sundays or Bank Holidays, and all work and other activities involving the use of heavy plant and equipment on other days shall be confined to the following hours:
8.00 a.m. until 6.00 p.m. Monday – Friday
8.00 a.m. until 1.00 p.m. Saturdays
(Reason - To safeguard the amenities of the nearby residents during development in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
26. No artificial lighting shall be provided within ten metres of any watercourse or area of semi-natural vegetation without the prior written approval of the Local Planning Authority.
(Reason - To control light pollution and disturbance to biodiversity associated with the River Cam and its associated watercourses and habitats in

accordance with Policy NE/6 of the adopted Local Development Framework 2007.)

27. Prior to the commencement of development of any building, phase or sub-phase, a Strategy for the Control of Japanese knotweed shall be submitted to the Local Planning Authority for written approval. The approved Strategy shall be fully implemented within an agreed timescale.
(Reason - To control the spread of a highly invasive non-native plant and to safe guard biodiversity in accordance with Policy NE/6 of the adopted Local Development Framework 2007.)
28. Development approved by this permission shall not be commenced unless a Human Health Detailed Quantitative Risk Assessment, and method statement for any remedial measures required, has been submitted to and agreed in writing by the Local Planning Authority.
(Reason - To ensure the site will be suitable for the proposed development.)
29. Prior to the importation of materials, if required, details of the supplier and confirmation on the source(s) of any soil material should be supplied to the Local Planning Authority. The soil should be free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882:1994 - Specification for Topsoil. A description of the soil materials should be forwarded to the Local Planning Authority based on BS5930 Code of Practice of Site Investigations.
(Reason - To ensure that no contaminated materials are brought on to the site.)
30. Any soil materials brought onto the site shall be subject to appropriate sampling and analysis by a suitably qualified person. Details of the sampling and analysis shall be submitted to the Local Planning Authority for written approval within one month of the soils arrival on site.
Please note that sampling and analysis certificates submitted by the supplier of the soil material will not be accepted.
(Reason - To ensure that any materials brought on to the site are not contaminated.)
31. Sampling of material imported on to the development site should comprise random sampling for every 90m³ of soil from a single source (see soil definition below). The required sampling frequency may be modified in writing by the Local Planning Authority when the source is known.
Soil Source - the location of which the soil was loaded on to the truck prior to delivery at the site.
(Reason - To check the quality of soils and materials being imported on to the site.)

Plus Informatives as required.

Background Papers: the following background papers were used in the preparation of this report:

- East of England Plan May 2008.
- Circulars 05/2005 and 11/1995.
- Government Policy Guidance referred to in Paragraph 27.
- Local Development Framework Core Strategy and Development Control Policies 2007.
- Site Specific Policies DPD (Submission Draft 2006).

- Open Space in New Developments SPD (adopted January 2009).
- Public Art SPD (adopted January 2009).
- Biodiversity SPD (adopted July 2009).
- Planning Files Ref: S/2308/06/O and S/2014/08/O.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0622/08/RM – ORCHARD PARK**Provision of Local Centre (Retail Units), 20 Residential Flats, Additional Commercial Units (B1 use: 2312sqm), Associated Parking, Public Open Space and Associated Infrastructure. Land North of Chieftain Way between Land Parcels E1 and E2 Adjacent A14, for Gallagher Estates and Lands Improvement****Recommendation: Approval****Date for Determination: 30th June 2008****Notes:**

This Application has been reported to the Planning Committee for determination because Impington Parish Council raised issues of concern, which have been partly met by the amended plans. During the life of the application, the new Orchard Park Community Council has been created, and is now the authority responsible for commenting on applications on this site. The Community Council has no objections to the amended plans.

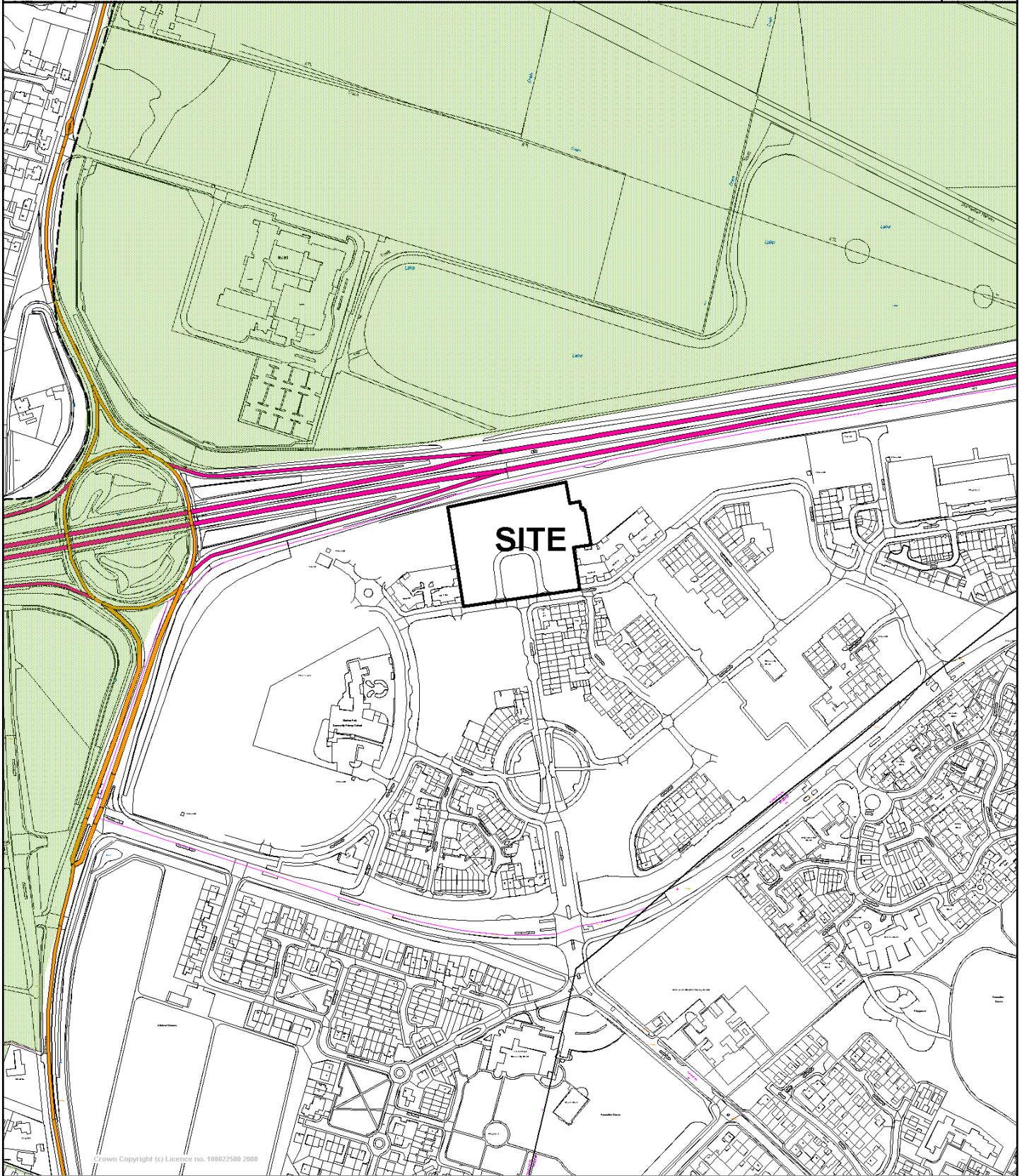
Background

1. There are a small number of key sites at Orchard Park that do not have the benefit of full/reserved matters planning consent. They are highly visible, being along the northern edge adjacent the A14, and on the corner of Histon Road and Kings Hedges Road. Members will be aware of the recent policy discussions to accommodate additional dwellings within part of these areas to meet the targets on housing provision. In addition members may be aware that discussions have been had with the developers with a view to a possible supermarket provision on the corner site. Clarity on the housing provision should come with the LDF Inspectors' report due around now. An independent retail study for the north side of Cambridge is expected to report August/September. In the meantime the developers anticipate submitting a further residential scheme for the corner site.
2. None of this fluid situation should directly influence the determination of this application for the Local Centre. Clearly were a supermarket to subsequently come forward and be approved this would affect the viability of the current local centre proposal and in such circumstances the developers have indicated that the Local Centre proposals would be revised. In addition if the retail study supports a supermarket at Orchard Park then a new master plan would be required.

Site and Proposal

3. The 0.83ha site lies at the northern end of the Boulevard, the road that extends from the Circus through to the Public Open Space (POS2) around which the centre will be sited. It lies just south of the A14 which, at this point along the boundary, is elevated

S/0622/08/RM Orchard Park



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Scale 1/5000 Date 24/7/2009

Centre = 544730 E 261705 N

August Planning Committee 2009

above the level of the site by an embankment and separated by an acoustic fence. To the west is the recently completed Hotel and to the south of that are affordable four storey apartments (parcel E1). To the east is proposed commercial land (subject to a separate application) with a further four-storey apartment block (E2) to its south. Residential parcels lie on the south side of the road either side of the Boulevard.

4. The application, received on 31st March 2008 and amended on 2nd June 2009, proposes 10 ground floor shops of varying sizes (total of 1780sqm gross) arranged in three blocks around POS2. Offices totalling 1523sqm gross would be provided in the two floors above the central retail block, and 20 residential flats on the three floors above the shops in the side blocks. A rear loop road will provide vehicular access in addition to the front loop around POS2. The rear loop would enable the provision of a separate rear service area for the largest retail shop. Servicing of the other shops will be provided from both the front and rear access roads. In addition, 2313sqm gross of B1 commercial / office space is proposed in three separate two-storey blocks to the rear of the site adjacent to the A14. The application includes the provision of 187 car parking spaces and 240 cycle parking spaces. The application site also includes the provision of POS2 but details are reserved for further consideration.
5. The application seeks approval of all reserved matters of Access, Appearance, Landscaping, Layout and Scale. It is accompanied by:
 - A Design and Access Statement
 - A Transport Report
 - A Noise Impact Assessment
 - A Landscape Statement

Planning History

6. Outline planning consent **S/2379/01/O** granted permission for a mixed use development comprising 900 dwellings (on up to 16.48 hectares), up to 18,000m² B1 gross floorspace (on up to 3.32 hectares), up to 1.21 hectares of education facilities, 4.86 hectares of open space, up to 0.56 hectares of local centre facilities (A1, A2, A3, A4, A5 and D1 uses), up to 2.07 hectares of public transport infrastructure corridor and mixed uses on up to 2.87 hectares in five areas to include B1, C1, C2, C3, D1, D2 uses and car showroom.
7. Condition 27 of that consent further limited the Local Centre to an area of no more than 0.56ha, which followed a direction by the Highways Agency to control the extent of all uses on the site to ensure the A14/Histon Road junction could accommodate the traffic associated with the development. This application, whilst described as Local Centre, includes some of the B1 land / floorspace in addition to the Local Centre land, hence this application does not go beyond the limitations of the outline permission.
8. Condition 28 required details of the location of the Local Centre. The following details were also required within 6 months of development commencing on site.
 - 1) The size of units by reference to maximum internal gross floor area.
 - 2) Mix of uses by reference to use classes order.
 - 3) Timing of provision by reference to development upon the adjoining site or the development of the site as a whole.
9. Condition 5 limited the submission of reserved matters to 3 years, i.e. before 14th June 2008. Therefore, all applications since then are required to be full applications rather than reserved matters.

10. To the east an application **S/0621/08/RM** has been submitted for the erection of Commercial units (B1 use, 5142sqm) with associated parking and infrastructure. This is likely to be reported to the September/October planning committee.

Planning Policy

11. **East of England Plan 2008**
ENV7 (Quality in the Built Environment.)
SS1 (Achieving Sustainable development)
12. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007**
13. **South Cambridgeshire Local Development Framework Site Specific Policies DPD (January 2006):**
Policy SP/1 will replace **CNF1** (Cambridge Northern Fringe).
Appendix 7/2 Standards for cycle parking for CNF West required one secure cycle space (within the curtilage where possible) for one-bed dwellings and two spaces for larger dwellings.
14. **South Cambridgeshire Local Development Framework Development Control Policies DPD (July 2007)**
DP/1 sets principles for Sustainable Development;
DP/2 requires high quality Design of New Development;
DP/3 sets Development Criteria for the provision of facilities and consideration of impact;
DP/6 requires Construction Methods to minimise impact;
ET/1 imposes Limitations on the Occupancy of New Premises to local businesses;
SF/6 requires Public Art in developments over 1000sq.m. floorspace;
NE/1 requires the application to demonstrate Energy Efficiency;
NE/3 requires the use of Renewable Energy Technologies to provide at least 10% of predicted energy requirements;
NE/6 requires Biodiversity mitigation and enhancement;
NE/9 requires Water and Drainage Infrastructure to be in place;
NE14 requires Lighting Proposals to be the minimum required for safety and security, and not impact on amenity or highway safety;
NE/15 requires that permission should not be granted for development which would be subject to unacceptable Noise Pollution;
TR/1 requires Planning for more Sustainable Travel by ensuring a choice of non-car modes, the integration of travel modes, and measures to increase accessibility;
TR/2 sets standards for Car and Cycle Parking, car parking being a maximum, to be reduced where there is good accessibility to facilities and services and high quality public transport;
TR/3 requires Mitigation of Travel Impact through Travel Plans and improved transport infrastructure.
15. **Circular 11/99 The use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

16. **Impington Parish Council** – no recommendation (emailed 9th May 08), but commented:

- (a) Police Liaison Officer comments on parking to be requested (subsequently provided by email 30/5/08)
 - (b) Parish Council unconvinced over noise assessments for night-time
 - (c) No clarification given on what happening to existing noise barrier
 - (d) Leakage of noise through the gaps between the commercial buildings was a concern, especially at the abutment to the Hotel where the adjacent building level with the commercial buildings proposed is single storey with car parking deck over.
 - (e) Unfortunate that, presumably for commercial reasons, the commercial buildings sheltering the three storey apartments on top of the centre are now 2 storey rather than the original three storey.
 - (f) Refuse doors open straight onto disabled parking bays, not allowing their emptying when the bays are occupied. (Another set, on the north east corner of the central block, open directly onto parking spaces, where there was an adjacent wall at right angles that did not have this disadvantage)
 - (g) Consideration should be given for conditions for not using the terrace for visually harmful practice such as hanging out washing which will detract from the overall standard and ambiance at this focal point in the community.
17. The Parish Council also commented by email 5th June that at a subsequent meeting members had noted Page 3 item 1.13 of the Consultation Draft on Open Space in New Developments Supplementary Planning Document (SPD) which stated:
18. *"In addition to the standards detailed above, additional informal open space provision will be sought as part of business park, retail and large-scale commercial developments; this is for the benefit and well being of the workforce and also visitors to the site. The space will be negotiated with the Council having regard to the nature and location of the development, and will be in addition to the 2.8 hectares standard above"*
19. "Further to their comments already made on the 2 applications (S/0621/08/RM & S/0622/08/RM) the Committee notes that the consultation document on Open Space provision makes reference to the requirements that are expected by SCDC and would therefore anticipate these requirements to be made in any revision of the plan."
20. **Orchard Park Community Council** were consulted on the amended plans on 29th May 2009, and recommends approval.
21. **The Local Highway Authority** raised a number of concerns on the original submitted plans. The disabled car parking spaces conflicted with the refuse store accesses, the cycle stores indicated an over-optimistic cycle capacity and were inadequate for the commercial and retail uses, and the plans did not show the required space for manoeuvring the largest vehicles.
22. Discussions were had with the Highway Authority in December 2008 regarding the methodology adopted by the applicant to support the reduction in numbers of car parking spaces from the Council's adopted maximum standard. The Highway Authority confirmed that the proposed number of spaces was in its opinion adequate. The amended plans have since reduced the total number of car parking spaces from 202 to 187 spaces. The Local Highway Authority commented further on the amended layout plans 29th May 09 to the effect that the details show more realistic cycle facilities and that the appropriate manoeuvring diagrams have been provided to

demonstrate that the layout would accommodate the largest vehicles likely to be generated by the proposal.

23. **SCDC Environmental Health Officer – original plans** – no objections in principle to this development, no dispute with the methodology used to produce the acoustic report and the subsequent findings. This is on the presumption that the predicted noise levels and Noise Exposure Category (NEC) classification is based on software modelling for a widened 3-lane A14 with a Quiet Road Surface (QRS), and that the assessment criteria is based on the existing acoustic barrier being absent as the report takes into account the screening effects of the proposed buildings themselves. However, there appear to be gaps to the layout of the commercial buildings that are proposed close to the A14. It is not clear from the acoustic report whether or not these “gaps” to the proposed commercial layout could have a bearing on the amount of noise propagated towards the proposed residential units in the absence of an acoustic barrier similar to that currently in place. Clarification is required. The air quality standard for annual mean nitrogen dioxide is unlikely to be met in parts of this proposed development. Air quality is a material planning consideration and the developer ought to consider if there are any actions available to reduce emissions of nitrogen dioxide within the current proposals. If consent is granted, conditions should be attached to address the following issues: noise protection scheme for the residential units; agree details of power driven equipment (for noise protection) for the commercial buildings prior to their use; control of hours of construction; noise and vibration control over any pile driving of foundations; control of delivery hours; no bonfires / waste burning during construction.

The following comments are related to the most recent amend plans.

24. There is concern about the impact of A14 traffic noise on future residential premises and whether adequate mitigation measures can provide a quality living environment.
25. On balance we have no objection in principal to the application but the following environment health issues need to be carefully considered and appropriately controlled to protect the amenity / health of proposed and existing residential units / premises:
26. The residential units will be in closer proximity to the proposed commercial / retail so construction should be timed to ensure the residential units are not occupied until completion of commercial / retail uses.
27. The applicant still needs to demonstrate that mitigation measures will achieve the internal and external noise levels recommended in BS 8233:1999. In particular, careful consideration will need to be given to ventilation requirements. Passive stack and or mechanical forced ventilation may be required, it is my view that acceptable engineering mitigation measures are achievable and can be implemented to provide an adequate level of protection.
28. Building Regulations only considers noise insulation between dwellings. Noise insulation between different planning uses such as retail shops and residential requires approval.
29. Collection from and deliveries to premises with class use other than residential has the potential to cause noise disturbance.
30. The retail units may be occupied by operators that could generate odour such as dry cleaners or food premises. It will be necessary to ensure adequate discharge and or abatement of odours to ensure odour nuisance is not caused and to protect the amenity of neighbouring premises.

31. Since the granting of outline planning permission for this development, South Cambridgeshire District Council has undertaken an extensive review of air quality across the District. It has since been found that in certain locations adjacent to the A14 between Bar Hill and Milton, national health based air quality objectives are not being met. As a consequence, the Council has declared an Air Quality Management Area (AQMA) for nitrogen dioxide and PM₁₀ in July 2008.
32. The development area falls within the AQMA and as such, the air quality within it may pose a health risk to future residents on the site. The applicant should consider mitigation measures to protect the local community and reduce potential impacts of the development on local air quality. One such series of measures could be based around reducing transport related emissions from the development (for example, limiting car parking spaces provision of electric vehicle charging points, provision of green travel plans). These mitigation measures can be incorporated into a site-specific Low Emissions Strategy.
33. In order to minimise human exposure to pollutants, the design of buildings should be such that any opening windows and/or mechanical ventilation systems should be located on the façade of the buildings that are away from the source of the pollution.
34. The intention to use mini combined heat and power as a source of renewable energy. Must be fully assessed for emissions. Given the location of the development (within the Air Quality Management Area), this is essential.
35. No consideration appears to have been given to the impact of artificial lighting in terms of light nuisance. A condition is recommended:
36. The environmental health officer therefore recommends several conditions and informatives covering phasing of works / occupation, hours of construction, noise and vibration control for any piling of foundations, construction dust control, further noise assessment and noise attenuation / insulation scheme, hours for refuse / recycling collections, hours for deliveries, opening times for retail and commercial premises, odour abstraction / filtration / abatement scheme, air quality protection scheme, lighting scheme.
37. **The Cambridgeshire Fire and Rescue Service** – adequate provision to be made for fire hydrants, by way of s106 or planning condition, and access and facilities for the Fire Service should be provided in accordance with the Building Regulations.
38. **The Arbury Camp Design Review Panel** – considered draft plans in September 2007 in advance of submission of this application. Representatives of the then Parish Council (Impington) were concerned that using the formal square (POS2) as a market was over-optimistic and would in reality have a drab appearance. It was considered that the overall design lacked quality architecture and the parking areas were too large, showing a lack of regard for secure by design principles. The panel considered revised plans in November 2007, which addressed the routing of traffic and the layout of the square to improve connections at the junctions of the buildings, to increase the impression of space for security purposes, and to create a focal point in the square. An extra storey of residential space was proposed and the retail space was reconfigured. Concerns expressed were about the possible confusion of fronts and backs of the properties given the proposed plan to service the retail units from the front, safety of pedestrians, cyclists and HGVs using the same areas, bin collection, crime reduction (which could be better achieved by creating an active frontage with

the provision of a private parking area), acoustic performance north of A14, public art (designers in discussion with Gallagher's lead artist).

39. The Panel has subsequently been superseded by the Joint Urban Design Team, whose comments are represented below under SCDC Urban Design.
40. **Police Architectural Liaison Officer** made the following comments:
- (a) Wish to ensure there is no link between the rear car parking area of this proposal and the proposed Commercial area to the east.
 - (b) Concern regarding security particularly in the rear car parking area, which with its low night time surveillance will be exposed to night time crime. Security features such as access control are required.
 - (c) All areas should be lit with column-mounted white down lighters to BS Standards and in accordance with the Code of practice for outdoor lighting. If the design remains as the original submission the early provision of a site wide CCTV surveillance scheme is required.
 - (d) Recommended that the covered area over the central shops be omitted, as it could be attractive for gatherings of youths. Elsewhere this has caused problems.
 - (e) Planting associated with the car parking areas should be low-level thorny species, avoiding hiding spaces and not blocking any CCTV or column lighting.
41. **SCDC Arts Development Officer** – noted POS2 is 'a key public art space' and yet it is not clear from the submission where the art will be located, what materials it will be made of or at which point installation is planned. Further details of the previously discussed 'Trial Ground', art work designed for this central square by Gallagher's lead artist, Patricia Mackinnon Day in 2005 have been requested.
42. **SCDC Urban Design Officer** recommended that the original application be amended:
- (a) To establish sustainable measures that will be taken to achieve the 10% renewable on site through its building design and to avoid it as an after-thought.
 - (b) To enable surveillance over pathways and achieve robust areas of Public Open Space integral to the scheme.
 - (c) To ensure pedestrian access to the residential buildings on both sides of the POS2 is facing onto the main street and is not tucked away as proposed making it quite intimidating to use.
 - (d) To enhance the key vistas at the points of visual culmination with appropriate built form. The current proposed building at the end of the square has a very monotonous massing and roofscape design which does not help in it becoming a characteristic landmark structure.
 - (e) It is felt that increment in scale and an attractive roofscape can be achieved using good design aesthetics i.e. frames or other design features so as to avoid increase in floor area and still be able to create interesting massing.
 - (f) The noise impact assessment suggests (page 2) that its methodology will include the impact of future noise levels for +15 years and in accordance to SCDC, 2023 noise levels have been considered. However it fails to clarify the difference between the existing and the predicted noise levels (page 5,6) in the future, which will impact on the current design quality and future proofing of the same.
 - (g) Table 2 (noise impact assessment) summarises the mitigation advice in accordance with the noise attenuation scheme which is applauded, however it is felt that the advice should be consistent in maintaining its construction quality throughout the building rather than focus on just key areas. A commitment to provide excellent standards to meet EcoHomes/BREEAM; Code for Sustainable Homes (DCLG, 2006) and The Green Guide to Housing Specification (Anderson and Howard, BRE, 2000) should be sought.

- (h) To balance the scale of the development in relation to its edges along the A14 and providing high quality insulation for noise attenuation. It is felt that in spite of glass having very poor noise coefficient it is been extensively used along this stretch, which raises serious concerns about design quality of the scheme.
- (i) To avoid insecure parking spaces/courts.
- (j) To achieve a shared surface feel on the POS and ensuring good quality public space with interactive art and landscape.
- (k) To ensure adequate soft landscaping is provided to break up the hard landscape within the scheme.

43. **Local Disability Forum**

- (a) Toilets - no toilets on first floor for office/commercial units, toilets need to be centre of wall with pull down bar on either side & space for carer, need details of toilets in all units including retail.
- (b) Parking – spaces must be 1½ spaces wide with space to front/rear for wheelchair access, dropped kerbs/no kerbs adjacent to disabled parking to allow access, minimum of 6% disabled parking required across the site, say 8 for retail & 5 for the commercial. Would suggest parking bays to front of shops be disabled e.g. numbers 188 – 193 (due for need to allow space at front/rear number of spaces will reduce to about 4) also suggest converting bays 183, 187, 194 & 198 to disabled bays to allow easier access to retail.
- (c) Lifts - none in commercial/office buildings therefore prevents access to first floor & discrimination.
- (d) Street furniture – stainless steel seating/bus shelters a problem to those with partial sighting due to glare from sun. Seating under trees must be movable to allow wheelchair access & tables must allow for wheelchairs access.
- (e) Access statement wrong in terms of parking & employment opportunities e.g. first floor & no lifts/toilets etc.

44. **SCDC Landscape Officer – initial landscaping scheme:**

- (a) The central open space needs to be better connected to the building frontages and priority given to pedestrian uses. Presently there is a danger that parked cars will separate the buildings from the central space. Consideration should be given to more restricted parking and removing permanent marked parking spaces around the central space.
- (b) Some further tree planting will be needed to link the spaces visually, offer shade, reduce the amount of reflected light, sound and heat from buildings and large areas of hard paving, and modify air movements.
- (c) Stronger landscape is needed to the rear of the east and west retail blocks to separate these better from the residential blocks and the hotel. This will also help to reduce the cumulative affect of the five adjacent car-parking areas.
- (d) Further lower level landscape (e.g. hedges) is needed to reduce the impact of parked cars on the pedestrian areas.
- (e) A far stronger landscape scheme is needed between the rear of the northern retail block and the commercial block.
- (f) Access (e.g. for maintenance) appears very restricted to the rear of the commercial blocks, particularly units A, C and J.
- (g) The cycle parking seems far too restricted – each block to hold 20 cycles measuring only 2.5 x 3.0m (approx)

45. **Revised landscape plans (D0068-01-D) received 10th June 2009:**

- (a) Can we re-introduce planting to the pedestrian/seating areas shown in Rev C? On this drawing it has been replaced by bike stands, the two could be combined.
- (b) The yew hedging has been replaced by Box. If 1.0m high hedges are needed, yew is probably better.

- (c) What is the landscape treatment proposed for the areas south of the hedges?
- (d) The proposals for the central area (Oak trees, steel benches, paving) shown on Rev C have been omitted, are these now not part of the application?

46. **SCDC Commercial (Refuse Collection)**

(1) Retail and Residential Units (both blocks): It is not clear if the attached refuse store on each block is meant for the 3 retail units or the 10 flats domestic use. As trade and domestic refuse/recycling cannot be combined I have assumed that it was meant for the 3 retail stores.

Therefore, the refuse area is shared between 3 units. There need to be 3 separate refuse stores, one for each unit. As a guideline the size of each unit needs to be at least 2.2m wide by 2.2m depth to accommodate 1x1100 litre bin plus recycling space. Access routes from the retail unit to the bin store need to be considered. No refuse storage has been provided for the 10 domestic flats in each building. The current position of the refuse store is too close to the road junction (less than 10m) which is dangerous as the refuse vehicle would have to stop in the junction. The store needs to be moved further into the site, away from the 'T' junction. The refuse store is also blocked by disabled parking bay directly in front of it.

(2) Retail Units and Offices above. The refuse store is shared between 4 retail units and office units above. There need to be at least five separate stores, one for each retail unit and one for the offices. Access to the refuse area is blocked by parking spaces. The carry distance for refuse from units AA and BB is greater than 30m which is too far to reach the current position of the refuse store. The maximum distance for carrying of refuse is 30m, so the other stores need to be planned at the other end of the building closer to units AA and BB.

(3) B1 Commercial Units. The width of the access doors to all refuse stores is only 1.2m wide, it needs to be at least 1.6m wide for a 1100 litre bin. The refuse stores for all units are too small. Other than for Unit B they needs to be enlarged to minimum 2.2m wide by 2.2m depth to accommodate 1x1100 litre bin plus recycling space. Unit B bin refuse store needs to be minimum 4.4m wide by 2.2m depth (as whole unit is larger than other units). For all units the refuse stores are not in the ideal position as the refuse vehicle has to stop in the parking areas and large bins wheeled out between parked cars.

47. The following were consulted on the original plans and have not commented:
The Highways Agency, The Environment Agency, Cambridge City Council, SCDC Community Services, SCDC Ecologist, SCDC Sustainability Officer.

Applicants' Response to Consultee Comments

48. The applicant wrote in response to Impington Parish Council and the Police Architectural Liaison Officer's above comments:

49. "I actually attended the meeting as a member of the public and feel that the issues which were raised by the Committee and their comments needed further amplification:

50. Police Architectural Liaison Officer Comments – I trust you will forward copy of the PALO comments to the Parish Council (Done 30th May 08). In his report the officer makes a series of recommendations, particularly in respect of CCTV, which the developers will be installing as part of a site wide management system. The lighting system is the standard used throughout the Arbury Park Development. In response to the comments on the *brise soleil* (covering), which is only on the main retail unit, the height and type of trees, we feel there is a need to find a balance between

creating interesting urban/landscape, free movement, spaces and features, and trying to anticipate and deal totally in the design with antisocial and criminal activities without creating a severe vandal resistant fortress development.

51. Noise Assessment Report – Based on previous experience on other sites within Arbury Camp, it is known that the daytime noise levels are relatively higher than the equivalent night-time levels; the day-time noise levels therefore, dictate the Noise Exposure Categories relevant to the development. Accordingly the assessment is based on the daytime levels only in the knowledge that where the relevant requirement is met, it would also be met based on the night-time noise levels.
52. Noise barrier – South Cambridgeshire District Council is fully aware that the existing A14 noise barrier is on third party land (i.e. Highways Agency) outside the application site and therefore is not within the control of the Applicant and does not form part of the Reserved Matters application.
53. Leakage between Hotel and B1 buildings – the Noise Report indicates that the noise 'leakage' is within the acceptable criteria.
54. Height of commercial units – although the actual buildings are classified as 2 storey, the design of the building, utilising a curved form of roof, creates an overall height of 9.5 metres which is only 1-2 metres lower than a 3 storey building.
55. Refuse store doors openings/access – this is a minor point of detail and can be easily resolved with a revision to the layout locally.
56. Terraces to the residential – the members of the committee actually commented upon the effectiveness of the continuation of the design format from the residential on the adjacent E1 and E2 around and into the residential over looking square. The buildings on E1 and E2 have a terrace along the upper level and the continuation of such helps promote that cohesiveness and continuity. The committee's comments would equally apply to the already approved buildings on E1 and E2."

Representations

57. Two site notices were posted on Chieftain Way and neighbours notified. No representations have been received.

Planning Comments – Key Issues

58. This is an important proposal within the development, as it will provide a focus for Local Services. It is vital that it provides a viable, workable and attractive centre for the development of Orchard Park. The application raises the following issues:
 - Compliance with the outline planning consent. Floorspace.
 - Design, appearance, built form, scale and massing.
 - Layout, Access and Highway and servicing requirements.
 - Car and Cycle parking provision.
 - Refuse collection.
 - Noise Attenuation.
 - Air Quality.
 - Landscaping.
 - Security and Surveillance.
 - Disability issues.
 - Sustainability issues.

- POS2 details.

59. **Compliance with the outline planning consent. Floorspace.**

Condition 27 of the outline planning consent S/2379/01/O limited the Local Centre uses (Classes A1, A2, A3, A4, A5, & D1) to 0.56ha. The application site is 0.86ha but includes additional land to the rear / north to accommodate additional commercial B1 use.

60. Condition 28 of the outline planning consent required:

"No development shall commence until the precise location of the local centre has been submitted and approved in writing by the Local Planning Authority. Within 6 months of development commencing on any part of the site, the following details relating to the local centre shall be submitted to and approved in writing by the Local Planning Authority:

- (i) The size of units by reference to maximum internal gross floor area,*
- (ii) The mix of uses to be provided by reference to the Use Class Order*
- (iii) The timing of provision by reference to development upon the site adjoining or the development of the site as a whole."*

61. The details agreed under this condition were as follows:

Description	Number	Planning Use Class	Floor space sq m
Shops: convenience store	1	A1	323.4
Shop Units	1	A1/A5	92.7
Shop Units	2	A1	92.3
Shop Units	3	A1	92.3
Shop Units	4	A1	150.7
Shop Units	5	A1	93.1
Shop Units	6	A1	74.9
Estate Agent	1	A2	232.6
Restaurant	1	A3/A4	189.6
Total	9		1341.5

62. The application now proposes a total retail / Class A uses space of 1523 sq.m. (gross external) in 10 units in a mix of sizes. By letter dated 1st June 2009 the applicant has sought to clarify the application proposal and to change these previously agreed floorspaces. Units AA, BB, CC, DD (totalling 957.55sqm) would form the core convenience units (A1 uses); Units EE, FF and GG (totalling 282.8sqm) would provide other A1 uses; and Units HH, II and JJ (total 282.8sqm) would be non-convenience floorspace within uses classes A2, A3, A4 and A5.

63. This amendment represents a reduction in floorspace of the "other uses" (than A1) from potentially 514.9sqm to 282.8sqm and an increase of A1 floorspace from a potential maximum 827.1sqm to 1248.8sqm. Whilst the drop in other uses is significant the increase in A1 uses is welcomed in principle.

64. The applicants note that the convenience floor area (1249sqm) is below the Core Strategy threshold (para 2.33) of a major sub-regional shopping centre. (This states there is no need for further major sub-regional shopping provision in the sub-region in the period to 2016 (this is defined as any proposal of more than 1400m2 convenience floor area).

65. By this reserved matters application the applicants therefore seek to amend the details approved under condition 28 of the outline consent S/0622/08/RM. In principle this is considered acceptable.

Design, appearance, built form, scale and massing.

66. The application proposes three blocks symmetrically positioned around POS2 with a height of approximately 14m, which is roughly in line with the heights of the adjacent affordable housing blocks E1 and E2. The three commercial blocks to the rear which run alongside the A14 would have a maximum build height of approx 8.6m which drops to 6m at the rear. In practice the top of these rear buildings would be just visible above the A14 fence barrier. In contrast the adjacent hotel, which abuts the A14, has a height at this point of approx 15m. The difference in height of the existing hotel and these proposed buildings is significant at approx 9m. The approved Design Guide sought 15m high buildings, which is not achieved by this application at the rear of the site but is almost achieved for the buildings around POS2. It is disappointing that with this proposal the acoustic fence must remain as the 15m building barrier which would have provided the necessary acoustic attenuation has not been achievable for economic reasons. Nevertheless, the proposed development is visually acceptable in height terms since the frontage element creates a strong focus at the end of the Boulevard.
67. Some concern was expressed that the original design could be regarded as bland when viewed from the principal approach from the south. However, the clean contemporary design fits well with the design of the neighbouring residential blocks E1/2 designed by the same architect. The amended plans have added a curved balcony as a focal point and with variation in the building frontage depth provided by the overhanging upper floor, which will therefore add interest to the design. It is felt important to retain this overhang, and appropriate management and surveillance should overcome the concerns of the Police Architectural Liaison Officer about loitering.

Layout, access, highway and servicing requirements

68. There is a practical desire to have service access from both the front and rear of the shops. This would promote an active frontage around POS2, which would not be achieved if the central area were totally landscaped. In response to highway authority advice a separate rear service area has been provided for the largest retail store, but the smaller shops will need to rely on service arrangements through the parking areas. The amended plans have revised the access to the residential flats to make them visible from the front and overlooked by other properties (planned with consent) in Chieftain way as suggested by the Urban Designers.

Car and cycle parking provision

69. There have been concerns that the layout of the parking areas would result in visual dominance by cars. Discussions with the applicants have amended the layout to allow breaks in the parking rows to provide 4 new pedestrian access points and additional tree planting has been sought. The reduction in total parking number from the original application is from 202 to 187 spaces (amended plans 29th May 09). The area to the rear eastern side of the site provides the greatest expanse of parking area and if taken with the current proposals for the commercial area to the east would result in a large number of cars in close proximity. However, no objection to this layout of parking area for the Local Centre, which will in turn be taken into consideration for the adjacent commercial site application. The parking area is not visually prominent in public views and security can be achieved through lighting, CCTV and natural surveillance from buildings.
70. The total 187 car parking spaces are to be divided between site users as follows:
- (a) 20 (18 located to the rear and 2 marked as the disabled spaces to the piazza frontage) are for the 20 residential flats;
 - (b) 68 are for the B1 Commercial uses to the rear of the site; and

(c) the remaining 99 distributed around the service road are for the retail shops and the offices above. (A total of 9, 5%, are allocated for the disabled).

71. The adopted LDF Development Control Policies' standards require a total of 236 spaces, which would be calculated as:

Use	LDF Standard (spaces per sq.m.)	Amount	Requirement
Commercial B1	1:30 (since total B1 floorspace would exceed 2,500sqm)	2312sqm	77
Offices (B1)		1254sqm	42
Retail	1:20 for non-food shops	1523sqm	76
Residential	1.5 per unit	20	30
Total spaces required:			225

72. The total parking provision at 187 spaces is below the maximum standards of this authority if each use is calculated separately. However, it is important to consider both that the parking standards are a maximum, and that there could be some element of shared use if the spaces are not specifically allocated within conveyances. For example, parking provision at 1 space per unit has been accepted elsewhere at Orchard Park for flats. In this location there would be ample opportunity for evening / weekend visitors to share the spaces that would otherwise be unoccupied by office workers. This therefore reduces the requirement for residential provision by 10 spaces, leaving 167 on site for the retail, office and commercial uses against a requirement for 216.
73. The applicants have submitted evidence that the spaces will be shared and their experience of running similar centres is that the level of provision is about right. The sharing of spaces relies on different peak hours of use between shop customers and office / commercial workers. The Local Highway authority was consulted on this point and has not objected.
74. In terms of cycle parking, the Council's LDF policy requires 200 cycle parking spaces. The amended plans show cycle parking for 240 cycles. Of these, 40 are provided in two lockable stores for the residential flats, a further 40 are in two open areas around the square with lockable "s" bars but no cover. Covered spaces are provided for employees of the B1 uses in four areas to the rear and at the rear of the central unit providing 20 Sheffield type covered spaces. An additional 36 Sheffield stands (part covered) are to be provided to the rear of the central unit.
75. It is therefore considered that the reduced car parking spaces are acceptable, given the additional cycle spaces and the likelihood of shared use.

Refuse collection

76. The amended plans have introduced separate residential / retail refuse stores with an additional refuse store for the central retail unit, as required by the Council's Commercial department. There will now be double doors to enclosures to avoid conflict with car parking areas. The plans have avoided some of the conflict issues, and whilst they still do not meet all the Council's stated requirements the applicants assert that the plans comply with the requirements of the Waste Management Design Guide, and no further objections have been raised by the Commercial Department.

Noise Attenuation

77. The application relies on retaining the acoustic barrier alongside the A14. The noise attenuation strategy agreed under condition 10 of the outline planning consent sought the removal of the fence only where the desired commercial buildings would offer the necessary noise attenuation. The fence is under the control of the Highways Agency, and is intended to be retained, albeit in a different position and/or to a different design as a result of that Agency's A14 widening plans. The information submitted with the application is insufficient for the Environmental Health Officer to conclude what mitigation measures would be required for the proposed flats, and this will therefore need to be the subject of a condition.

Air Quality.

78. The outline consent included residential development for 20 flats at this location and the applicants' specialist advisors therefore do not see any need for changes to be made on account of the NO₂ levels. They note potential for reducing NO₂ levels lies in schedule 7 of the S106 agreement requiring the preparation of Travel to Work Plans (for any separate planning unit having at least 8 employees) and these can only be prepared when occupiers are identified. As most of the units are small it seems unlikely that many Travel to Work Plans will be prepared. Reduced parking spaces have been achieved as discussed above, and the flats have been designed not to be at ground floor level, where pollution is more concentrated, and the use of mechanical ventilation is the subject of a condition, where the location of vents can be controlled to be on facades facing away from the A14.

Landscaping

79. The landscaping scheme has almost been agreed and is now the subject of minor amendments to finalise it. These final changes can be required by condition.

Security and surveillance

80. CCTV positions and operation will depend on the local centre developer and their management regime. A condition requiring these details to be agreed and implemented prior to any use / occupation is appropriate.

Disability issues

81. The applicant has written to say the small commercial units (to the rear) have been designed with a disabled WC on the ground floor and the stairs have been designed in such a way that a stair lift can be fitted. Since internal arrangements are a matter for the Building Regulations, further internal amendments, no further planning consideration is necessary.

Sustainability issues

82. The applicant has responded to the question as to how the proposal will meet the policy requirement of providing 10% renewables, by proposing a mini CHP scheme together with heat pump systems capable of heating and cooling simultaneously similar to that provided at the recently opened hotel. Since the technology involved is constantly being refined the applicant has not found it not possible to give details of the exact type of installation at this stage, but has confirmed that this proposal will not require the provision of any above ground structures on the site, and ventilation requirements will be no more onerous than for any traditional system. It is therefore recommended that a condition be attached to agree details of the system, including the design implications and that 10% of the energy required by the development will be

genuinely achieved by renewables.

POS2 details

83. Design considerations and discussions for this public open space have centred around the provision of trees, parking and art. The lead artist for Orchard Park has suggested a colour mural (based on Unwins seed trial grounds) to be provided within the surface of POS2. Now that the new Community Council is in place, it is considered appropriate to involve that body in the discussions and decisions around the uses for this square. A condition is therefore recommended to agree details of the space prior to commencement, and also a separate condition requiring details of public art, so that if public art is not provided on the square, the opportunity remains for it to be provided in another form in relation to the buildings.

Recommendation

84. APPROVE details of reserved matters of access, appearance, landscaping, layout and scale, as amended by plans stamped 2nd June 2009, subject to additional conditions addressing the following matters:

Additional Conditions

1. Details of landscaping
2. Implementation of parking and cycle parking
3. Phasing scheme for construction and occupation
4. Scheme of CCTV and lighting
5. Scheme for the design and provision of POS2, to include water supply, drainage, power points and seating.
6. Scheme of public art
7. Implementation of refuse stores
8. Scheme for provision of at least 10% of predicted energy requirements by renewable energy
9. Signage strategy
10. Hours of construction
11. Noise and vibration control for any piling of foundations
12. Construction dust control
13. Further noise assessment and noise attenuation / insulation scheme
14. Hours for refuse/recycling collections
15. Hours for deliveries
16. Opening times for retail and commercial premises
17. Odour abstraction / filtration / abatement scheme
18. Air quality protection scheme
19. Lighting scheme

Informatives

85. Condition 13 of **S/2379/01/O** requires a scheme for the location and provision of fire hydrants prior to development commencing.

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy**, adopted January 2007

- **South Cambridgeshire Local Development, Development Control Policies**

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- Planning File Ref: S/0622/08/RM & S/2379/01/O

Case Officer: John Pym – Senior Planning Officer (Major Developments)
Telephone: (01954) 713166

Presented to the Planning Committee by: John Pym

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0821/09/F - LINTON
Erection of Two Dwellings – Land to the North of 42 Back Road
for Mr Barrie R H Wilson**Recommendation: Approval****Date for Determination: 4th August 2009****Departure Application****Notes:**

This Application has been reported to Planning Committee for determination because the application is a Departure from the Development Plan and the Officer recommendation is of approval.

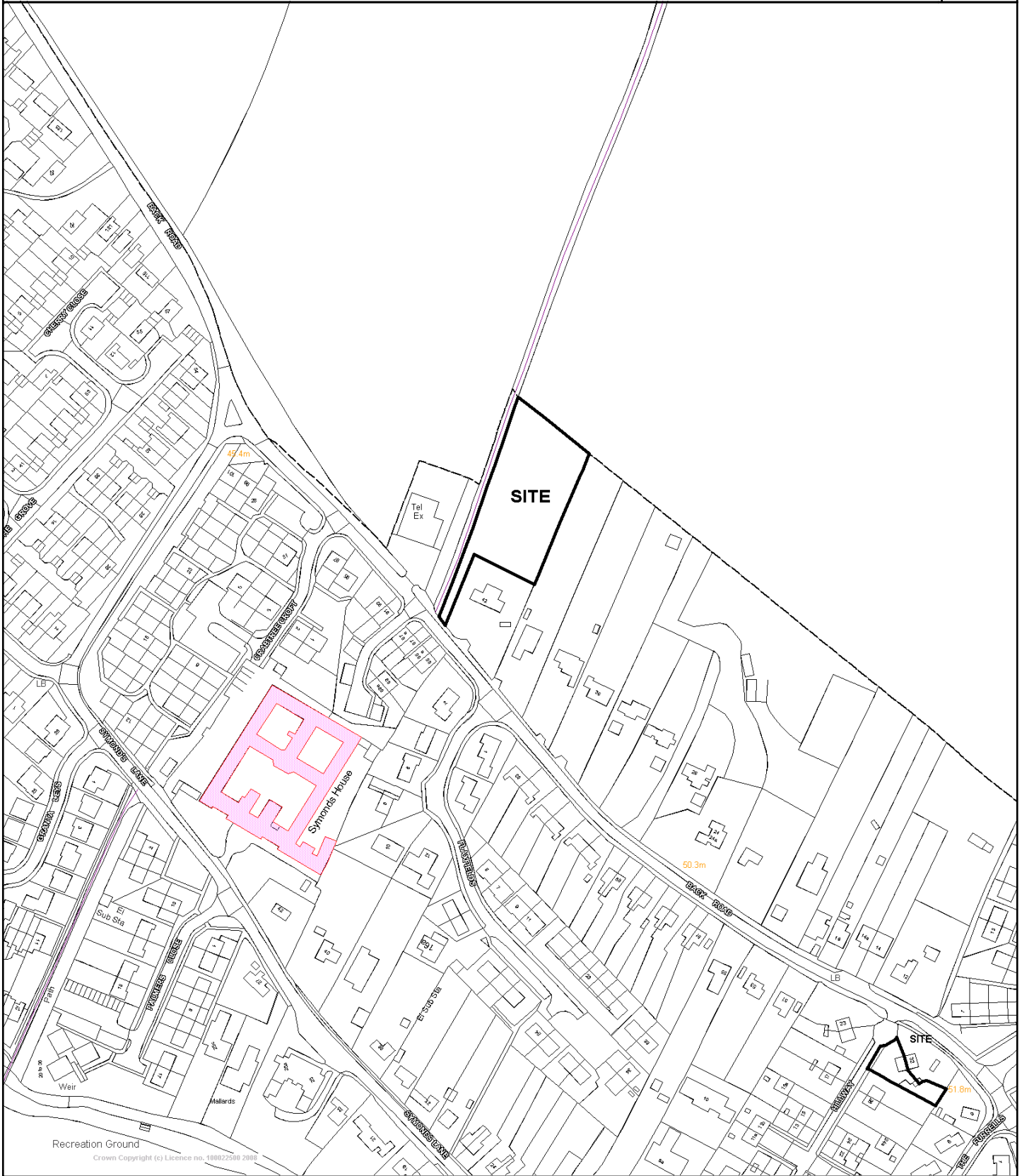
Site and Proposal

1. This 0.3 hectare application site is located on the north-western edge of the village of Linton and comprises a two storey detached dwelling on a substantial plot. The land rises steeply from south to north, with an approximate 5 metre difference in levels between the existing dwelling and the northern/countryside boundary. To the east are residential properties whilst, to the west, is a public bridleway beyond which is a telephone exchange building. The land beyond the northern boundary of the site consists of open fields that continue to rise steeply towards Rivey Hill.
2. The full application, registered on 9th June 2009, and amended on 17th July 2009, proposes to erect two dwellings on the site. The proposed dwellings would be detached two storey properties sited in a line to the rear of the existing dwelling. The materials to be used would be similar to No.42, with the same facing brickwork and/or render (to be agreed) at lower level and black stained feather edged boarding on the upper storeys. The roofs will be finished in natural slate. Access to the site would be via the existing access on the west side of the plot, which would be widened to 5 metres for a distance of 10 metres back from the highway.
3. The density of the development equates to 6.7 dwellings per hectare. The dwelling on Plot 1 would be a 5-bedroom house, whilst the Plot 2 house would comprise 4 bedrooms.

Planning History

4. **S/1907/06/F** – Application for two houses and garages to the rear of No.42 approved at Planning Committee in December 2006. This consent was subject to a number of conditions, including the need for the access to be widened to 5m for 10m back from

S/0821/09/F Linton



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the highway. The permission was amended in July 2008 and expires on 17th December 2009.

5. **S/2094/04/F** – Permission granted for the erection of a house and garage to the rear of the existing dwelling.
6. **S/2369/00/F** – Permission granted for the erection of a house and garage to the rear of the existing dwelling together with extensions to No.42.
7. **S/1109/00/F** – Application for three dwellings and garages following demolition of existing dwelling refused due to: the impact upon the character of the surrounding countryside; ‘tandem’ development being out of keeping with the character of Back Road; noise and disturbance from the access to occupiers of the frontage dwelling; and would set a precedent for similar development to the rear of properties in Back Road.

Planning Policy

8. South Cambridgeshire Local Development Framework 2007:
 - ST/5 – Minor Rural Centres
 - DP/1 – Sustainable Development
 - DP/2 – Design of New Development
 - DP/3 – Development Criteria
 - DP/4 – Infrastructure and New Developments
 - HG/1 – Housing Density
 - HG/2 – Housing Mix
 - HG/3 – Affordable Housing
 - SF/10 – Outdoor Playspace, Informal Open Space, and New Developments
9. **Supplementary Planning Document** – Open Space in New Developments – Adopted January 2009
10. **Circular 05/2005 – Planning Obligations** – states that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind, and reasonable in all other respect.
11. **Circular 11/95: The Use of Conditions in Planning Permissions** – states that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

12. **Linton Parish Council** makes no overall recommendation, but wishes to highlight the following points:
 - (a) Council reiterates its comments made relating to application S/1907/06/F. This Council believes that it would significantly intrude on this area of best landscape and the recently listed Water Tower
 - (b) Council believes that this development would seriously harm the visual impact on the Icknield Way
 - (c) Council considers this application to be contrary to Policy SE2 (b) the development would be sensitive to the character of the village, local features of landscape or ecological importance, and amenities of the neighbours

- (d) Council has noted the radical change in design and whilst it is pleased that the footprint is slightly reduced it is concerned that the numerous balconies would intrude on the privacy and amenity of the neighbouring properties
- (e) Contrary to the Design and Access Statement, the surrounding area is susceptible to flooding from Rivey Hill
- (f) Conditions: Should this application be permitted Councillors would wish it to be conditioned that the boundary hedges be reinforced by planting with native species, all gaps in the hedges closed so there is no longer vehicular and pedestrian access onto Bridleway 21. All driveways and hard landscaping should be of permeable material, to minimise flood potential to neighbouring properties.

13. **The Local Highways Authority** recommends refusal, stating that the proposed development would involve the construction of a new vehicular access onto Back Road where visibility is severely restricted by vegetation outside of the remit of the applicant and would therefore be detrimental to highway safety. No visibility splays have been shown but the permitted visibility splays of 2.4m x 70m would be required and provided each side of the vehicular access measured from and along the highway boundary.
14. **The Countryside Access Team** raises no objections, subject to a number of points of law relating to obstruction of the adjoining public bridleway being added as informatives to any planning permission.

Representations

15. Letter received from the owners of No.40 Back Road to the east, who raise no objections to the planning application on the basis of the amended drawings.

Additional Representation from the Applicant

16. The applicant has made the following comments in respect of the Parish Council's representation:
- a) Concerns regarding the impact on the landscape and water tower ignores the fact that the site already has consent for two houses. The water tower is only visible from Balsham Road and is about 1000 metres away from the application site;
 - (b) The adjoining bridleway is not part of the definitive Icknield Way;
 - (c) Policy SE2 has been superseded by Policy ST/5. The previously approved scheme was considered by Officers to accord with former Policy SE2 in any case;
 - (d) The occupiers of the neighbouring property have not raised any concerns about the balconies and overlooking issues;
 - (e) During the floods approximately 8 years ago, rainwater ran into a cleft in Rivey Hill and down between Nos. 28 and 42 Back Road, which resulted in some minor flooding of No.40. This was a one off situation which the owners of 38 and 40 have now remedied by building a large rainwater collection pit and a new surface water drain. No.42 itself was never flooded nor was the application site, which has the benefit of being on higher ground and on chalk.

Planning Comments – Key Issues

17. The key issues to consider in the determination of this application relate to:

- Impact upon the character of the area;
- Residential amenity;
- Housing density, mix, affordable housing and open space provision;
- Flood risk.

Visual Impact

18. As stated within paragraph 5 of this report, the site has an extant planning permission for the erection of two dwellings to the rear of No.42 Back Road (S/1907/06/F). The approved two storey houses were arranged in a tandem form of development, with the dwelling on plot 1 sited directly to the rear of the existing property and the house on plot 2 incorporating a curved design so that it rounded off the development. The scheme was later amended in July 2008 to: rearrange the windows, doors and chimney stacks; extend the cellar areas to both properties; and to add a first floor window to the north side gable of plot 1 and high level glazing to the south side elevation of plot 2.
19. In the current application, the proposed dwellings occupy roughly the same footprints as the previously approved properties. The dwelling on Plot 1 (the nearest plot to No.42) has been moved slightly further away from the boundary with No.40 to the east than in the previous scheme. In addition, the approved detached garage on this plot has been removed and an attached carport added, thereby enabling the garden area allocated to the existing dwelling to be increased in size. The dwelling on Plot 2 no longer turns the corner to round off the development, but the eastern side elevation remains in approximately the same position as previously approved. This property has a smaller footprint and volume than proposed within the extant application (footprint reduced from 133m² to 105m² and volume reduced from 675m³ to 481m³).
20. The heights of the dwellings above the respective ground levels would be the same as in the previous scheme, but the dwellings would incorporate a slightly shallower roof pitch, thereby resulting in a 700mm increase in the eaves heights. When comparing the longitudinal west side cross section drawing (17a) against the approved scheme, the currently proposed house on Plot 1 has a larger west facing gable and a greater amount of glazing facing westwards. However, this gable would be similar in appearance to that previously and currently proposed for the dwelling on Plot 2. The Plot 2 dwelling, being smaller in size, would have a much lesser bulk and visual impact than in the approved scheme.
21. The existing garden area is separated from the adjacent bridleway to the west by a mixture of mature hedgerows and trees, whilst the northern boundary has substantial screening that ranges from 4 to 10 metres in height. The dwelling on Plot 2 would not be readily visible due to its height (7 metres above the existing ground level), the height of the rear/north boundary screening, its position some 30 metres way from the rear boundary, and the finished floor level of the dwelling being some 2.3m to 3.8m lower than the ground level at the north boundary. When approaching the village from the west, the western gable ends of the dwellings would be visible above the hedgerow forming the boundary with the public bridleway. However, these views would be from in excess of 100 metres away and, at this distance, the development would be read in conjunction with the surrounding built up part of the village rather than being viewed as an encroachment towards the surrounding countryside.
22. The impact of the development upon the surrounding countryside and bridleway was previously considered by this Authority to be acceptable. The proposed revisions to the previously approved scheme, given that the dwellings are in approximately the

same positions and the same heights as the approved scheme, do not materially or significantly alter the impact of the development upon its surroundings.

23. Concerns have been raised by the Parish Council in respect of the impact of the development upon the setting of the water tower. This structure is some 930 metres to the north east of the application site, and is not visible from the site. The water tower can principally be seen when leaving the village along the Balsham Road, from where the water tower and site are not seen together. As such, the development is not considered to harm the setting of this building.
24. As requested by the Parish Council, landscaping and boundary treatment conditions would be essential as part of any consent.

Residential amenity

25. With regards to the impact of the development upon the amenities of occupiers of No.40 Back Road, the proposed dwelling on Plot 1 incorporates rear/east facing bedroom windows at first floor level. This dwelling, however, is sited approximately 15 metres away from the boundary with No.40, and the first floor windows would be sited in excess of 30 metres away from No.40's master bedroom balcony and main sitting out area. As the property has been eased slightly further away from the east boundary, when compared to the approved scheme, the impact upon No.40 has been reduced. During the course of the current application, the applicant has also made further modifications to the design of the dwellings in order to overcome some concerns raised by the occupiers of No.40. The juliet balcony and doors have been omitted from the east elevation of the Plot 1 dwelling and replaced with traditional windows, and the extent of glazing on this elevation has been reduced. In addition, a first floor balcony to the east elevation of the Plot 2 house has been replaced with a juliet balcony. On the basis of these amendments, the occupiers of No.40 have confirmed that they have no objections to the proposal.
26. The relationships between the existing dwelling and Plot 1, and between Plots 1 and 2, is considered to be acceptable. The Plot 1 property has no first floor south facing windows, whilst first floor openings in the south elevation of the Plot 2 dwelling would consist of high level rooflights. A condition should be added to any consent preventing the insertion of further first floor windows in the south elevations of Plots 1 and 2, and in the north elevation of Plot 1, without planning permission.

Density, Mix, Affordable Housing and Open Space Issues

27. The proposal represents a density of 6.7 dwellings per hectare, contrary to the provisions of Policy HG/1 of the Local Development Framework, which seeks to achieve a minimum density of 30 dwellings per hectare. The application proposes two market houses, one of which would be a 4-bedroom property and the other a 5-bedroom dwelling. The scheme is also therefore contrary to Policies HG/2, which would require one of the two dwellings to be a 1 or 2 bedroom property (if no affordable housing was provided on the site), and HG/3, which would require one of the two dwellings to be an affordable unit. Finally, the application proposes no open space contribution and therefore also conflicts with LDF Policy SF/10. Given that the scheme conflicts with Policies HG/1, HG/2, HG/3 and SF/10, it has been treated as a Departure from the Development Plan, and has been advertised accordingly.
28. The site benefits from an extant planning permission that predates the 2007 Local Development Framework and, hence, was not subject to the need to meet the requirements of the aforementioned policies. Given that the applicant could

implement the currently approved scheme without these requirements, and that the current application does not propose to enlarge the dwellings (and, hence, increase the demand for open space contributions, for example, when compared to the approved scheme), Officers consider it would be unreasonable to refuse the application on the grounds that it fails to comply with these policies. The existence of an extant consent is therefore considered to constitute the special circumstance for supporting the application contrary to the provisions of the Development Plan.

Highway Safety

29. The Local Highways Authority has objected to the application on highway safety grounds. However, the proposal does not increase the number of dwellings, compared to the approved scheme, and the highway safety implications are therefore no different. Rather than proposing a new access, the application seeks to upgrade and improve the existing access in order to increase its width to 5 metres for 10 metres back from the highway boundary. I have provided the Local Highways Authority with further information relating to the history of the site and clarification that no new access is proposed, and queried whether these facts overcome its recommendation of refusal.
30. I have requested the provision of a drawing showing the required 2.4m x 70m visibility splays in their entirety. Any consent should be subject to the provision of these splays as well as to the required improvements to the existing access.

Flood Risk

31. The Parish Council has expressed concern about the application, stating that Rivey Hill is susceptible to flooding. The applicant has responded by providing information about the flooding that occurred 8 years ago in the village, which, he states, did not affect the application site.
32. The site lies within Flood Zone 1. In such areas, the Environment Agency's standing advice states that the main flood risk issue to consider relates to the management of surface water run-off. It is recommended that run-off be controlled as near to its source as possible through a sustainable drainage approach, which seeks to retain water on the site rather than pipe water off site as quickly as possible. The submitted Design and Access Statement explains that rainwater harvesting would be used for both houses, with the overflows running to soakaway pits, although no further information on the locations of these pits has been provided. Whilst the applicant's general approach towards the management of surface water run-off appears consistent with the Environment Agency's guidance, a condition requiring the submission of further details of the proposed surface water drainage should be imposed upon any planning permission.

Recommendation

33. Approval, as amended by drawing numbers 20A, 21A, 22B and 23A date stamped 17th July 2009:
 1. Standard Condition 1 (Reason 1)
 2. Sc5 – Landscaping (Rc5)
 3. Sc6 – Implementation of landscaping (Rc6)

4. Sc12 – Boundary treatment (Rc12)
5. No development shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings and garages hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details (Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
6. No development shall commence until details of the materials to be used for the hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details (Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed at and above first floor level, including in the roof space, in the north and south elevations of Plot 1 and in the south elevation of Plot 2, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf (Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. Sc24 – Surface water drainage (Rc24)
9. Sc38 – Noise during construction (Rc38)
10. The dwellings, hereby permitted, shall not be occupied until the access road, to be a minimum width of 5 metres for a minimum distance of 10 metres back from the highway, has been constructed in accordance with drawing number 1 Rev J (Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary (Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. Visibility splays shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 70m measured along the channel line of the public highway from the centre line of the proposed access road (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

Background Papers: the following background papers were used in the preparation of this report:

South Cambridgeshire Local Development Framework (LDF) 2007;
Planning application references: S/0821/09/F, S/1907/06/F, S/2094/04/F, S/2369/00/F and S/1109/00/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0843/09/F – LINTON**Extension at 30 Hillway for South Cambridgeshire District Council****Recommendation: Approval****Date for Determination: 7th August 2009****Notes:**

This Application has been reported to the Planning Committee for determination as South Cambridgeshire District Council is the applicant and the Officer recommendation is contrary to the Parish Council's recommendation.

Site and Proposal

1. No 30 Hillway is a 2 storey semi-detached house in red bricks and clay plain tiles. The property is at the end of Hillway and among a group of 2 storey semi-detached houses set on a rising ground. The positions of Nos 21, 23, 30 and 32 Hillway do not follow the linear pattern of other neighbouring properties at Hillway. They are positioned in an angle so that the front elevations face the junction of Hillway and Back Road. No 30 is in a pair with No 32 and No 32 has a previous 2 storey side extension adjacent to Back Road. To the south of the site is No 28, a 2 storey semi-detached house with an attached garage, adjacent to the low-level boundary fencing supported by brickwork. This property has a sitting-out area at the rear garden and has first floor non-habitable room windows facing the application site. The application site has an existing car parking space at the side which is separated from the main house by a grassed area, fencing and hedges.
2. The full application, submitted on 12th June 2009, seeks permission for a 2 storey side extension set back and set down from the existing house with a blank wall in the side elevation facing No 28. The proposed development is to suit the needs of a registered disabled tenant. The proposal will not affect the existing car parking arrangement. The development would involve removal of an existing hedge and a tree between the side elevation of the house and the side garden.

Planning History

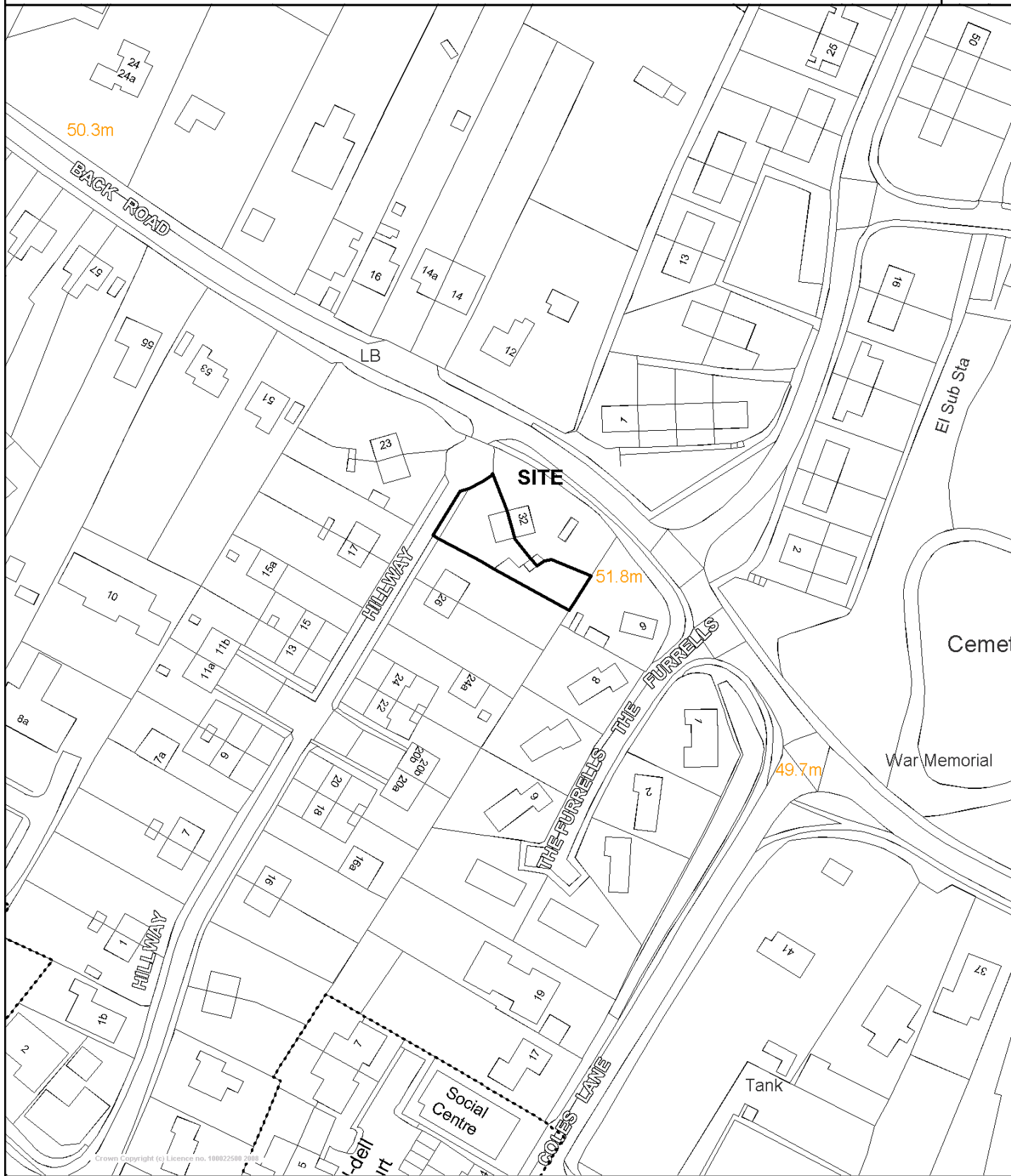
3. None

Planning Policy

4. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**

DP/1 - Sustainable Development;**DP/2** - Design of New Development;

S/0843/09/F Linton



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DP/3 – Development Criteria

DP/7 – Development Frameworks

NE/6 – Biodiversity

5. **Circular 05/2005 – Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respects.
6. **Circular 11/95 – The Use of Conditions in Planning Permissions** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

7. **Linton Parish Council** recommends refusal on the following grounds:
8. "Council considers that this is over development of the site contrary to Policy DP/2 of the SCDC LDF which requires a high standard of design which responds to the local character of the built environment for all new development.
9. Council considers that this extension is too close to the boundary of the neighbouring property.
10. Council is aware that this development will affect the housing mix for rental properties, and would ask for the implications to be noted.
11. **Housing Development and Enabling Manager** has no comments on this application.
12. **Landscape Design Officer** has no objections to the proposal and would like to see a small tree planted in the front garden to compensate for the loss of the self set sycamore and privet hedge. A landscape plan is required.
13. **Trees and Landscape Officer** has no objection.

Representations

14. Resident at No 42 Back Road supports the application and considers that the extension is inoffensive, it respects the symmetry and style of the semi-detached building it adjoins and creates no harm to its surroundings. He was surprised that the Parish Council recommended refusal for this application.

Planning Comments – Key Issues

15. The key issues to consider in the determination of this application are:
 - (a) Character and appearance of the extension compared to the existing building, and visual Impact; and
 - (b) Residential amenity interests

Character and appearance

16. Properties at Hillway are in simple design without particular architectural interest. The proposed side extension, which would be set down from the ridgeline by 0.8m and set back from the front elevation of the house by 1.8m, would be subservient to the

existing house. The 3m wide side extension would be in scale and character with the house and would not dominate the existing dwelling. The adjoining property, No 32, has a 2 storey side extension set down from the original ridgeline. It is therefore considered that the proposed extension at No 30 would not result in the design of the pair of semi-detached properties becoming unbalanced. Ample garden and parking space would remain on the site and the proposal would not therefore cause an over development of the site.

17. It is noted that the application site is on a rising ground level and that the side elevation of the house is visible from Hillway. Given that the proposed side extension would be set back from the front and side boundaries, it is considered that the proposed development would not cause serious harm on visual amenity and street scene by its mass and scale.
18. The proposed materials to be used externally would match the existing, and the appearance of the site would not therefore detract from the character of the existing house and the neighbouring properties.
19. The removal of existing hedges and a tree on site would not cause harm on the landscape character. Landscape scheme and landscape implementation conditions will be imposed to ensure that the development is satisfactorily assimilated into the area and enhances biodiversity.

Residential amenity interests

20. The proposed extension would be set away from the common boundary with No 28 Hillway between 2.4m and 6m. No 28 has an attached garage at the side of the house adjacent to the boundary fencing. The side elevation of No 28 has first floor landing and bathroom windows facing the application site. Given the orientation and position of No 30, the existing first floor habitable room windows at No 30 are in an oblique angle looking at the garden area of No 28. Although the proposed extension would be nearer to the boundary with No 28 than the existing house of No 30, it is not considered that the proposal would harm seriously the amenities of neighbours at No.28 through undue loss of privacy, being unduly overbearing in terms of its mass.

Other issues

21. The proposed extension would increase the number of bedrooms in the house from 3 to 4. Housing Mix Policy HG/2 only relates to new dwellings and not to extensions to existing properties. As such, the impact on housing mix is not a material planning consideration in this instance.
22. The proposal would retain at least 1 on-site car parking space, and would therefore comply with the parking standard from the Local Development Framework.
23. In light of the above, it is considered that the proposed scheme is acceptable and the application is recommended for approval.

Recommendation

24. Approve as amended by drawing number HWL-02 Rev. B date stamped 20th July 2009.
25. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (Reason – To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the side elevation of the extension at an above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – To safeguard the privacy of adjoining occupiers in accordance with the Policy DP/3 of the adopted Local Development Framework 2007.)
3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason – To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development 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 of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason – To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework (LDF) 2007
- Circular 05/2005 – Planning Obligations
- Circular 11/95 – The Use of Conditions in Planning Permissions
- Planning application reference S/0843/09/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0177/03/F - MELDRETH
Increase in the Number of Plots from 11 to 17 (Condition 9)
Biddalls Boulevard, Kneesworth Road for Mr J Biddall**

Recommendation: Delegated Approval

Date for Determination: 27th February 2009

Notes:

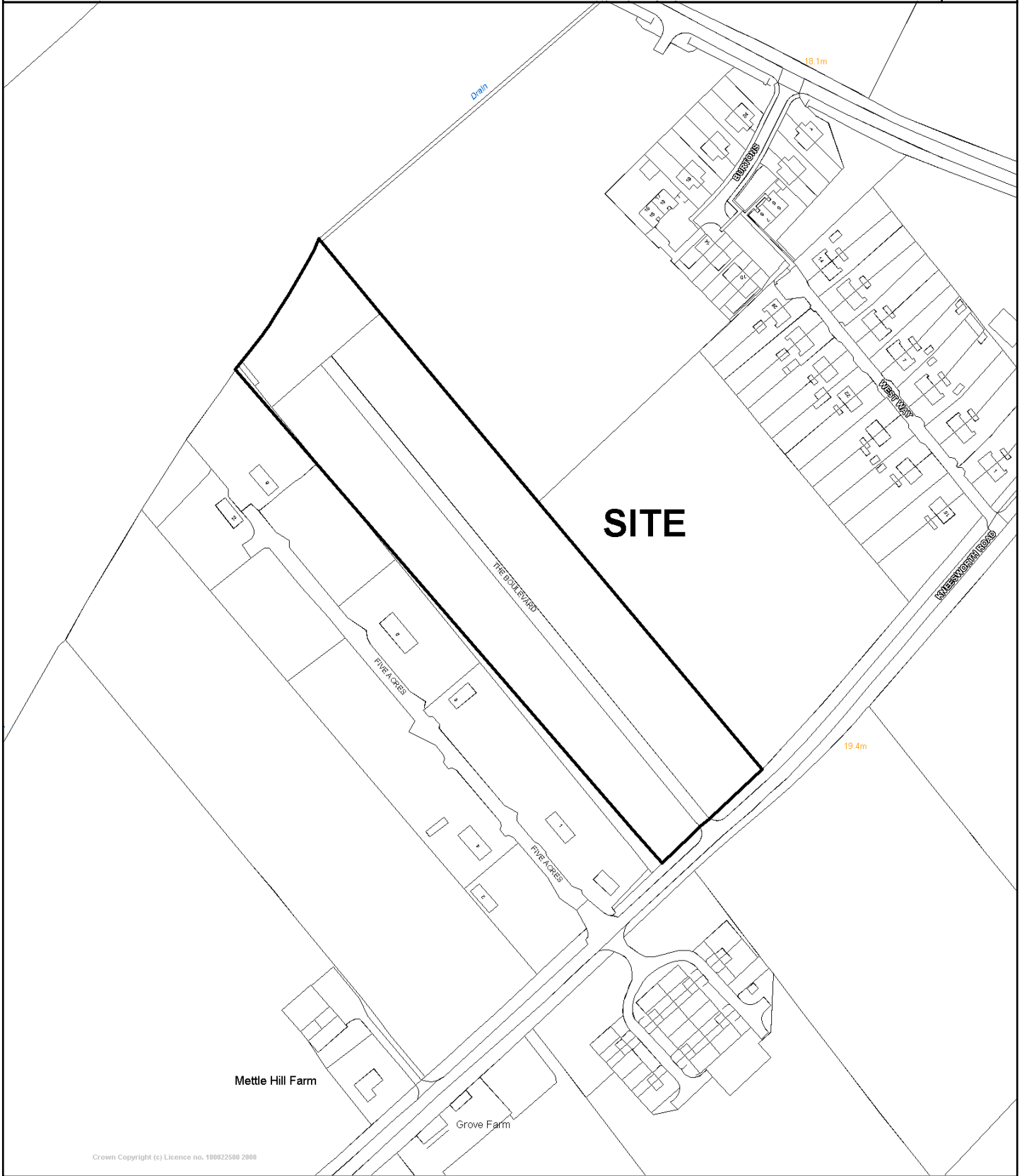
This Application has been reported to the Planning Committee for determination because the recommendation of officers is contrary to the recommendation of refusal received from Meldreth Parish Council.

Members will visit this site on Wednesday 5th August.

Site and Proposal

1. Members may recall deferring this application for a site visit at the June meeting (Item 9). Members asked that officers explored the possibility of providing a footpath link from the site along Kneesworth Road to link to the existing footpath which currently stops at West Way.
2. Biddalls Boulevard is a 2.11 hectare showpersons site to the north west of Kneesworth Road, Meldreth. Immediately to the south west of the site is Five Acres, a similar size showpersons site.
3. To the north east and north west is agricultural land. There is existing planting on the south east, north east and north west boundaries of the site. Opposite the site is agricultural land and the former Cambridgeshire County Council Travellers site.
4. The submission, as amended by details received on 7th May 2009 seeks, under condition 9 of the planning consent, to increase the number of plots on the site from the permitted 11 to 17. The submitted plan identifies a 480m² area of land within the site which is to be provided as open space. At the front of the site two areas are identified for possible medium to long term use by the applicant and his immediate family. An earlier submission had proposed an increase in the number of plots to 16.
5. At the June meeting officers explained to Members that following advice from the Legal Officer the applicant had been advised that as the proposed increase in the number of plots was retrospective, the submission could not be considered in its current form as the condition of the original planning consent required that the prior approval of the Local Planning Authority should be given for any increase in the number of plots.

S-0177-03-F



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JUNE 2009 PLANNING COMMITTEE

6. Following further discussions with the applicant, his agent, the Legal Officer and a further visit to the site by officers it has been accepted that, although the site has been sold off in more than 11 individual plots, the site is not currently physically subdivided into more than the 11 plots allowed by the original consent and there is no breach of Condition 9 as the Planning Authority can consider physical land use matters only.
7. The applicant has therefore been advised that the submission can continue to be considered in its current form.

Planning History

8. Planning consent was granted at appeal in 2004 for the use of land to travelling showpeople's quarters (**Ref: S/0177/03/F**). That consent included conditions requiring the submission of a plan detailing the layout of the site, including the means of enclosure of individual plots; and restricting the number of plots for the stationing of mobile homes and caravans to no more than 11, with each individual plot being occupied by a maximum of 3 mobile homes or caravans, unless the Local Planning Authority were to give its written approval to any increase in these numbers.

Planning Policy

9. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies 2007:**
DP/1 (Sustainable Development)
DP/3 (Development Criteria)
DP/7 (Development Frameworks)
10. **Gypsy and Traveller DPD Issues and Options 2** was published for consultation on 10th July 2009. In respect of showpersons accommodation it comments:

Whilst no specific figure was included in the draft East of England Plan policy, following the Panel Report the emerging policy requires that provision of 18 plots should be made for Travelling Showpeople in the period 2006 to 2011 in Cambridgeshire & Peterborough, with a 1.5% annual allowance for household growth. In planning to 2021 this would create an additional requirement of 12 plots, giving a total for 2006 to 2021 of 30 plots. A plot is a term used with reference to Travelling Showpeople to refer to a space for a single accommodation unit.

The emerging East of England Plan policy does not specify how much of this growth should take place in South Cambridgeshire. A cross-boundary project may need to be undertaken between all the local authorities in the county to consider how pitches should be located across the area. The primary evidence used by the Panel in their recommendation was based on surveys and evidence collected by the Showman's Guild. This indicated that the majority of need was identified in other districts, particularly East Cambridgeshire. This is reflected in the emerging East of England Plan policy, which refers to the need as being located in 'East Cambridgeshire and elsewhere'. In South Cambridgeshire, 3 additional plots are required over 5 years, 2 resulting from household growth, and 1 from an existing overcrowded plot.

There are two Travelling Showpeople sites in South Cambridgeshire, both on Kneesworth Road in Meldreth. One site has capacity for an additional 6 plots within the site area. These additional plots would contribute towards the requirements of the East of England Plan. This is included as a site option for consultation.

11. **Circular 04/07 – Planning for Travelling Showpeople** requires that the needs of Travelling Showpeople are to be treated in a similar way to those of Gypsies and Travellers, with provision requirements created through regional plans and implemented through district plans.

Consultation

12. **Meldreth Parish Council** recommends refusal. It states that “it does not feel that it can approve the proposal of increasing the plots, to any more than the original figure of 13. The revised map shows that subdividing of plots has already taken place and that the actual number of plots/pitches now stands at 16 and not the original 11, as first thought. The Parish Council stands by its original letter dated 9 January 2009 whereby it states that 13 plots/pitches should be the final amount. The reasons being that the site would become overcrowded, and the matter of landscaping is still a concern. The Parish Council would like to see landscaping with native species trees and appropriate hedging thus making the site more presentable and to include some open spaces.”

The Parish Council has reiterated its objection to the revised drawings.

13. **Cambridgeshire County Council**, as Education Authority, advises that adequate capacity exists at both Meldreth Primary School and Melbourn Village College to cater for any demand arising from the proposed increase in the number of plots.
14. The **Local Highways Authority** comments that the provision of a new footway link would be desirable, and possibly should have been asked for under the first application, when the majority of the new development was being undertaken. It suspects that it will be difficult and onerous to insist that the extra units now proposed should bear the costs of the implementation. It is estimated that the cost would be in the region of £38,000, assuming that there are no public utility services within the verge that need to be adjusted, which is a cost which the applicant would need to bear.
15. The **Corporate Manager (Health and Environmental Services)** comments that the historical maps show that a mineral railway/tramway passed through or adjacent to the site. This railway ran from the Eternit Factory site to the north of the proposed site, running south then turning east towards the main railway station at Meldreth. The Eternit site produced cement sheeting and it is known that historically waste products from this factory were used as hardcore on tracks and farms across the district. As part of investigations under Environmental Protection Act 1990 into the use of asbestos containing material on tracks and farmyards, the adjacent farm, Mettle Hill Farm, has been investigated and asbestos material found.
16. As a former railway line, it is included on the Health Environmental Services database as a potential contaminated land risk due to the fact that the line of the former railway may be filled with unknown material. In this case, the nature of the material that this railway is likely to have transported may pose a further risk in the form of cargo spillages etc, and should be taken into consideration. There is the potential risk that asbestos material may be present across the whole site.
17. Due to the historical uses, contaminated land is a material consideration that will require investigation and remediation as necessary so that land is suitable for use in accordance with PPS23 – Planning and Pollution and associated British Standards/guidance.

Representations

18. In response to the original request to increase the number of plots from 11 to 13 several letters were received from the occupiers of existing plots on the site expressing concern that the submitted drawing did not accurately show the existing number of individual plots within the site, as sold to various parties.
19. In respect of the revised plan for 16 plots one letter was received suggesting that an area of open space and a communal turning area be provided.
20. At the June meeting it was reported that two letters had been received from occupiers of 24 Fenny Lane, to the east of Kneesworth Road objecting to the proposed increase in the number of plots.
21. The letters stated that a succession of permissions have been granted over the past few years which has led to the growth of what is fast becoming a satellite village on Mettle Hill. The problem with a series of incremental additions is that the overall impact of the whole development is not sufficiently appreciated by the planning authority whereas it is all too apparent to those who live in the locality and who consider that both the centre of gravity of the village and its social cohesion are being undermined.
22. The letters state that the latter has been demonstrated by the growing incidence of vandalism generally and trespass on the objectors property and elsewhere which has been perpetrated by children of school age – but who only intermittently attend school – and who arrived with the last wave of people permitted to take up residence on this site.
23. The core of the show community who live on Mettle Hill have made genuine and successful efforts to integrate with the village and it is understood that many of them are against the current application.
24. The letters state that it is for the planning authority to take a step back and to look at the overall impact that previous development has already had and to be able to justify that any new permission on the margin of the village by reference to some long-term strategy for the village as a whole not least since development in the village generally is normally so tightly controlled.
25. Cllr Dr Susan van de Ven comments that ‘there is a concern among some existing residents of The Boulevard about overcrowding on the overall site through the re-parcelling into smaller, more numerous plots than originally conceived for this site, as now proposed by the applicant.
26. I share this concern and hope that residents’ views will be taken into account by the Planning Committee. The same concern has been expressed by the Parish Council.
27. Residents of The Boulevard who have contacted me have also indicated that the required landscaping of the site has not been properly implemented by the applicant. I note that the Parish Council also raises landscaping concerns.
28. I support the consensus of opinion locally, expressed by residents of The Boulevard and the Parish Council.’

Applicants' Representations

29. In a letter dated 6th May 2009 the applicants agent states that the submitted plan shows what the applicant envisages as the number of showman's plots that will be developed on the site looking ahead 5 to 10 years. The areas marked A and B are owned by the applicant and members of his immediate family and these will not be needed as showmen's yards over the next five years, or possibly for as long as 10 years ahead. The applicant appreciates that, in the event that a further planning application is made for development of showmen's yards on parcels A and B, this will need to be considered on its merits having regard to circumstance at that time.
30. A landscaping scheme has already been approved and implemented. The north east boundary that faces the nearest houses in Meldreth has a substantial screen of hedgerow and hedgerow trees along it. It is intended that this screen will remain permanently. The screen was reinforced by additional planting when the site was first occupied for showmen's quarters. This new planting consists predominantly of hawthorn and field maple. Not all the new planting has taken and it is proposed that where plants have died these will be replaced.
31. Where the hedgerow is thin within parcel B, then it is proposed that further planting with indigenous trees and hedgerows should occur as shown on the submitted plan. It is also proposed that the planting in the north east corner on the Kneesworth Road frontage of the site should be reinforced and any plants that have died will be replaced. All new planting will be in accordance with a planting schedule that will be submitted shortly.
32. As the site is intended for permanent residential occupation, a play area for children of showmen resident on the site has been provided and this is shown on the submitted drawing. This area will be kept permanently available for that use by site residents.
33. Following last months meeting further comments have been received in respect of various points raised.
34. With regard to the suggestion for a provision of a footpath from the site along Kneesworth Road to West Way, it is not considered that the Council can justifiably request such a footway because such a footway was not referred to as being necessary on pedestrian safety grounds when planning permission for either Mr Biddalls site or the adjoining showmans site were granted. In addition no justification for the footpath has been advanced by the Council, and it would require for Mr Biddall to be asked to pay the full £38000 for the footpath when other showmen who were owners/occupiers of yards on the two sites made no contribution.
35. Consideration has been given to the officer's suggestion that a communal turning area is provided within the site but the need for one is not apparent because it was not a requirement of the original planning permission and the site as a whole has a wide central spine road that allows the largest vehicles to access individual yards and turn within the site without any impact on users or safety of the adjoining public highway.

Planning Comments – Key Issues

36. The key issues for members to consider with this application are whether the proposed increase in the number of plots within the site will materially change the impact of the existing site on the surrounding countryside and the need for additional

showpersons plots. Members will also need to consider whether the request is premature having regard to the recently published consultation on the Gypsy and Traveller DPD.

37. A Government document entitled The Planning System: General Principles states:

“In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.

Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay this would impose in determining the future use of the land in question.”

38. The Gypsy and Traveller DPD recognises that there is a requirement to provide additional plots for showpersons in the District and suggests that the existing Meldreth site is one of the options that could be considered for accommodating some of this demand recognising that this site has the capacity for an additional 6 plots. In my opinion the proposal would not be premature as it would not be so substantial or significant that granting permission would prejudice the DPD and I am mindful that the document is at the start of the consultation process and that even at this stage it is potentially supporting an additional 6 plots on this site.
39. In addition I am mindful that this is not an application for planning permission and that this is an existing site which benefits from planning permission and the proposal is looking at agreeing an increase in the number of plots within the approved site, under a condition of that consent. The Appeal Inspector considered it appropriate to allow for the possibility that the Local Planning Authority could give written consent to an increase in plots without, in principle, the need for planning permission or even consultation (notwithstanding that consultation has nevertheless taken place on this proposal). This further adds to my assertion that the proposal is not so significant as to be premature.
40. There are currently 11 plots set out within the site but vacant areas of land remain within the site. A layout plan for the site was not approved previously as required by condition. Officers are aware that although some of the plots are set out and occupied as one at the present time they have been sold off as more than one plot.
41. The submitted plan shows a range of plot sizes within the site as some showpeople will require smaller sites than others depending on the particular size of the equipment with which they work.
42. The site is well contained with effective planting on three site boundaries. The other boundary is with the showpersons site to the south west. Plots are divided within the site by close-boarded fencing. In my view the increase in the number of plots within the site will not materially affect the visual impact of the site on the surrounding countryside given existing boundary planting, which the applicant has agreed to supplement as specified above. An area of open space is to be provided within the site for use by the occupiers of the plots.

43. Officers have encouraged the submission of a comprehensive plan for the future uses of the site, hence the current proposal for 17 plots. Any future submission for the use of the areas marked A and B on the submitted plan would have to be considered on its merits at that time.
44. Biddalls Boulevard is one of two adjacent sites for showpersons which, along with the Local Authority development at West Way and the recently completed affordable housing site off Whaddon Road, form a group of developments outside the main village of Meldreth. I note the concerns expressed by the residents of Fenny Lane about the further growth of this area, however I am of the view that as the current proposal is contained within the existing site, where scope exists for further development, that this proposal should be considered on its merits.
45. I note the comments received in respect of vandalism and trespass however this is not an issue which Members can take into consideration in the determination of this proposal.
46. Cambridgeshire County Council as Education Authority has confirmed that adequate capacity exists for education provision.
47. The Local Highway Authority has accepted that the provision of a footpath along Kneesworth Road to link to the existing footpath at West Way would be desirable it recognises that it might be unreasonable to expect payment for its provision to be secured through the proposal to increase the number of plots, when there was no such requirement attached to the original consents for this and the adjoining site. The applicants' agent also holds this view and it is my opinion that the provision of a footpath, which would certainly be desirable to allow for a safer pedestrian route from the site into Meldreth, could only be secured if an agreement were forthcoming from the owner/occupiers of both sites to jointly fund the works.

I have passed on the comments of the Corporate Manager (Health and Environmental Services concerning the need for investigation into possible contamination to the applicants agent and will report any response at the meeting.

Recommendation

48. Subject to the resolution of any need to carry out investigative works for contamination, and an agreement to secure the open space in perpetuity for that purpose and the additional planting suggested, that the proposed increase in the number of plots from 11 to 17 is agreed.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- South Cambridgeshire Local Development Framework Gypsy and Traveller DPD (Consultation Draft)
- Planning File Ref: S/0177/03/F

Case Officer: Paul Sexton – Principal Planning Officer
Telephone: (01954) 713255

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0564/09/F - MILTON**Retention of day room not built within accordance of condition 1ii (drawing no.08-180-002) of Appeal Decision APP/W0530/C/08/2079175 dated 18th February 2009 at 6 Sunningdale Park, Chesterton Fen Road for Mrs S Lee****Recommendation: Approval****Date for Determination: 17th July 2009****Notes:**

This Application has been reported to the Planning Committee for determination because the recommendation of approval is contrary to the provisions of the approved Development Plan.

Members will visit this site on 5th August 2009

Departure Application**Site and Proposal**

1. The site is on the north-eastern outskirts of the City in an area known as Chesterton Fen. The site comprises a plot of roughly 20m by 24m deep on the northern side of Chesterton Fen Road and is located towards the eastern end of Sunningdale. A caravan, a substantial single-storey dayroom building (which is the subject of this application), a further smaller brick building and a garden shed, currently occupy the site. The remainder of Sunningdale is occupied by mobile homes, touring caravans and single storey buildings.
2. The dayroom building has a floor area of about 131 sq m. It provides an entrance hall separately leading to a dayroom, granny dayroom with en-suite, children's playroom, kitchen, bathroom and store. It is not intended for sleeping purposes. It is constructed in cavity brickwork on foundations under a concrete tiled roof.
3. The surrounding area is generally flat with the Cambridge to Ely railway line to the west, the river Cam to the east and the A14 to the north. Chesterton Fen Road is a long cul-de-sac, which runs roughly northwards from the level crossing over the railway line to a point ending close to the A14 road.
4. The site is part of an area frequented and allocated for gypsies in the Local Plan. To the north are sites known as Lomas Farm and Darren's Farm and a further authorised gypsy caravan site at Grange Park beyond. To the south lies an industrial estate. Opposite the site is another large gypsy caravan site known as Newfields with an extensive area of open pasture to the north. To the north is Camside Farm with two

S/0564/09/F Milton



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unauthorised gypsy mobile homes, open pasture, a small gypsy caravan site known as Big T, further open pasture, and then three small gypsy caravan sites with more extensive pasture land beyond.

5. The site lies outside any defined settlement framework within the Cambridge Green Belt.
6. This full planning application, received on 22 May 2009, seeks to retain the day room. Paragraph 14 of the planning history, below, provides a more detailed summary of the background for the relevant permission. This application proposes a day room with an internal floorspace of approximately 91 square metres. The reduced scheme, as envisaged by the planning permission the Inspector granted would be increased by approximately 13 square metres and as such is not in accordance with approved drawing. The internal layout has also been altered slightly. It is proposed to now accommodate two dayrooms (one smaller room is to provide space for the applicant's grandmother away from the children), kitchen, bathroom and storeroom. As the building will not be in accordance with the approved dwg. no. 08_180_002 referred to in the planning condition permission is sought to build in accordance with this revised scheme.

Planning History

7. 6 Sunningdale is one of 21 plots on a site granted planning permission on 15 February 1996 under reference **S/1706/92/F**. Condition 5 of this permission states that the site shall not be used other than as a caravan site for persons of a nomadic way of life. Planning permission was granted as an exception to Green Belt policies.
8. The Council first became aware that the day room building was being erected in February 2006. In response to a letter from the Council's enforcement officer, the appellant set out her reasons for erecting the building. This explains that the building had replaced a mobile home that was previously stationed on the site and that the building was a cheaper option than a mobile home. The letter also explains the family's circumstances at that time.
9. As a precursor to possible enforcement action, a planning contravention notice was served on the appellant. A retrospective planning application (ref. **S/1241/06/F**) was submitted on 30 April 2006, but due to a lack of information, it wasn't registered until 26 June 2006. It was supported by a 1/500 scale site layout, drawing no. 305 showing the elevations and floor plans for the building and a supporting statement regarding the needs of the occupants. The building that has been erected is essentially that shown on drawing no. 305 submitted with that application except for some minor changes internally. The layout of rooms is the same.
10. The application was refused on 31 August 2006 and an appeal allowed on 5 April 2007. That decision was subsequently quashed on appeal to the High Court. The appeal was re-determined and dismissed on 18 February 2008.
11. As part of that appeal, the appellant did not suggest there had been any material change in either her, or her family's circumstances. The appeal decision therefore remained a relevant consideration carrying significant weight.
12. The appeal was dismissed on grounds that "...neither the presence of other buildings in the area nor the personal and family circumstances advanced by the Appellant clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness and the harm to the character of the area. There are no very special

circumstances that would override the conflict with PPG2 and the development plan or would justify the grant of planning permission” (paragraph 25).

13. The Council had refrained from taking enforcement action pending the outcome of that appeal. An enforcement notice was therefore issued after the appeal decision, on 16 May 2008.
14. An appeal was lodged on against the enforcement notice (appeal ref. **APP/W0530/C/08/2079175**). This was allowed subject to planning conditions, the applicant having negotiated down to approximately 80-90 square metres. A plan detailing the reduced size dayroom was tabled (dwg. no. 08_180_002). The Inspector concluded that the proposal was inappropriate development. He acknowledged the reduced dayroom would still be around double that envisaged in the Good Practice Guide, Designing Gypsy and Traveller Sites, however he noted that the building would be used on a regular basis by four generations of the same family. He concluded that the size was justified on the basis of the appellant and her family’s personal circumstances. He added that a planning condition making the use of the building personal was appropriate.
15. There is no other planning history in respect of the appeal site, including the existing outbuildings on the site. The single-storey brick building in the north-west corner of the site appears to be lawful. Photographs taken in 2003 and 2008 show that the building has been on the site for more than four years, making it immune from enforcement action. The Council cannot, therefore, require it to be removed. The Inspector however has required it be partially demolished and rebuilt in accordance with dwg. no. 08_180_002 by way of a planning condition.
16. The planning history relating to other buildings at Sunningdale, is restricted to a dayroom on Plot 14. Retrospective planning permission was granted on appeal in September 2002 for the erection of a building for domestic purposes.

Planning Policy

17. **Planning Policy Guidance 2: Green Belts:** identifies as the fundamental aims of Green Belt policy at paragraph 1.4 as: ‘to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development’.
18. It establishes a presumption against new development in Green Belts at paragraphs 3.1-3.3 and sets out appropriate uses of land and forms of development within Green Belts at paragraphs 3.4 – 3.5. Paragraph 3.2 states:

‘Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’.
19. At paragraph 3.15 it is establishes that: ‘the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green

Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design’.

20. **Department for Communities and Local Government ‘Designing Gypsy and Traveller Sites Good Practice Guide’ (2008):**
21. The requirement at paragraph 7.20 of the Good Practice Guide must be noted, in that ‘its construction should be sympathetic to local architecture, attractive and of a domestic nature and meet the requirements of PPS3’.
22. The guidance states in relation to amenity buildings serving individual plots:

‘It is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self-contained semi-detached units’ (para. 7.17) and;

‘The inclusion of a day/living room in the amenity building for family meals is recommended. The day/living room could be combined with the kitchen area to provide a kitchen/dining/lounge area... Many existing amenity buildings do not of course contain this facility but inclusion in new sites would replicate the provision of a typical living room as enjoyed by other sectors of the community’ (para. 7.19).
23. **Circular 11/1995 - The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
24. **East of England Plan 2008:**
 - (a) ENV7: Quality in the Built Environment
 - (b) H3: Provision for Gypsies and Travellers
 - (c) CSR3: Green Belt
25. **South Cambridgeshire Local Development Framework (LDF) (a) Core Strategy and (b) Development Control Policies DPDs (2007):**
 - (a) Policy ST/1 Green Belt
 - (b) Policy DP/1 Sustainable Development
 - (c) Policy DP/3 Design of New Development
 - (d) Policy DP/3 Development Criteria
 - (e) Policy GB/1 Development in the Green Belt
 - (f) Policy GB/2 Mitigating the Impact of Development in the Green Belt
 - (g) Policy NE/9 Water and Drainage Infrastructure
 - (h) Policy NE/10 Foul Drainage – Alternative Drainage Systems
 - (i) Policy NE/11 Flood Risk

Consultation

26. **Milton Parish Council** – Recommends refusal commenting that “Milton Parish Council supports the Inspector’s decision ref. APP/W0530/C/2079175. Our original concerns still apply: Inappropriate and loss of openness in the Green Belt and harm to the character of the area”.

27. **Environmental Health Officer** – Comments that there will be no significant impacts in relation to noise and environmental pollution. It is noted that the structure must meet site licence requirements.
28. **Environment Agency** – comments are awaited. A verbal update will be given at the meeting.
29. **Local Highways Authority (Cambridgeshire County Council)** – Commented that: “As the Highway Authority would not wish to see any increase in vehicle movements through the existing access, please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that the proposed day room is used solely for this purpose and not as a separate dwelling”.

Representations

30. In response to a request from Officers for confirmation of the material planning considerations to be taken into account, the **applicant** has written confirming that circumstances have not changed. Since the appeal decision. She still has her mother, daughter, grand-daughter on site. Her daughter is expecting another baby. She still look after her two other granddaughters and her youngest son still lives with her. The circumstances are, therefore, as considered by the appeal Inspector:
 - (a) Need for a day room.
 - (b) Government Good Practice.
 - (c) The number of caravans on site is not limited and therefore the site is large enough to accommodate two families and as such the dayroom is approximately the right size for a double plot (80 sq metres externally).
 - (d) The personal circumstances of the applicant and extended family – having three generation of the same family on site, with children needing to do homework and the oldest generation with failing health.
 - (e) The permission allowed for a dayroom at plot 14 sets precedence for what is acceptable as non-residential caravan living space.
 - (f) Human Rights – loss of facilities that could be considered part of a home; loss of property if refused; legal obligation to facilitate the Gypsy way of life.
 - (g) Emphasis is placed on considering the needs of appellant and families involved.
 - (h) Common Humanity.

Planning Comments – Key Issues

31. The key consideration in determining this application is Green Belt. Other matters to be addressed include flood risk, traffic and departure procedures.

Inappropriate development

32. It is accepted that the day room is inappropriate development in the Green Belt.

Other harm – Green Belt

33. It is necessary to consider whether the proposal will harm the Green Belt’s openness and character in this area.
34. It is useful to compare the two appeal decisions. The first appeal against the refusal of planning permission for the day room as built, measuring 131 square metres. The Inspector at that appeal considered the building resulted in a loss of openness and was out of character with the countryside setting, having an appearance like that of a

bungalow. The Inspector opined that the building is more harmful than the fallback positions of siting further caravan/s or mobile home/s.

35. The second appeal against the subsequent enforcement was allowed on the basis of scheme submitted reducing the building to approximately 90 square metres. In considering the day room built on site the appeal Inspector accepted the previous decision, which dismissed the appeal for the day room as built. It was accepted that if part of the building to the rear and the existing building were demolished to provide smaller buildings, other consideration put forward would clearly outweigh the harm caused to the Green Belt by way of inappropriateness and any other harm.
36. The circumstances have not altered in the intervening months.
37. The building now proposed is marginally larger in floorspace by approximately 13 square metres than that considered by the Inspector when granting permission. This modest increase will not noticeably increase the impact of the building in terms of loss of openness or visually and as such is not considered significantly harmful to the Green Belt.

Other harm?

38. The Local Highway Authority's comments are noted. Condition 2 of the permission limits occupancy to a day room personal to the applicant and her dependents. This condition is considered sufficient to prevent the building's use as a dwelling without a further planning permission.
39. The application is accompanied by a Flood Risk Assessment (FRA) as the site falls with a medium and high flood risk zone, according the Environment Agency's flood maps. Flooding was not previously raised as an issue, however the FRA states that finished floor levels are approximately 600-700mm above predicted flood levels of the 1:100 year event. A verbal update will be provided if comments from the Environment Agency are received, however, based on this assessment it is likely that the risk from flooding is acceptable.

Very special circumstances?

40. The applicant has put forward material planning considerations, which have not altered since the previous appeal was decided. In relation to the specific considerations put forward, the following comments are made:
 - (a) *Need for a day room* – it has been established that there is a need for day room on site to accommodate the family, including dependents, this has not altered.
 - (b) *Government Good Practice* – the building proposed accords with guidance set out by the Government in relation to day rooms in terms of its size and accommodation. It does not provide sleeping accommodation.
 - (c) *The number of caravans on site is not limited and therefore the site is large enough to accommodate two families and as such the dayroom is approximately the right size for a double plot (80 sq metres externally - see (b), above.*
 - (d) *The personal circumstances of the applicant and extended family – having three generation of the same family on site, with children needing to do homework and the oldest generation with failing health. - The slight increase in size facilitates an improved layout, incorporating a separate room for an elderly relative of the applicant – this has been accepted, and remains unchanged.*

- (e) *The permission allowed for a dayroom at plot 14 sets precedence for what is acceptable as non-residential caravan living space* – the Inspector in considering the planning appeal did not accept this argument. He noted that the building at no. 14 is smaller, placed at the side of the plot to leave a maximum open area for the single unit mobile home and two touring caravans on site, its occupiers did not have homes elsewhere (unlike several of Mrs Lee's family who use the application site), and that site does not have a second day room. It is not accepted therefore, that this is a material planning consideration that can carry any weight.
- (f) *Human Rights – loss of facilities that could be considered part of a home; loss of property if refused; legal obligation to facilitate the Gypsy way of life* – It was noted by the Inspector that, as the building had not been lawfully erected, the occupants would retain sleeping, living, kitchen and bathing facilities if it were removed, and as family could still visit family life would not be harmed. The applicant's Human Rights would not have been harmed in refusing that planning permission. As the situation remains unaltered other than the applicant has an extant planning permission, which she could still implement, it is concluded that this does not be given weight in determining this case.
- (g) *Emphasis is placed on considering the needs of appellant and families involved* – this has not altered and is accepted as being a material consideration.
- (h) *Common Humanity* – The applicant has an extant planning permission which can be implemented, therefore it will not be necessary to take further enforcement action if the development is carried out in accordance with the details approved under that permission and its various planning conditions.

41. The personal circumstances of the applicant were found by the enforcement appeal's Inspector to clearly outweigh the harm by way of inappropriateness and other harm. It is Officer opinion that this remains the case in determining this application.

Planning conditions

42. It is noted that the appeal granted planning permission subject to a two conditions. These included timeframes requiring demolition and implementation to be carried out within 6 months of the date of that decision. This period will expire on 17th August 2009.
43. The drawing number referred to in condition one included works to the lawful day room and the existing building which were shown on a single drawing.
44. In light of this it is considerable reasonable and necessary to revise the planning conditions. Condition 1 (i) is amended in the recommendation below to allow a further three month period from the date of approval for implementation of the works and makes in condition 1 (i) and (ii) reference is made to both drawings as appropriate. A second condition relating to the use of the building is included without amendment as this is still considered necessary.

Departure

45. The floorspace proposed does not exceed the 1000m² threshold set out in Circular 02/2009, however; it is necessary to determine whether the proposal 'by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'.
46. It is considered that the scale of the dayroom, when seen in relation to the existing caravan sites, will not have significant impact on the openness of the Green Belt.

47. It is recommended that the application does not require referral to the Secretary of State as it will not have a significant impact on the openness of the Green Belt.

Recommendation

48. Approve, subject to no objections being received from the Environment Agency and the following conditions:

Conditions

1. The use of the existing dayroom building shall cease and the building shall be demolished within 1 month of the date of failure to meet any one of the requirements set out below:
 - (a) Within 3 months of the date of this decision the single-storey building to the rear of the dayroom building shall be partially demolished and rebuilt as shown on drawing 08_180_002, approved under planning appeal reference APP/W0530/C/08/2079175. The materials used in the construction of the external surfaces of the buildings shall match those of the existing building.
 - (b) Within 3 months of the date of this decision the existing dayroom building shall be partially demolished and rebuilt as shown on drawing no. 1409. The materials used in the construction of the external surfaces on the buildings shall match those of the existing building.
2. The dayroom building shall only be occupied by the appellant Sally Lee, her children and any dependant living with them, and her mother-in-law, Mrs Hope Page. The building shall not be used for overnight accommodation. When the building is no longer occupied by any of these persons, the use hereby permitted shall cease and within six months thereof the building shall be demolished and the resultant materials removed from the site.

Informatives

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- East of England Plan (adopted May 2008)
- Planning Policy Guidance 2: Green Belts
- CLG 'Designing Gypsy and Traveller Sites Good Practice Guide' (May 2008)
- Circular 11/1995 - The Use of Conditions in Planning Permissions
- Circular 02/2009 - The Town and Country Planning (Consultation) (England) Direction 2009
- Planning File Ref: S/1706/92/F, S/1241/06/F, S/0564/09/F and PLAENF.2952 (appeal ref. APP/W0530/C/08/2079175).

Contact Officer: Mrs Melissa Reynolds – Team leader (East Area)
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0628/09/F – FEN DRAYTON
Dormer Window with Obscure Glass on Rear Elevation
and Five Roof Lights on Front Elevation
at 14 College Farm Court for Mr J Chapman**

Recommendation: Approval

Date for Determination: 23rd July 2009

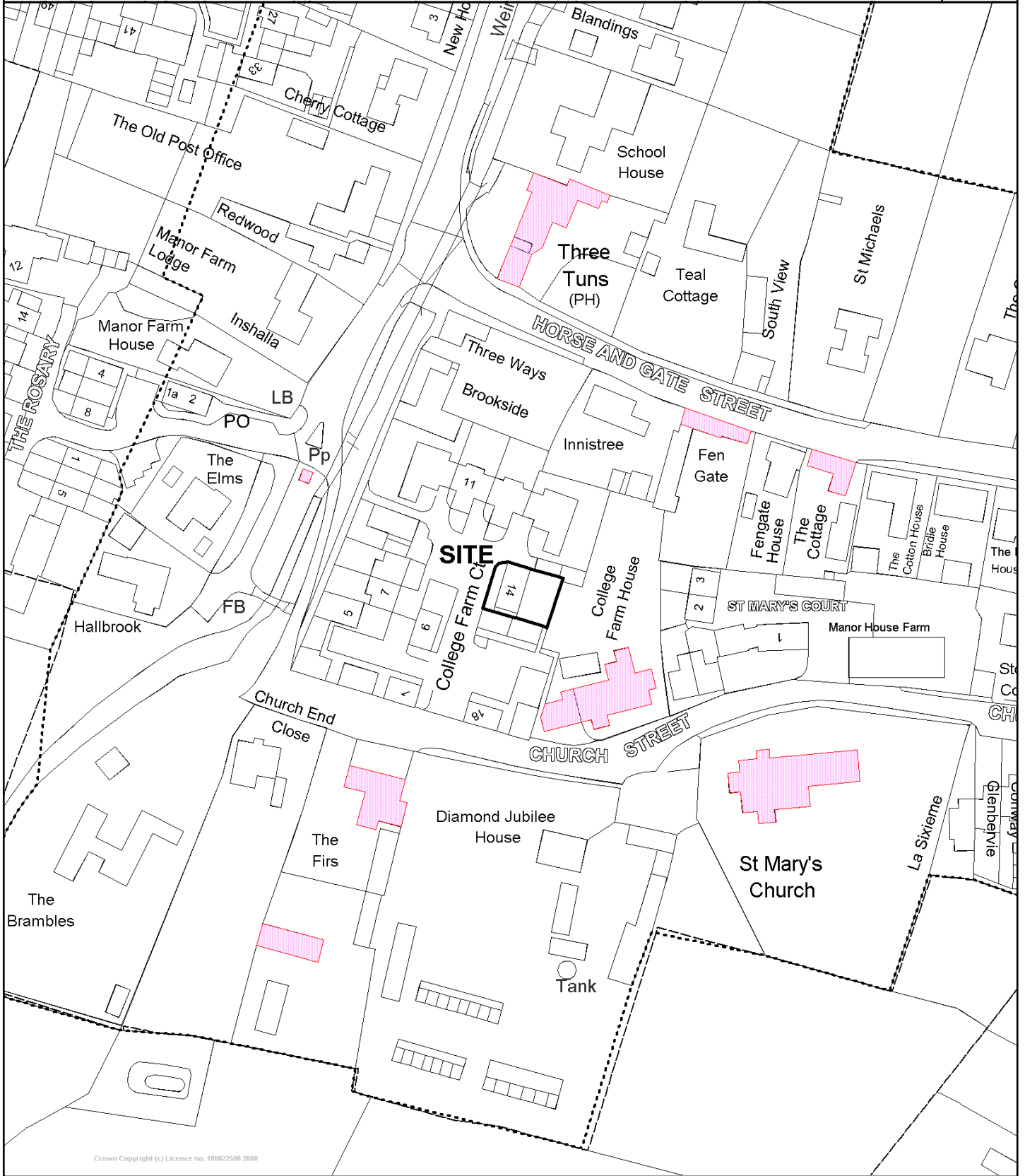
Notes:

This Application has been reported to the Planning Committee following consideration at the Chairman's Delegation Meeting held on 15th July 2009.

Conservation Area**Site and Proposal**

1. No. 14 College Farm Court is located within the Village Framework and the Conservation Area of Fen Drayton. The property forms part of a residential development, which was granted consent in 1984 for 10 Starter Units and 8 Houses.
2. No.14 College Farm Court is a semi-detached two storey dwelling with a modest rear garden measuring 8.33m in depth and 11.48m in width. The rear garden and elevation backs immediately onto the rear garden of College Farmhouse. The boundary treatment between these two properties consists of boarded fencing 1.8m high and with a limited amount of trees and shrubs within the application site. There is however, a line of conifers on the boundary, in the garden of College Farmhouse, which currently provides the majority of screening of the existing rear windows at College Farm Court.
3. The full planning application, received 28th May 2009, is a re-submission of a similar proposal, which was refused at Planning Committee Meeting held 14 January 2009. This new application proposes a dormer window on the rear elevation with obscure glass and five roof lights on the front elevation of the dwelling. The previous refusal proposed to add a dormer and five roof lights on rear elevation. S/1742/08/F was refused because it was deemed to have an unacceptable impact on neighbour amenity through direct overlooking, resulting in the loss of privacy to residents of the neighbouring property at College Farmhouse, contrary to Policy DP/3 of the South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007.
4. This new proposal would create a further two bedrooms within the roof space as with the previous one, but with most of the openings present on the front elevation. The dormer window accommodates the new staircase to access the rooms in roof space and the rooflights on the front would allow light for these rooms.

S-0628-09-F



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Scale 1/1250 Date 21/7/2009

Centre = 533895 E 268160 N

AUGUST 2009 PLANNING COMMITTEE

Planning History

5. **S/0335/84/O** – Residential Development - Approve
S/1959/84/LB – Demolition of Farm Buildings – Approve
S/2019/84/F – 10 Starter Units and 8 Houses - Approve
S/1742/08/F – Dormer Window and Five Roof Lights – Refused at Planning Committee 14th January 2009

Planning Policy

6. Relevant policies are listed below

South Cambridgeshire Local Development Framework (LDF), Development Control Policies, adopted July 2007

Policy **DP/2** – Design of New Development

Policy **DP/3** – Development Criteria

Policy **CH/4** – Development within the Curtilage or Setting of a Listed Building

Policy **CH/5** – Conservation Area

Consultation

Parish Council

7. Recommends Refusal – Converting such as small house into a six-bedroom house would not be in character with the surroundings.
8. The applicant has already converted the garage into office space, which has resulted in parking problems and inconvenience to nearby houses. A six-bedroom house is also likely to involve more cars and so create an intolerable situation for neighbours.

Conservation

9. There would be minimal impact on the adjacent Listed Building or the Conservation Area and there is a substantial leylandii hedge between the two sites. Obscuring views between the two buildings. Being in a Conservation Area, this tree screening is protected.

No objections and recommend approval subject to conditions regarding materials.

Chairman's Delegation Meeting held 15th July 2009

10. Members felt that they could not support the proposed works because there was insufficient information in terms of whether the proposed window on the gable end would need to be opening for building regulations purposes. The window could potentially overlook an existing roof light in the roof slope of No.15 College Farm Court. A requirement from the meeting was to try and establish what room this roof light is serving at 15 College Farm Court.

Building Regulations

11. Windows are not required for escape. A protected route out is now the requirement, but a window with an opening equivalent to 1/20th of the floor area is required for ventilation.

Representations

12. None received

Planning Comments – Key Issues

13. The key issues to consider in the determination of this application are:

Impact on Street Scene, Conservation Area and Setting of Listed Building

14. The most noticeable aspect of the proposal will be the five roof lights on the front elevation. The orientation of the property is such that the front elevation is facing into the courtyard rather than directly onto Church Street or High Street. The windows are to be in the style of the existing windows in the Courtyard and the application proposes to use similar materials.
15. The Conservation Team raised no objections to the proposal but would like to see a sample of the materials and concluded that there was sufficient screening at the rear to protect the setting of the listed building, College Farmhouse, from potential impact of the dormer on the rear elevation. It was noted that the leylandii hedge between the properties on the rear was protected due to its location in the Conservation Area.
16. Therefore, due to the number of other properties with roof lights in this courtyard, and the enclosed nature of the site, the proposed roof lights and dormer would have minimal impact on the street scene, and setting of the listed building and would therefore preserve the character and appearance of the Conservation Area.

Impact on Neighbour Amenity

17. The previous application was refused because of the impact of the proposal on neighbour amenity in terms of loss of privacy. The applicant has tried to address this by just having the dormer on the rear with fixed obscure glass. The dormer is for accommodating the staircase therefore does not require an opening clear glass window. The application can be conditioned to ensure that a top hung window fitted with obscure glass is installed, this would prevent overlooking of College Farmhouse but would fulfil the requirements of building regulations for a window with an opening equivalent to 1/20th of the floor area is required for ventilation.
18. The roof lights are now proposed for the front elevation which overlooks the courtyard only. However, the plans indicate a side window in the gable end which faces No.15 College Farm Court. No.15 College Farm Court is single storey and has a roof light on its rear roof slope which would be overlooked by the proposed new window in side gable. Having checked the history file S/2019/84/F and having spoken to the applicant, it would appear that the roof light at No.15 College Farm Court serves the bathroom. Therefore to have an opening window on the gable end would be unacceptable to neighbour amenity.
19. The applicant has, via an E-mail sent 21st July 2009, stated that he has recently carried out repairs to the wooden cladding on the side gable and does not want to remove this to install a window; therefore, he would be happy to omit the gable end window.
20. Building Regulations Officers have also been consulted on the need for the window on the side. The question was raised at Chairman's Delegation as to whether or not

the window is required as a means of escape. The Building Regulations Team confirmed that the regulations have changed recently and that it is no longer required that an escape window be provided on the third floor of a development. However, a protected route out is now the requirement, but a window with an opening equivalent 1/20th of the floor area is required for ventilation. Therefore, as the window is not required as a means of escape, the rooflights would be able to provide the required ventilation and as the applicant is happy for it to be removed, I would consider that any consent could be conditioned to omit the side window, which would overcome any overlooking issues of No. 15 College Farm Court. If this were to be the case the application should be recommended for approval as it would then be considered to have addressed the reasons for refusal under planning application S/1742/08/F.

Recommendation

21. Approve

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
3. Apart from any top hung vent, the proposed dormer window on the rear roof slope (east elevation) of the extension, hereby permitted, shall be permanently fitted with obscure glass and shall be fixed so that it cannot be opened permanently. (Reason - To prevent overlooking of the adjoining property College Farmhouse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. Notwithstanding the submitted drawing, date stamped 7th May 2009, the window on the side (south) elevation, shall be omitted from the development, hereby permitted, and an amended drawing submitted to be approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. (Reason: To safeguard the privacy of the neighbouring property No.15 College Farm Court, in accordance with Policy DP/3 of the Local Development Framework 2007.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007
- Planning File References: S/1742/08/F and S/2019/84/F

Contact Officer: Laura Clarke – Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0446/09/F – FEN DRAYTON**Change of Use from Offices (B1) to Children's Day Nursery (D1)
at The Old School, High Street for The Whitfield Group****Recommendation: Delegated Approval****Date for Determination: 20th August 2009****Notes:**

This Application has been reported to the Planning Committee for determination because the Parish Council has recommended refusal contrary to officer recommendation and the site lies within the Conservation Area.

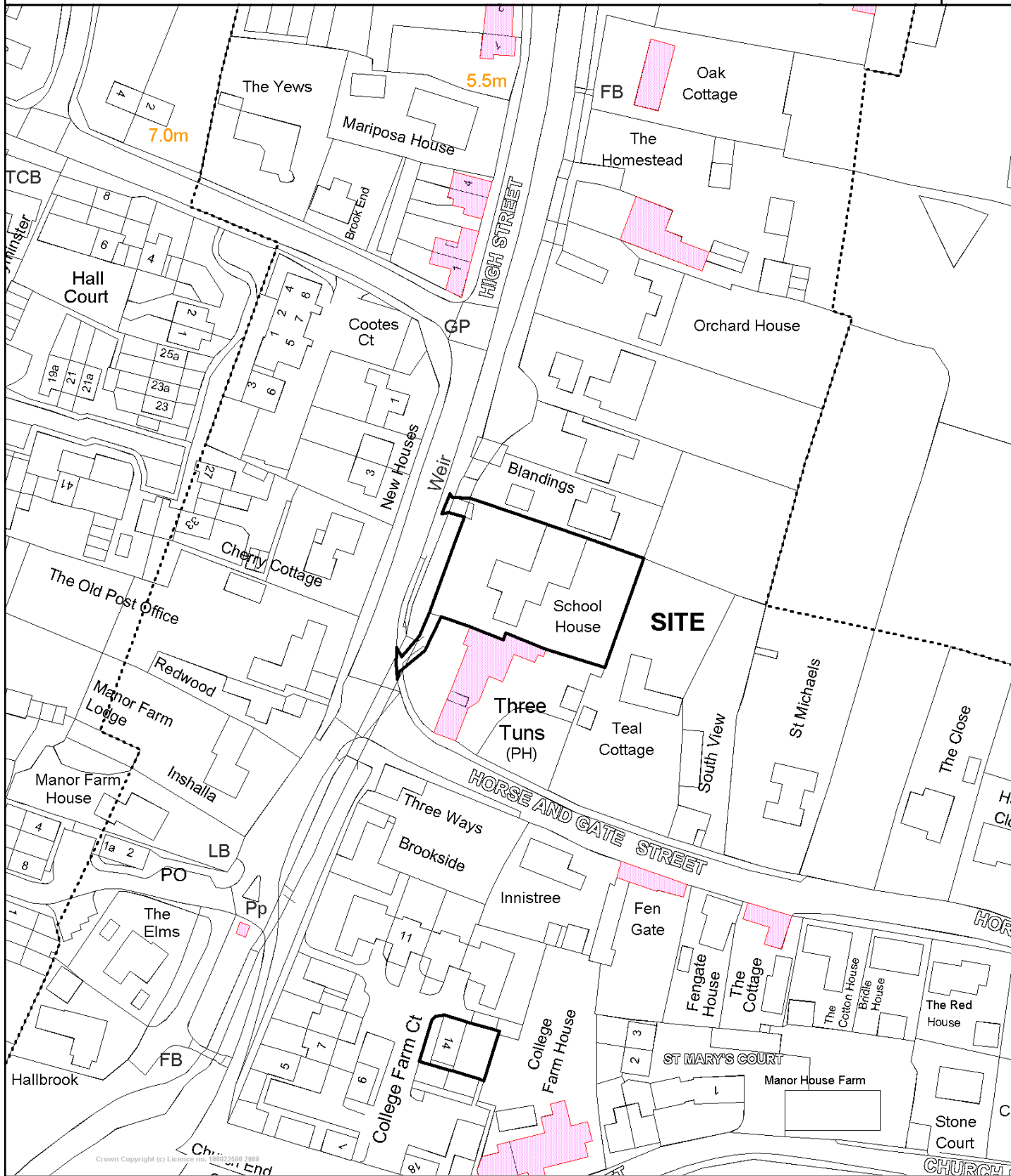
Conservation Area**Site and Proposal**

1. The full application, received on 7th May 2009, relates to a detached building located within the Fen Drayton village framework and Conservation Area. It is a part single, part two-storey property, facing onto High Street. It currently has a lawful office use (Class B1), although the building is not occupied at present. The proposal seeks a children's nursery use on the site, catering for approximately 50 full and part-time attending children and requiring 15-20 full and part-time carers, dependent on child numbers.
2. The building has two existing accesses. The first access is direct from High Street to the front of the property, which serves a small parking area. The second access runs across the frontage of the public house to the south of the site, and serves the existing parking area to the rear, as well as a further access to the adjacent dwelling at Teal Cottage. There is a mini-roundabout on the junction between High Street and Horse and Gate Street. To the front of the building is a brook, and the site lies within flood zones 1, 2 and 3 of the Environment Agency matrix. A Flood Risk Assessment has been submitted with the application. The brook also is designated as a Protected Village Amenity Area.
3. The public house to the south, the Three Tuns Inn is a grade II* listed building. To the north is a detached dwelling, the Blandings, and the shared boundary at the rear is a 1.8m high hedge. To the west, behind a 1.8m wooden panel fence, is the rear garden of Teal Cottage. There are some trees along this boundary.

Planning History

4. Application **S/0039/90/F** for the use of the building as offices and car park was approved dated 19th March 1990. This followed the refusal of application

S-0446-09-F



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Scale 1/1250 Date 22/7/2009

Centre = 533910 E 268266 N

AUGUST 2009 PLANNING COMMITTEE

S/1710/89/F for the same use on grounds of noise disturbance to the occupiers of adjacent dwellings from the car park.

Planning Policy

5. Local Development Framework Development Control Policies 2007:
DP/1 – Sustainable Development, **DP/2** – Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **CH/4** – Development Within the Curtilage of a Listed Building, **CH/5** – Conservation Areas, **CH/6** – Protected Village Amenity Areas, **NE/11** – Flood Risk, **NE/15** – Noise Pollution & **TR/2** – Car and Cycle Parking Standards.
6. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation

7. **Fen Drayton Parish Council** recommends refusal on a number of grounds. Their summary states:
 - (a) No benefit to Fen Drayton: users would be from outside the village, further contributing to adverse traffic conditions.
 - (b) No business plan has been provided demonstrating a need for this: no demand.
 - (c) Inappropriate siting on very busy corner: highway safety not adequately addressed.
 - (d) Inappropriate siting: parents have expressed concerns regarding the proximity to the pub.
 - (e) Inadequate/inappropriate parking facilities leading to obstructive parking on the road in the village.
 - (f) Inadequate space for outside play area for children.
 - (g) Water danger to children (brook in Conservation Area).
 - (h) Flood area: access impossible in times of flood.
 - (i) Detrimental to existing community spirit.
 - (j) Other more suitable sites have been identified.
8. The **Environment Agency** confirms the submitted Flood Risk Assessment (FRA) meets the requirements of PPS25 (Development and Flood Risk). A condition is recommended regarding a Flood Contingency Plan to be submitted prior to the use commencing.
9. The **Conservation Officer** requested further information regarding the original submission, with particular reference to any proposed fences, gates, toilets, drop off points and pick up points. Comments regarding the further information will be confirmed verbally to the Planning Committee.
10. The **Corporate Manager (Health and Environmental Services)** stated there might be potential for noise to be created during times children are playing outside. However, there are no significant concerns regarding the impact upon the occupiers of adjacent dwellings, as this noise level is usually low. A condition is recommended regarding a noise management scheme. An informative is also requested by the Food and Health and Safety Team regarding Food Hygiene and Health and Safety/Welfare requirements.

11. The **Local Highways Authority** recommends refusal of the original submission in its present format, but requested further information. On submission of further information, the Local Highways Authority have removed their original objection, subject to a manoeuvring plan for the drop off area demonstrating that a vehicle can arrive and leave in forward gear if all spaces are taken. Some changes are also recommended to the cycle parking layout.
12. Comments have yet to be received from **English Heritage** regarding the grade II* listed building to the south. Any comments received will be reported verbally to the Planning Committee.

Representations

13. Letters of objection have been received from the occupiers of four of the adjacent properties including Teal Cottage and the Three Tuns, and from a representative of the Fen Drayton Pre-School Committee. These objections are summarised below:
 - (a) The development would create a negative effect on the operating standards of the adjacent public house, would cause use of the public house's own parking facilities, and would "bring unreasonable requests" from users of the nursery to the services of the public house.
 - (b) Lack of on site parking.
 - (c) Impact upon the Right of Way to Teal Cottage.
 - (d) Potential flooding.
 - (e) Impact upon highway safety and parking along High Street.
 - (f) Impact upon the accesses to the dwellings on the opposite side of High Street.
 - (g) The potential impact from falling branches.
 - (h) The impact upon the existing Pre-School within the village.

Planning Comments – Key Issues

14. The key issues relating to the application are highway safety and parking, the impact on the amenity of the occupiers of the adjacent dwellings, impact upon the Conservation Area and Protected Village Amenity Area, and flooding.

Highway Safety and Parking

15. The site has consent for a Class B1 office use, and already has two existing accesses. The proposed use would bring about a change in the types of journeys to the site. Members of staff are likely to arrive at similar times to the existing use, whilst the frontage parking area is likely to have busy spells of traffic in the mornings and late afternoons when children arrive to and from the site. Given the access from High Street is already in existence, the Local Highways Authority has confirmed that it does not object to the potential intensified use of this access. The access is 5m wide and would allow vehicles to pass whilst crossing the brook.
16. The rear parking area is shown on the plan for staff parking, and therefore its use will be similar to existing. A condition requiring this to be clearly marked for staff parking only would prevent unnecessary noise disturbance to the adjacent properties. The Local Highways Authority have also confirmed they have no objection to the potential for cars to park along the High Street when visiting the site for short drop-offs, given the slow nature of this section of road, and the lack of enforcement potential against such parking. I note concerns regarding the potential to block accesses in the area, but this potential is in place today. I do not consider the change of use would

significantly add to this problem, especially given the short length of time vehicles would be parked on High Street.

17. The site has 17 existing spaces. Given the floor area, a B1 use would require 15 parking spaces in line with the Council's maximum parking standard. A pre-school use with 20 members of staff would also require 15 parking spaces. The site therefore has an over provision for the requirements of the standard. It is considered to have adequate parking provision, and extra facilities to allow for drop off spaces. The applicant has also stated that flexible childcare sessions used in its other nurseries would spread the time of arrivals and departures, rather than have the total of 50 children arriving and departing at the same time.
18. The Local Highways Authority is requesting a plan to show that vehicles would be able to enter and leave the visitor parking area in forward gear when all parking spaces are filled. Members will be updated verbally on the progress of this matter. I consider that if it cannot be achieved, a compromise could be reached whilst still meeting the parking standards of the use.
19. The Local Highways Authority requests the cycle hoops are located 1m apart. The hoops scale at 900mm. If the Local Highways Authority continues to recommend they be 1m apart, then this can be worded in a condition. A condition can ensure the cycle parking is provided prior to the use commencing to encourage cycling to the site.
20. I note there is a Right of Way along the access to the rear of the building, which serves the adjacent property of Teal Cottage. The arrangement at this section of the site should not alter significantly, and I do not consider there would be any serious impact upon the Right of Way.

The Impact on the Amenity of the Occupiers of the Adjacent Dwellings

21. The proposal does include an existing garden, which would have the potential to be used as a play area on warm days. It has shared boundaries to the rear gardens of both Blandings and Teal Cottage. The size of the garden would restrict the number of children who could play at one time, and would certainly not accommodate the 50 children to which the site could cater for. The respective boundaries would provide some screening. The Environmental Health Officer has stated that given noise levels of play associated with nurseries are relatively low, there are no serious concerns about the use. However, a condition regarding a noise management scheme could ensure this to be the case. The scheme could include details such as times of outdoor play, a maximum number of children to play at one time, and some strengthening of the shared boundaries.
22. Given the rear parking is potentially for staff only, there should be no increase in noise and disturbance from vehicles accessing the rear parking area of the site. The situation is considered to be as it is for an office use.

Flooding

23. The site lies within flood zones 1, 2 and 3 of the Environment Agency matrix. The Environment Agency has confirmed that the FRA provided is acceptable, and request a condition regarding the submission of a Flood Contingency Plan to be approved by the Emergency Planner.
24. I note concerns regarding safety of children given the proximity of the brook across the front of the site. There is a good vegetation screen to the east side of the brook,

which would prevent any serious incidents taking place. The access bridge across the brook does not have any railings. However, given the ages of the children attending the building, they would require parental accompaniment to cross the bridge to the building. Given the need for parental support, I do not consider the brook would create any safety issues to users of the building.

Impact upon the Conservation Area and Protected Village Amenity Area

25. The change of use requires no alterations to the external appearance of the building. The applicant has shown the requirement for some new low fencing to separate the rear parking area from the grassed area. I have yet to receive comments from the Conservation Team on this issue, but a condition could ensure the fence is constructed using appropriate materials.
26. The brook area to the front of the site is a Protected Village Amenity Area. Giving the access across this area and the boundary planting is existing, I do not consider the scheme would affect the designation of this area of land.

Other Matters

27. A variety of other matters have been raised during the consultation process. The Parish Council and the Fen Drayton Pre-School Committee both raise concerns regarding the impact upon the existing Pre-School in the village. Competition for such uses within the village is not a material planning consideration. I note the application does not include a business plan. As the site is already in employment use, a business plan demonstrating the need is not considered necessary for the determination of this application. The potential for other more suitable sites is again not a material planning consideration in this instance. The Parish Council also refer to a loss of community spirit as the Pre-School may be affected. However, the nursery is likely to create a new community in its own right.
28. I note concerns regarding the Poplar trees along the boundary of the site and Teal Cottage. An informative can ensure these concerns are passed to the applicant. A new fence separating the parking and grassed area would provide safety to children and not allow access to Teal Cottage through the existing Right of Way.
29. I also note concerns regarding the adjacent public house. I do not consider the proximity of the use would have any serious impact upon the public house.

Recommendation

30. Delegated approval (as approved by the amended site plan date stamped 25th June 2009), subject to comments from the Local Highways Authority regarding the potential for vehicles to enter and leave the visitor parking area in forward gear if all spaces are full and the layout of the cycle spaces, and the Conservation Officer's comments regarding the amended site plan and further information provided.
31. Conditions on any approved consent would include submission of a Flood Contingency Plan, the provision of appropriate cycle parking prior to the use commencing, the design of the proposed fencing to the rear, the submission of a noise management scheme, a scheme to show staff parking to the rear and visitor parking to the frontage

Informatives

32. In addition to the granting of planning permission, the applicant will need to comply with Food Hygiene and Health & Safety/Welfare requirements. The applicant/agent should contact the Food and Health & Safety Team (Health & Environmental Services, South Cambridgeshire District Council on 01954 713375) for advice concerning the proposed premises design/layout, Food and Occupational Safety and Welfare Regulations/requirements, Toilet Standards and Food Premises Registration.
33. The applicant should be aware of local concern regarding the Poplar trees along the rear boundary of the site, and their potential for shedding branches.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Development Control Policies adopted 2007
- Planning Files Ref: S/0446/09/F, S/0039/90/F and S/1710/89/F.

Contact Officer: Paul Derry - Senior Planning Officer
Telephone: (01954) 713159

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 5th August 2009
AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0741/09/F – GREAT WILBRAHAM
Erection of 4 Affordable Dwellings at Land to the Southeast of 1 Butt Lane for Dudley Developments

Recommendation: Approval subject to the outcome of the Affordable Housing Panel

Date for Determination: 6th August 2009

Members will visit the site on the morning of 5th August 2009

Notes:

This Application has been reported to the Planning Committee, as it is an affordable housing exception site and the officer's recommendation of approval differs to that of the Parish Council.

Site and Proposal

1. The application site comprises of a plot of land 0.055 hectares of elevated scrubland located outside the village development framework. The site is within the Great Wilbraham Conservation Area and immediately adjacent to the Cambridgeshire Green Belt. The Local Development Framework Core Strategy, 2007, identifies Great Wilbraham as a Group Village. Within Group Villages, residential development of up to 8 residential units are permitted within development frameworks. Group Villages are usually less sustainable locations for new development than larger rural or minor rural centres. These villages have few services and facilities allowing only some basic day-to-day requirements of residents to be met without the need to travel outside of the village.
2. Access to the site is obtained via a medieval lane, which is recognised as an adopted public highway controlled by the Country Council. The site is surrounded by a tree belt of dead, diseased and dying Dutch Elm trees to the north and southeast, whilst the site itself is currently covered in wild flowers and weeds. The medieval track running to the south of the plot is lined either side by trees and currently serves a few dwellings located around the junction with the High Street. The track is also used by occasional farm traffic, walkers and horse riders. The site is within flood zone 1 as defined by the Environment Agency.
3. The proposal consists of the erection of a terrace of 4 two-storey 2-bedroom dwellings with rear gardens and 6 associated car parking spaces. The site would be accessed via a new vehicle access sloping up into the site leading to a central parking area at the front of the terrace. New planting is proposed to mitigate the impact of the development upon the street scene by virtue of a hedgerow. The dwellings as proposed would be allocated as affordable shared ownership homes for local residents to be secured by a S106 agreement. The dwellings are designed to replicate a utilitarian pair of cottages, with the fenestration detail aiming to hide the

additional end units from view. The proposal would represent a residential density of approximately 72dph.

Planning History

4. Planning Application S/0060/88/O was refused and an appeal dismissed for the erection of one dwelling.
5. Planning Application S/2019/88/O was refused and an appeal dismissed for the erection of one bungalow.
6. Planning Application C/0207/68/D was refused and an appeal dismissed for the erection of two semi-detached properties.

Planning Policy

7. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007:*
ST/6 Group Villages
8. *South Cambridgeshire Local Development Framework (LDF) Development Control Policies, DPD, adopted July 2007:*
DP/1 Sustainable Development
DP/2 Design of New development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
GB/2 Mitigating the Impact of Development in the Green Belt
CH/5 Conservation Areas
HG/1 Housing Density
HG/3 Affordable Housing
HG/5 Exceptions Sites for Affordable Housing
NE/1 Energy Efficiency
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
NE/10 Foul Drainage - Alternative Drainage Systems
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
9. *South Cambridgeshire Local Development Framework Supplementary Planning Guidance:*

Open space in new developments adopted in January 2009;
Trees and development sites adopted in January 2009;
Development affecting Conservation Areas adopted in January 2009;
South Cambridgeshire Draft Design Guide adopted in 2005;
10. Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

11. Circular 05/2005 - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

12. **Great Wilbraham Parish Council** – Recommends refusal supporting the views of local residents referencing the following points:
- (a) This is an unsuitable location for such a development for a number of different reasons.
 - (b) The proposal would set a precedent for building outside of the building line.
 - (c) There is unsuitable Highway Access to the site. It is a narrow single carriageway which is a right of way for vehicles from three farms, and although the responsibility of highways has not been maintained for many years. The lane contains no public footway and is frequently used by pedestrians.
 - (d) The level of car parking is not in keeping with the setting and therefore will be of detriment to the conservation area. Additionally they are concerned that the plot is not big enough to support the number of cars that will be generated by the four proposed houses, which may result in cars being parked on the road causing further problems with the Highways issues, here, and at the entrance to Butt Lane.
 - (e) Sewage and surface water drainage issues are of serious concern. Residents of Butt Lane and Angle End have suffered for many years from unpleasant odours and sewage rising at all times of the year due to an unsuitable system at Six Mile Bottom pumping station and an insufficient small gauge pipe. They also suffer from flash floods caused by poor surface water drainage in heavy rain. Councillors do not believe that these issues have been looked into sufficiently and can only imagine that this development will exacerbate the problems for residents.
 - (f) Members object to the suggestion that the proposed houses could be purchased and it is their opinion that they should be for rental only and remain in village ownership in perpetuity as had been previously indicated by Mr Dudley.
 - (g) Members were surprised to see that the number of properties had increased from that proposed in their previous informal meeting and feel that this is an overdevelopment of the site.
 - (h) Members of Great Wilbraham Parish Council do acknowledge that there is a need for social housing in the village but feel that this location is totally unsuitable.
13. **Affordable Housing Panel** – The conclusion of which will be provided by way of a verbal update.
14. **Conservation** – The site comprises a small-hedged green space within the Great Wilbraham Conservation Area. This application follows preliminary enquiries.
15. Whilst the design of the houses follows lengthy preliminary discussions, the extent of loss of the green space and mature hedging was not previously clarified. As noted during the consultation period, the mature traditional hedging is a significant part of the soft rural character of this part of the Conservation Area. Its replacement by new narrow hedging and close-boarded fencing would be detrimental to that interest. The loss of trees around the site would also harm the rural character and at least should be replaced by new traditional hedging trees.

16. I am reluctant to recommend refusal at this stage after the negotiation on the design but the extent of urbanisation was not made clear in discussions with us and would significantly damage the character of this rural part of the Conservation Area. If it is likely that the hedging could be retained with the buildings as proposed, this could be covered by condition (SC9) adapted to include all boundary hedges, in addition to the other conditions, (SC5) hard & soft landscaping and (SC3) details of external materials.
17. If the provision of the 4 affordable units would necessitate the loss of the trees and hedges, then it would be over-development of the site and fewer units would be required. In this case I would therefore recommend refusal due to the loss of trees and rural character within this part of the Conservation Area.
18. **Trees & Landscaping** – No objection, the trees covered by the Tree Preservation Order are no longer present on the site and replacement landscaping will be a priority.
19. **Local Highway Authority** – Raises no objection recommending the following:
 - (a) The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway prior to any works starting on site, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
 - (b) The applicant must show the dimensions for the proposed car parking spaces, which should be 2.5m x 5m with a 6m reversing, space.
 - (c) No unbound material shall be used in the surface finish of the driveway due to the gradient of the entrance to the site.
 - (d) The bicycle parking facilities need to be shown to the front of the site on the submitted plan and be provided prior to the first occupation of the development and retained at all times.
20. **County Council Access and Rights of Way** – The lane in question is listed as a street all the way down to the rear entrance to Crossways Farm. It is then that the lane becomes a public right of way (Great Wilbraham byway no.6). As the section of lane, which runs past the proposed development site is identified as highway as recorded on the lists of streets the team have no objection to this development.
21. **Affordable Housing** – I can confirm that the last Housing Needs Survey for Great Wilbraham was completed in March 2005 and showed in the 2 years following that there was a need for nine units and a further 10 units in 2-5 years. The biggest need is for 2 bed rented houses, so the proposal from Dudley Developments fits well with the need identified.
22. The unit size is slightly smaller than we would usually accept. The current floor area is only 69sqm and the minimum floor area that we would normally expect to achieve is 72sqm, however having spoken to RSL colleagues they have confirmed that they would be able to consider taking on these units at the sizes proposed, provided we would support any grant application to the Homes and Communities Agency. Having reviewed the Design and Quality Standards on size, I do feel that this is something that we could support.
23. **Landscape Design** – I have no objections to these proposals provided a landscape condition is imposed giving the opportunity for a field maple tree on the lane corner and north east corner of the site. I should also like to see a hedge of *Acer campestre* and *Viburnum opulus* around the perimeter so that the inevitable elm suckers that will continue to regenerate on the site can be managed. It is likely that further elm suckers

will develop outside the site and unless the ground is cultivated these will grow into trees, then die as they reach a certain size and succumb to Dutch Elm disease again. In my view a screen will remain around the site although it will be a living one rather than ivy clad dead trees. I would be happy to see the existing dead trees cleared so that the new landscape can be planted.

24. **Ecology Officer** – Has no objection to the proposed development but would wish to see conditions attached to control vegetation removal and to secure nest box provision. The site appears to be unmanaged land and has suffered dumping of waste material. A good landscape scheme should be sought that enhances the frontage with the by-way and retains the "green lane" feel.
25. **Environmental Health** – There are concerns that problems could arise from noise during the construction of the development and would recommend conditions are attached to limit the hours of use of power operated machinery and that details of pile driven foundations are provided.
26. **Environment Agency** – The application site falls within flood zone 1 of the Environment Agency's PPS25 Flood Risk standing advice Matrix. It is considered that there are no other agency related issues in respect of this application and therefore the council will be required to respond on behalf of the agency in respect of flood risk and surface water drainage related issues.

Representations

28. 13 neighbour objection letters have been received, the contents of which are summarised below:
 - (a) This planning application is for land outside the village limit within the green belt. Allowing any planning application on this land would be against sensible planning policy and would open up more of Butt Lane to development. It must therefore be rejected, even though the application is being presented as offering "affordable housing" for "local people".
 - (b) The development will detract from the historic rural feel of the lane creating an urban environment;
 - (c) The development would tower above the lane and adjacent buildings and would be overbearing and oppressive to adjoining residential properties;
 - (d) There is no access to the site from the lane at present;
 - (e) The existing sewer system is insufficient for present demands, with various houses within the parish already experiencing problems, additional houses could worsen this situation;
 - (f) Car parking will undoubtedly spill out onto the lane, which is already overcrowded, especially when farm vehicles use the tract during harvest;
 - (g) The parking area would not allow vehicles to turn, therefore they will need to reverse into the lane. This will cause traffic conflict due the narrow width of the lane;
 - (h) It is not clear what rights the site would have to gain access due to the lane not being a public highway;
 - (i) There are other sites available for affordable housing within the village, with the parish stipulating land owned by themselves, which could be used;
 - (j) It is not clear how the development would meet local housing need, the last survey was undertaken 3 years ago and we are not aware of the results, furthermore, the application makes no reference to a housing association to show that the development would provide affordable housing in perpetuity;
 - (k) Previous applications for residential development have been turned down on this site due to the impact they would have upon the Conservation Area and

surrounding countryside. The proposed development would also harm the character of the area;

- (l) The development would increase the risk of flooding and water damage to neighbouring properties within the vicinity;
 - (m) Surface water regularly runs down Butt Lane causing the drains in Butt Lane and the corner of Butt Lane/Temple End to overflow leading to localised flooding;
 - (n) There is no evidence that other sites have not been identified within the village framework;
 - (o) The lane adjacent to the site is used as a recreational route for walkers, riders and dog walkers and should be protected as such;
 - (p) The development would be ecologically damaging, as there are a number of birds using the site along with a bat colony;
 - (q) The overcrowding of 4 dwellings on a small piece of land adjacent to the Green Belt will undermine the tenets of Green Belt Policy;
 - (r) The junction where Butt Lane meets the High Street is already awkward and increased traffic numbers will only increase traffic flow making the situation more dangerous;
 - (s) How will affordable housing in perpetuity be agreed and how is the proposed development in accordance with local need?;
 - (t) Due to the size of the village any site would be closely related to village services and facilities;
 - (u) The end user, i.e. an affordable housing provider, should be making this application and not a developer;
 - (v) The pressure to meet externally imposed targets has led officers to advise developers on procedures to circumvent the legitimate framework of planning approval;
 - (w) The proposal and future affordable housing will put pressure on the existing bus network and the local service will have to be strengthened;
 - (x) It is unclear who will own these houses, and what restrictions there will be on their re-sale;
29. 1 letter of support has been received stating that the village is in great need of smaller housing to enable local people to remain local. Many 2-bedroom houses have been extended and there are very few small homes left within the village. The site however, would benefit from 3 dwellings and additional parking rather than a terrace of 4 dwellings. The housing should be made available for social renting only to ensure they stay available.

Planning Comments – Key Issues

30. The key issues to consider in the determination of this application are the impact that the proposed development would have upon the character and appearance of the Conservation Area and surrounding area, highway safety, neighbour amenity, biodiversity, local housing need, public open space infrastructure and flood risk.

Housing Principle

31. Great Wilbraham is identified as a Group Village, which has limited services and facilities. The village does, however, benefit from a primary school, church and post office all within close proximity to the application site. Furthermore, the site is located within close proximity to the local bus stop. The application site is situated immediately adjacent to the villages development framework sandwiched between the village edge and the Green Belt. As the site is situated outside of the development framework it is considered against the criteria for a housing exception site.

32. The applicant has confirmed its willingness to enter into an agreement to secure the development for affordable housing in perpetuity for those locally with housing need. This is to be secured by condition. Furthermore, the proposed dwellings meet the size, type and tenure appropriate to local need. Given the site's location adjacent to the village edge, it is considered well related to the built up area of the village and the scheme for 4 units is considered small scale and appropriate to the size and character of the settlement. The site would be within easy access to the local primary school, church and village shop along with local public transport links. The development has been designed in accordance with the advice of the Conservation officers in order to preserve and enhance the character of the Conservation Area. Given the site's natural screening from its landscaped boundary, separating the site from the surrounding Green Belt, the development is not considered to damage the rural character of this part of the village.

Housing Need:

33. The most recent housing needs survey for Great Wilbraham was carried out in 2005 and identified the need for 9 units followed by a further 10 units over a period of 2-5 years. Local housing need also identifies 2 bedroom dwellings for social renting as the largest proportion of units and tenure that is required. Whilst the housing proposed has a slightly smaller floor area (69sqm) than the usual standards (72sqm), discussions with local registered social landlords (RSL's) has confirmed that the units would be acceptable on the premise that the local authority supported any grant applications to the Homes and Communities Agency. It is felt that the proposal is acceptable in terms of the Design and Quality Standards and any grant application would gain the support of officers.

Historic Environment:

34. The site in its present form does not provide any merit to the character and appearance of the Conservation Area. However, the landscaped buffer surrounding the north and east boundary of the site does provide a green buffer separating the built form of the village edge from the adjacent Green Belt. This natural enclosure of the site is considered essential to the rural character of this part of the village. In order to facilitate the proposed development the Conservation team feels that the north and eastern boundaries would need to be maintained. The housing proposed has been subject to extensive pre-application discussions and the development is considered to be acceptable in terms of the proposal's built form design and scale. The terrace would replicate a simple pair of cottages with the end units being accessed from the side elevations. To this end the proposed terraced housing is considered to preserve the special character and appearance of this part of the Conservation Area.
35. The north and east boundaries mainly consist of Dutch Elms, which once formed part of a group Tree Preservation Order. This group has suffered from Dutch elm disease along with significant ivy growth. This has undermined the longevity of these boundaries to the point where the preservation order has been lifted. The trees within this boundary are now considered to be dead, diseased or dying and offer little merit in their own right. Notwithstanding this the retention of a landscaped buffer to the green belt and Conservation Areas is considered essential should the site be developed. The proposal suggests that some trees shall be removed upon both the north and east boundaries whilst others are to be thinned. This would lead to holes within the existing tree line opening up views of the site from the adjacent Green Belt.
36. It is considered that new healthy specimens that would not suffer from the existing diseased site conditions could fill these holes to good effect. The landscape design

officer is adamant that a landscape proposal secured by condition would allow for appropriate replacement specimens to be sought safeguarding the character of the area. The proposed boundary treatment shall also be controlled by conditions ensuring it maintains the rural character of this part of the village. The use of close-board fencing is only proposed between village edge and the development site and between the gardens within the terrace. All exterior boundary treatment shall form chain link fencing or replacement hedging.

Neighbour Amenity:

37. The South Cambridgeshire Draft Design Guide SPD (2005) stipulates the acceptable minimal distances in terms of privacy and light. A back-to-back distance of 12m is considered acceptable in terms of adequate light for a blank wall fronting a neighbouring window. A distance of 18m is considered acceptable in terms of an adequate distance for privacy between two windows.
38. The proposed development would contain one window within each of its side elevations. These windows would serve landing stair wells and only the window within the northwest elevation would overlook a residential curtilage (namely no.1 Butt Lane). The distance from this window to the immediate amenity area of no.1 Butt Lane would be approximately 18m. The front elevation of the proposed terrace would be orientated towards the side and rear of the curtilage of no.2 Butt Lane, the distance of these windows to the immediate amenity areas of this property are approximately 20m. The boundary of no.2 is also afforded screening by the tree line within the lane. Therefore, assessing the above against the design guide standards, the proposed dwelling would not result in a serious loss of light or loss of privacy to the amenity that the surrounding neighbour residents currently enjoy.
39. The development once built would not interfere with the use of the lane for pedestrian or vehicular traffic. The identified public right of way does not start until much further down the lane away from the application site.

Highway Safety:

40. Butt Lane reverts into a medieval lane known as the street, which would appear to demarcate the transition from the public highway to a public right of way. In fact despite the visual transition of this road/lane it is in fact all public highway from Butt Lane all the way to Crossways Farm. It is then that the highway reverts into a public by-way. The proposal would provide adequate car parking provision at a level of 1.5 spaces per dwelling in line with highway standards (2.5m x 5m with 6m reversing space) along with 2m x 2m pedestrian visibility splays onto the public highway. The highway adjacent to the site is lightly trafficked with through access only for farm vehicles or walkers. It is therefore considered that the proposed level of development would be appropriate in terms of traffic intensification onto the highway at this point.

Biodiversity:

41. No protected species have been identified on the site and as such the ecology officer has no objection to the proposed development on the premise that a condition is attached to control the removal of vegetation to outside of the bird-breeding season. In addition the provision of nest boxes would be required to ensure onsite biodiversity enhancement. With the introduction of replacement planting agreed by a hard and soft landscaping scheme the site will mitigate the loss of the existing habitat for local wildlife. Nevertheless, the site in its present form is unmanaged with evidence of waste dumping.

Public Open Space Infrastructure:

42. Great Wilbraham is identified as having a shortfall within its play space, whilst it is considered to have a minimal surplus within its sports facilities. The proposed development would result in the erection of four 2-bedroom properties, which, in accordance with the adopted public open space in new developments SPD, would require an off site contribution of £8,979.60 to be secured by condition. The applicant has confirmed that they are willing to make such a contribution.

Drainage:

43. The site lies within flood zone 1 and therefore the main flood risk issue to consider is the management of surface water run-off. Drainage from the new development should be designed to not increase flood risk either on-site or elsewhere. Government policy strongly encourages a sustainable drainage system (SUDS) approach to achieve such an objective. The applicant has not provided detailed plans to show, how surface water and foul drainage shall be dealt with onsite. As a consequence of evidence of local flooding provided by the Parish Council and residents, conditions shall be attached ensuring that appropriate surface water and foul water drainage schemes (including the provision of sustainable urban drainage systems (SUDS)) will be submitted to and approved in writing by the authority prior to development commencing. In conjunction with this detail, conditions requiring hard and soft landscaping will seek to provide permeable surfaces. In order to further manage surface water run off into the lane, the gradients of the parking area to the front of the terrace will be required by condition. The site has not been identified as an area of critical drainage problems by the Environment Agency and therefore no formal consultation from the Environment Agency is required.

Recommendation

Approve

44. **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development 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 of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

4. No development shall begin until details of a scheme for the provision of outdoor sports and playing space and informal open space infrastructure to meet the needs of the development in accordance with Policies SF/10 and SF/11 of the Local Development Framework Development Control Policies 2007 has been submitted to and approved in writing by the Local Planning Authority. (Reason: To ensure the development provides a suitable level of public open space for occupants of the development, in accordance with Policies SF/10 and SF/11 of the South Cambridgeshire Local Development Framework 2007.)
5. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
5. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
6. During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
7. Any removal of trees, scrub or hedgerow shall not take place in the bird-breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority. (Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, C, D, E,

and F of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - In the interests of the preservation of the character and appearance of the Conservation Area in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Class A of Part 2 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - In the interests of the preservation of the character and appearance of the Conservation Area in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)
10. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
11. No development shall begin until a scheme for the provision of bird nest boxes has been submitted to and approved in writing by the Local Planning Authority; the dwellings shall not be occupied until the next boxes have been provided in accordance with the approved scheme. (Reason - To achieve biodiversity enhancement on the site in accordance with adopted Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
12. No development shall take place until a plan showing the finished floor levels of the proposed dwellings in relation to the existing and proposed ground levels of the surrounding land has been submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. (Reason - In the interests of residential and visual amenity, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
13. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
 - i) The numbers, type and location on the site of the affordable housing provision to be made;
 - ii) The timing of the construction of the affordable housing;
 - iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
 - iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

(Reason - To ensure the provision of an agreed mix of affordable housing in accordance with Policy HG/3 of the adopted Local Development Framework 2007.)

14. The proposed access and turning areas shall be provided before the development hereby permitted is occupied and thereafter retained as such. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
15. The development, hereby permitted, shall not be occupied until parking and turning space has been laid out within the site in accordance with the approved layout drawing. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
16. No development shall take place until details of the drainage measures to the site's access have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. (Reason – To ensure the prevention of surface water run off onto the adjacent public highway.)
17. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each dwelling shall be completed before the development is occupied in accordance with the approved details and shall thereafter be retained. (Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
18. The visibility splays specified on approved drawing no.229-P-01 C at the junction of the access road with the public highway shall be provided before the commencement of the development. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
19. No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) Contractors' access arrangements for vehicles, plant and personnel;
 - ii) Contractors' site storage area(s) and compounds(s);
 - iii) Parking for contractors' vehicles and contractors' personnel vehicles; Development shall not be carried out other than in accordance with the approved details. (Reason - In the interests of residential amenity in accordance with Policies DP/3 and DP/6 of the adopted Local Development Framework 2007.)

Informatives

1. In relation to condition 4, above, the provision of recreational infrastructure to meet the need as of the development, in accordance with Policies DP/14 and SF/10 of the South Cambridgeshire Local Development Framework 2007, amounts to a financial contribution of £8,979.60, as calculated at the date of this decision. The applicant has agreed to such a contribution and an agreement under S106 (scheme) is required to secure this.

2. Should pile driven foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted and agreed in writing by the District Environmental Health Officer so that noise and vibration can be controlled.
3. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environment Health Officer in accordance with best practice and existing waste management legislation.
4. No unbound material shall be used in the surface finish of the access from the public highway. This is to avoid displacement of loose material onto the highway from the gradient of the sites entrance in the interests of highway safety.
5. The bicycle parking facilities should be provided prior to the occupation of the development and retained at all times.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)

Contact Officer: Mike Jones – Senior Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0368/09/F - LANDBEACH**Extensions, re-site entrance with gates, walls and fence at Nebi - Tari, Ely Road for Mr and Mrs Smith****Recommendation: Refusal****Date for Determination: 27th May 2009****Notes:**

This Application has been reported to the Planning Committee for determination because the Local Member requested that the application be considered at a Chairman's Delegation Meeting where it was referred to the Planning Committee.

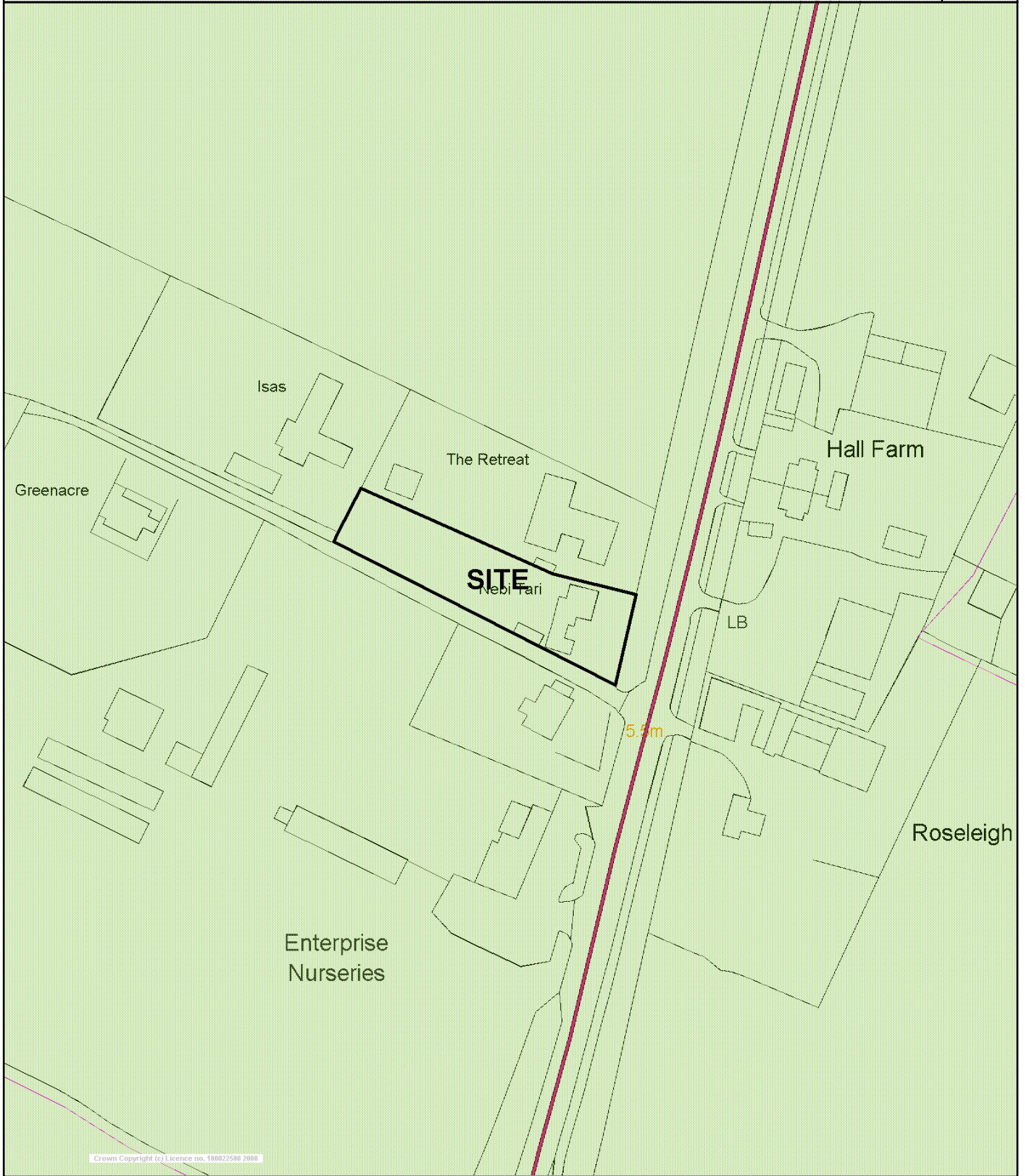
Site and Proposal

1. Nebi-Tari is an early 20th century dwelling originally single storey but extended to two storey in the mid 90's (S/0073/93/F). A single storey flat roofed garage serves the dwelling, This been extended to the rear and linked to the main dwelling through the south (side) elevation to form a residential annexe for which there is no history of permission having been granted.
2. The site is an area of approximately 0.12 hectares and is to the south east of the settlement of Landbeach sited within the open countryside and the Green Belt.
3. The dwelling is set back from the highway (A10) by approximately 15m behind a grass verge and low hedging. Land to the front of the dwelling is a gravelled driveway.
4. Surrounding development is sparse, but comprises a mix of commercial and residential development and sporadically lines the edges of the A10. A small single storey residential care home lies adjacent to the dwelling to the north.

Planning History

5. The full application, dated 16th March 2009, seeks an extension to the dwelling comprising two storey rear extension to the existing rear range, single storey rear extension, front extension to the link between the annexe and principal dwelling, rear and side extension to the annexe and the addition of a single storey front porch. Also proposed is a re-positioning of the vehicular access and a 1.8m boundary wall and gates. Amended layout plan received 9th July showing access and car parking details
6. Planning application **S/0073/93/F** for the first floor extension of the original dwelling was approved.

S/0368/09/F Landbeach



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Planning Policy

Planning Policy Guidance 2: Green Belts

East of England Plan 2008:

SS1 Achieving Sustainable Development

CSR3 - Green Belt

South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007:

ST/1 Green Belt

South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted January 2007:

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/7 Development Frameworks

GB/1 Development in the Green Belt

GB/2 Mitigating the Impact of Development in the Green Belt

HG/6 Extensions to Dwellings in the Countryside

Consultation

7. **Landbeach Parish Council** – Makes no recommendation
8. **Local Highways Authority** – Following submission of the amended site plan dated 9th July 2009 the Local Highways Authority have no objections to the proposals.

Representations

9. None received

Planning Comments – Key Issues

10. The key issues to consider in this instance are the impact upon the character and openness of the countryside and whether the development falls within the scope of acceptable development within the Green Belt as defined by PPG:2.

Green Belt

14. PPG 2: Green Belts defines inappropriate development within Green Belts. PPG 2 provides scope for extension to existing residential dwellings within the Green Belt providing they do not result in disproportionate additions over and above the size of the *original* dwelling. Nabi Tari was originally single storey with a detached single garage and has been added to substantially over time (as discussed below). The proposals further increase the cumulative additions to the dwelling, which are considered to be disproportionate to the original dwelling. The proposals are inappropriate by definition and thus harmful to the Green Belt.
15. The change in character proposed by the new boundary treatment is not only incongruous to the character of other frontages along the highway but also materially harms the openness and appearance of the Green Belt.

16. No very special circumstances considered to outweigh this harm have been submitted.
Countryside
17. Policy HG/6 of the Local Development Framework, Development Control Policies DPD, 2007 allows extensions to dwellings within the countryside where the proposed development would not create a separate dwelling or be capable of separation from the existing, where the proposed development would not lead to an increase of 50% or more in volume or gross internal floor area of the original dwelling and where the proposed extension is in scale and character with the existing dwelling and would not materially change the impact of the dwelling upon its surroundings. One of the key objectives of this policy HG/6 is to retain the stock of small and medium size housing within the countryside in accordance with housing needs in the district.
18. By virtue of the fact that the existing annexe is unauthorised, in this instance approval of the application would result in the creation of a residential unit that would be capable of separation of the principal dwelling. However this could be controlled through a section 106 agreement or occupancy condition, thus is not a material reason for refusal in this instance.
19. Supporting information submitted with the application suggests that the original volume of the dwelling (263m³) and garage (131m³) was 394m³. It goes on to suggest that historic extensions to the dwelling comprise a total internal volume of 113.5m³ and that the internal volume of the proposed extension is 267m³. Thus cumulative extensions represent an increase in volume of approx 96.5% over and above the original dwelling. The proposed works represent a cumulative increase in gross internal volume of substantially more than 50% of the original and hence proposals are contrary to Policy HG/6 1c.
20. The proposals represent substantial cumulative additions to the dwelling thus having a materially greater impact upon the surrounding countryside. Additionally, the proposals increase the size, of the dwelling beyond what could be reasonably described as small or medium size and are thus contrary to one of the main aims of policy HG/6, prevention of the reduction in small the medium housing stock within the District.
21. The proposed front boundary treatment is set back by approximately 8m from the edge of the carriageway. A solid brick wall up to 0.9m in height with timber or wrought iron panelling for a further 0.9m on top of this is proposed. The introduction of a hard imposing boundary treatment such as that proposed categorically changes the character of this frontage. The change in character is not only incongruous to the character of other frontages along the highway, but more importantly materially harms the appearance and openness of the countryside
22. Amended site plan received on the 9th July 2009 shows that planting will be in front of the boundary treatment. This could be controlled by condition, but only justifiably for a period of 5 years, after which it could be removed without planning permission.
23. The agent has informally enquired as to whether the proposal fall within the scope of permitted development. It is officer opinion that none of the works proposed fall within the scope of Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Other Matters

I have considered the possible impact of the development upon neighbouring amenity, our high highway safety, and I consider that the proposals are acceptable in both of these aspects.

Recommendation

Refuse

25. Reasons for refusal

1. The proposed extensions represent cumulative additions that are disproportionate to the original dwelling. The proposals are considered to be inappropriate development within the Cambridge Green Belt, which are contrary to Policies CSR 3 of the East of England Plans 2008, ST/1 of the South Cambridgeshire LDF Core Strategy 2007 are contrary to policy GB/1 of the South Cambridgeshire Local Development Framework, Development Control Policies DPD, 2007 which seek to prevent inappropriate development in the Green Belt as defined in Planning Policy Guidance:2. Green Belts
2. The extensions by virtue of scale, mass and proportions, represent cumulative additions to the original dwelling that exceed 50% of volume and gross internal floor area and materially change the impact of the dwelling upon the surrounding countryside. Furthermore the extensions proposed would enlarge the dwelling beyond the scope of a small or medium sized dwelling. The proposals are contrary to Policy HG/6 of the South Cambridgeshire Local Development Framework, Development Control Policies DPD, 2007 which seeks to ensure that extensions to dwellings outside development frameworks do not have a harmful impact upon the landscape of the open countryside and to prevent the gradual reduction of small and medium sized dwellings within the countryside.
3. The proposed boundary treatment to the east boundary of the site would have a distinctly hard urban character which is incongruous to the character of frontages in this part of the countryside and Green Belt, which are generally formed by soft landscaping, as such would have a harmful impact upon the countryside and Green Belt. The proposals are contrary to Policies DP/2 and GB/2 of the South Cambridgeshire Local Development Framework, Development Control Policies DPD, 2007 which seek to ensure that any appropriate development within the Green Belt be located and designed so as not to have an adverse impact upon its surroundings or the rural character and openness of the greenbelt.

Conditions (in the event of approval) - In the event of a recommendation of approval please note that the application would have to be advertised as a departure and would need to be referred to the Secretary of State for consideration.

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed**

trees, hedges and shrub planting, which shall include details of species, density and size of stock.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2, GB/2, HG/6 and NE/6 of the adopted Local Development Framework 2007.)

3. **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development 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 of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2, GB/2, HG/6 and NE/6 of the adopted Local Development Framework 2007.)
4. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected.**
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. **The annexe hereby permitted, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Nebi Tari, Ely Road, Landbeach.**
(Reason - To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A - E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**
(Reason - In the interests of the countryside and Green Belt in accordance with Policies HG/6 and GB/1 of the adopted Local Development Framework 2007.)

Informatives

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- East of England Plan 2008
- Planning Policy Guidance 2: Green Belts
- Planning Application Ref: S/0368/09/F, S/0073/93/F

Contact Officer: Matthew Hare – Planning Officer

Telephone: (01954) 713180

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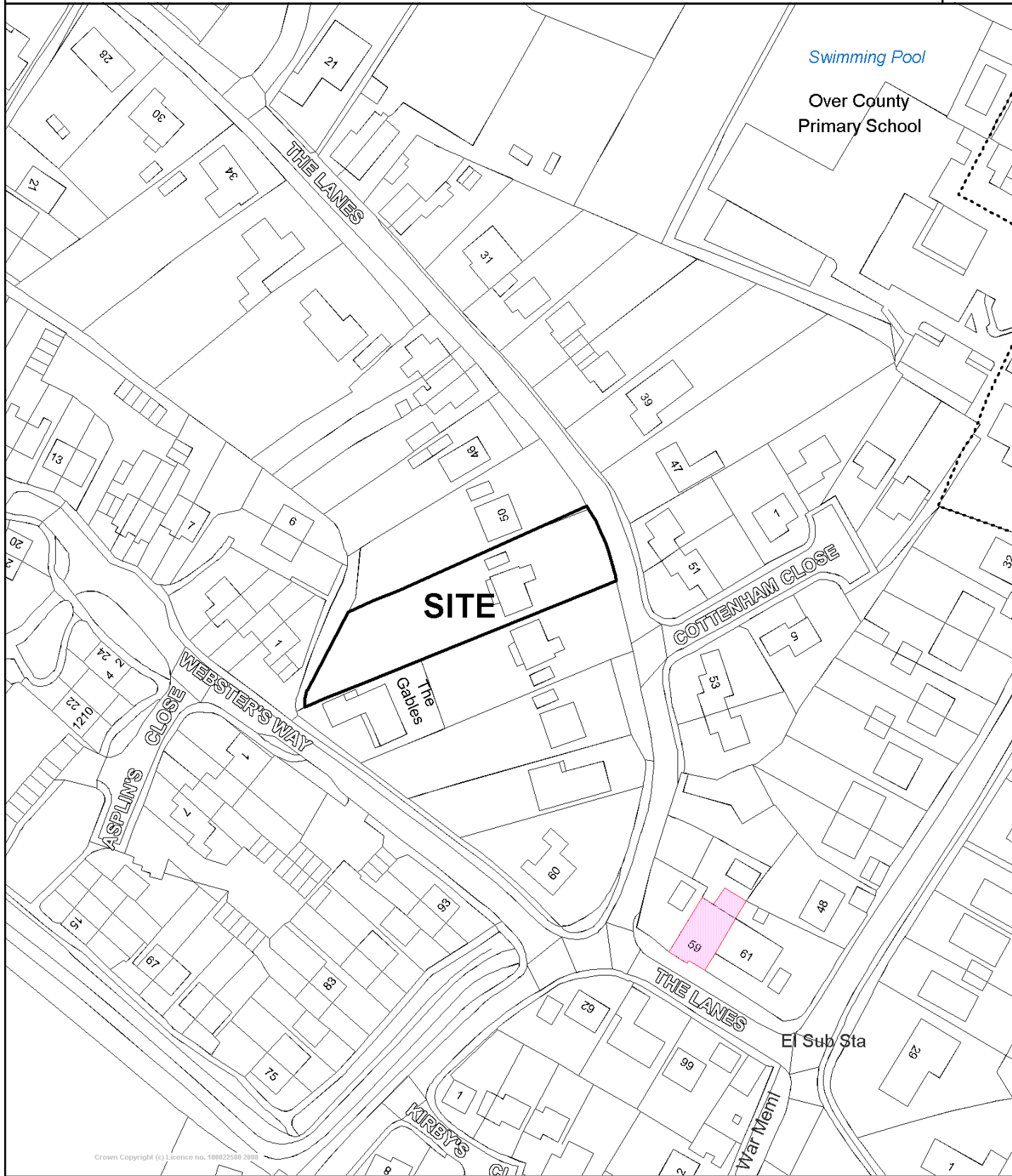
SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

Ref. S/0705/09/F – OVER**Erection of a Single Storey Extension to the Front and Side of the Property and the Installation of Rooflights and Solar Panels at 52 The Lanes for Mr and Mrs M Sumpter****Recommendation: Approval****This Application has been referred to the Planning Committee from the Chairman's delegation meeting.****Site and Proposal**

1. The application site is a pitched roof bungalow in brick and render with a detached pitched roof garage to the side. The front elevation of the property has a single storey forward projecting element with a gable facing the street, which is partly clad in timber and has a tiled roof matching that of the main house. The property is set back nearly 20 metres from the road and the front garden is open to the street and almost exclusively given over to lawn. There is a driveway from the street to the garage along the Northern boundary. There is some planting on both common boundaries at the front of the property, and the planting is slightly more established on the Southern boundary.
2. The application property is one of a series of four bungalows granted planning permission in 1961. The central two bungalows (of which No. 52 is one) originally had projecting gabled elements to the front elevations, while the outer two were flat fronted. Each of the properties had a detached garage to the side. The bungalow directly to the North, No. 50, has been recently extended to the North side and given a large, front projecting gabled extension. In addition, the property has been significantly extended to the rear. The bungalow directly to South, No 54, appears relatively unaltered, while the bungalow further South has front and rear projecting extensions.
3. In general the streetscene is characterised by a wide variety of properties. Opposite the application site there is a double-fronted Georgian detached house as well as a cul-de-sac of late 1970's houses. Further to the North there are bungalows of a variety of types as well as two storey houses, both detached and terraced, some set back from the street and some back of pavement.
4. The proposed development is the erection of a single storey extension to the front and side of the property and the installation of rooflights to the existing roof and rooflights and a solar panel to the proposed extension. The front extension is of a contemporary design with a series of connected, projecting gables forming the extension. It is covered by three pitched roofs and one monopitch element, which also provides a porch over a relocated front door. The front extension would be clad in timber battens and would have a tiled

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roof. The side extension in place of the detached garage is covered by a flat roof and would be rendered white.

Planning Policy

5. South Cambridgeshire Local Development Framework (LDF) Development Control Policies: **DP/2** - Design of New Development, **DP/3** - Development Criteria.

Consultation

6. **Over Parish Council** – has recommended refusal on the following grounds:
 - (a) the proposed development would constitute an overdevelopment of the site;
 - (b) the proposed development would constitute a significant increase in the size and mass of the dwelling;
 - (c) the proposed development would be out of character with neighbouring dwellings;
 - (d) the removal of the garage and parking area to the front of the property would result in parking closer to the road which would be visually intrusive in the open area.
6. **Urban Design Team** – has commented that a well-considered design led approach has been undertaken by the architect, to introduce a strong variation to the predominant existing architectural style of the neighbourhood.
7. The front elevation presents a controlled variety of gables and window openings, to create a visually interesting design composition.
8. Concern was originally expressed regarding the lack of vertical emphasis of the building, but in fact the team are not objecting to the approval of the proposal. The scheme is creative and contemporary and is not overly prominent in its location as to warrant refusal or amendment. The architect has sought an unusual approach to the design, but it is not one that would be inappropriate or overly radical, indeed it challenges traditional stereotypical approaches to house extensions".

Representations

8. No other representations have been received in respect of this application.

Planning Comments

9. The main planning considerations in this case are the impact on the character of the area, impact on parking and highway safety and the impact on residential amenity.
10. **Impact of the visual amenity of the area** – The proposed extension would project approximately 4 metres to the front of the main elevation of the property, slightly forward of the existing gabled front element. The proposed extension would not project beyond the general building line established by the front projections on the adjacent bungalows. The extension would extend slightly outside the existing return elevation on the South side and into the area currently occupied by the detached garage to the North of the house. The roof is set down well below the main ridge level of the house and the

gabled peaks allow the form and scale of the main house to be seen behind the extension, preserving its relationship with the bungalows on either side. This ensures that, despite being wider than the main front elevation, the proposed front extension has a scale which is compatible with the main house. The properties on the West side of the street are set well back from the road and the extension would therefore not be particularly prominent on the inside of the wide sweep in the road. It would be seen across the existing lawned area and will read clearly as a later extension of the property, allowing the proportions of the original property to be clearly identified.

11. The extension is of a contemporary design which is considered to be interesting and original and which would provide a high quality piece of modern architecture in an already varied streetscene. The design has evolved over the course of discussions with the planning officer and members of the Council's Urban Design Team, a process which is detailed in the Design and Access statement. The design draws on the predominance in the existing streetscene of gables facing the road, presenting an interesting and controlled variety of gables to the streetscene. The individual peaks span the rooms below with the monopitch roof on the North end of the extension providing a canopy over the relocated front door. Policy DP/2 of the Local Development Framework states that development should include variety and interest within a coherent design, which is legible and provides a sense of place whilst also responding to the local context and respecting local distinctiveness, and it is considered that the proposed extension satisfies that requirement.
12. It is considered that the materials used in the construction of the extension would be key to the quality of the finished extension. It is therefore proposed to require details and samples of all external materials to be submitted prior to the commencement of the development.
13. The proposed extension is therefore considered to be in scale with the existing property and of a distinctive and interesting design which would sit comfortably in a streetscene characterised by a variety of house types.
14. **Impact on parking and highway safety** – Despite the loss of the garage and an element of the driveway closest to the house, the driveway would still accommodate the parking of at least three vehicles. This is considered to be adequate provision for the property. There is no on site turning at present and this situation would remain. The proposed development is therefore considered to be acceptable in terms of its impact on parking and highway safety.
15. **Impact on residential amenity** – Due to the fact that the application property is stepped back approximately 4 metres from the neighbour to the North, the front extension is not considered to have any significant impact on the windows in the front elevation of No. 50.
16. The flat roof element of the extension closest to the Northern boundary would be approximately 3.5 metres from the windows in the side elevation of No. 50, and the monopitch roof element would be approximately 5.5 metres away. Given the relatively low height of the element closest to the boundary (approximately 2.7 metres) it is not considered that the proposed extension would cause any significant harm to the residential amenity of the neighbouring property despite its location to the South.

17. The proposed extension would project approximately 4 metres in front of the main building line of the neighbour to the South, No. 54 as the properties currently occupy broadly the same building line. The extension would be 2.3 metres from the gable end of the neighbouring property and approximately 4.5 metres from the nearest point of the windows in the front elevation. The eaves height of the extension on the South side would be approximately 2.7 metres, sloping away to a ridge just over 4 metres in height. As drawing 818/PP03 shows, the extension comfortably meets the 45 degree test in terms of the closest window on the front elevation of No. 54, even when measured from the nearest edge of that window. As the extension would be to the North of No. 54, it is not considered that the extension would cause any significant loss of light or overshadowing. Given that it meets the 45 degree test, is over 4 metres from the neighbours window and taking into consideration existing screening along part of the common boundary, it is not considered that it would result in any significant harm to the outlook of No. 54 or be overbearing to its windows.
18. A condition would be applied to any planning permission restricting the insertion of additional windows in either of the side elevations to ensure the privacy of neighbours is not harmed.

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
2. Notwithstanding the details of materials included in the application, no development shall commence until details of the materials to be used in the construction of the external surfaces of the buildings and structures hereby permitted, as well as windows, roof windows and solar panels have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
3. The proposed windows in the North elevation of the extension, hereby permitted, shall either have a cill height at least 1.7 metres above the finished floor levels of the room they serve or shall be fixed shut and fitted and permanently glazed with obscure glass.
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the approved extensions unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007

Contact Officer: Dan Smith – Planning Officer
Telephone: (01954) 713162

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	5 th August 2009
AUTHOR/S:	Executive Director / Corporate Manager - Planning and Sustainable Communities	

S/1678/05/F – WESTON COLVILLE
Erection of House and Garage and Carport for Existing Dwelling at Land Adj. 33 Mill Hill for Dr & Mrs N Coleman

Recommendation: Approval
Date for Determination: 28th October 2005

Notes:

This Application has been reported to the Planning Committee for determination following consideration of the application at the Chairman's Delegation meeting on 29th June 2009 and at the request of District Councillor Mr Barrett

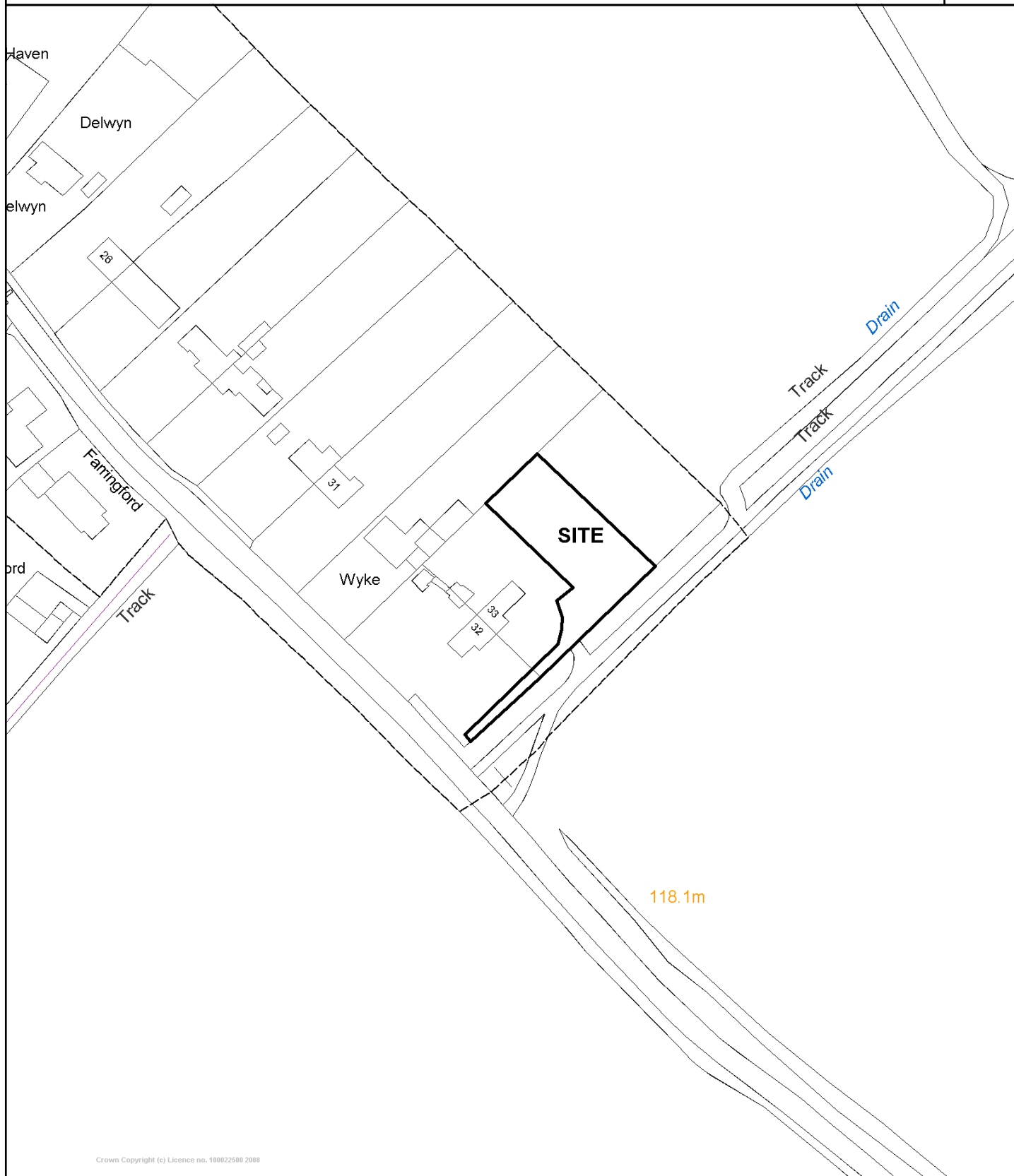
Site and Proposal

1. The application site is a 0.08 hectare plot of land that forms part of the garden to No.33 Mill Hill, a substantial detached two storey red brick dwelling that is located just inside the village framework and is bounded to the north-east and south-east by agricultural land. The proposed plot comprises the south-western half of the garden nearest to the dwelling. The remainder of the garden to the north-east of the site has consent for a dwelling, which has been constructed.
2. The full application, submitted on 2nd September 2005, seeks to erect a house and garage on the site. The dwelling would be a 2¹/₂ storey (approximately 8.7 metre high) 5-bedroom property that would be oriented in a south-east/north-west direction. A detached double garage would be sited in front of the property and a single carport would also be constructed at the front of the existing dwelling. The density of the development equates to 12.5 dwellings per hectare.
3. The property would be a market dwelling, but the proposal involves the payment of a commuted sum towards affordable housing, that would be secured by way of a Section 106 legal agreement.

Background and Update

4. Members may recall that, at Planning Committee on 14th January 2009, the application was approved subject to the prior signing of a Section 106 Agreement to secure the provision of a financial contribution of £77,000 towards affordable housing.
5. An Instruction Memo was subsequently referred to the Council's Legal Department in order to commence drafting the Section 106 Agreement.
6. The applicant's agent then contacted this Authority in April 2009, stating that his client was concerned that the valuation, upon which the required contribution was based,

S/1678/05/F Weston Colville



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was carried out in March 2007. Given the current financial climate, the applicant requested that the valuation be reconsidered, and paid an additional fee for an updated valuation to be carried out by John Pocock, on behalf of this Authority. John Pocock responded as follows:

“...My previous assessment was in March 2007 since when there have been some quite substantial falls in value. Based on the same criteria as I used in that previous report but, applying new values, I now feel that the difference between the unrestricted value of the building plot and the value with the affordable housing provision is now in the region of £60,000 as opposed to the figure of £77,000 I suggested at the time.”

7. The applicant's agent has confirmed that his client has considered, and is willing to agree, the reduced commuted sum of £60,000 in lieu of the provision of on-site affordable housing.
8. The proposed reduced contribution was considered at the Chairman's Delegation meeting held on 29th June 2009, with the Officer recommendation being one of approval. At the request of District Councillor Barrett, the proposal was referred to Planning Committee.

Planning Comments – Key Issues

9. The principle of accepting a commuted sum in lieu of on-site provision was accepted by Members at the January 2009 Planning Committee meeting. The value of the required sum, however, was based upon an assessment carried out in March 2007, and the following paragraph summarises, for Members information, the reason behind the delay between the initial assessment and the resolution made at Committee earlier this year.
10. The March 2007 assessment, and Officer recommendation to accept the contribution, was initially considered at Planning Committee in January 2008. At this meeting, Members resolved to refuse the application, but firstly required Officers to further explore the viability of providing an affordable dwelling and the likelihood of an affordable unit coming forward on the site. Members considered that, if the provision of two houses (1 market and 1 affordable) on the application site would produce a viable development, this would be the Council's preferred solution. This further exploration indicated that providing an affordable unit on the site as part of a larger three house scheme would prove to be unviable. In addition, two of the biggest Housing Associations in the area, Granta and Circle Anglia, were unwilling to consider the site for viability reasons. On the basis that the provision of an affordable dwelling on the site would not, in all likelihood, be delivered, Officers referred the application back to Committee in January 2009, with a recommendation of approval subject to the £77,000 contribution. The application was approved on this basis.
11. Whilst housing prices may not have fallen since the Committee meeting at which the above resolution was made, they have dropped significantly since the March 2007 assessment date upon which the calculation was based. A revised valuation carried out on behalf of this Authority has advised that the difference between the unrestricted value of the building plot and the value with affordable housing provision would now be £60,000.
12. The contribution calculated by John Pocock is consistent with valuations being carried out on other sites within the District. Indeed, I would refer Members to a decision made at last month's Planning Committee, when a financial contribution of

£120,000 was approved in lieu of providing two affordable houses as part of a larger development scheme (Agenda item 7 – Ashwell Road, Steeple Morden).

Recommendation

13. Subject to the prior signing of a Section 106 Agreement to secure the provision of a financial contribution of £60,000 towards affordable housing, approval:
 1. Standard Condition A – Time limited permission (Reason - A);
 2. Sc5a – Details of materials for external walls and roofs (Rc5aii);
 3. Sc51 – Landscaping (Rc51);
 4. Sc52 – Implementation of landscaping (Rc52);
 5. Sc60 – Details of boundary treatment (Rc60);
 6. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions (Rc26)

General

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

Background Papers: the following background papers were used in the preparation of this report:

Cambridgeshire and Peterborough Structure Plan 2003

Local Development Framework 2007

Planning application refs: S/1678/05/F, S/0358/04/F, S/1289/03/RM and S/2109/02/O

Contact Officer: Lorraine Casey – Senior Planning Assistant
Telephone: (01954) 713251

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0251/09/F – COTTENHAM**Change of Use of Garden Land to Sui Generis Use and Erection of Shed (Retrospective) for Purposes of Hobby Craft at Land to the Southeast of 2 Eversley Close for Mr John Wynn****Recommendation: Approval****Date for Determination: 20th April 2009****Notes:**

This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to Parish Council's recommendation and because the site is located within the Conservation Area.

Members of Committee will visit the site on Wednesday 5th August 2009.

Conservation Area**Background**

1. The above application was discussed at the Planning Committee held on 1st July 2009 and it was deferred for a site visit.
2. Attached as Appendix 1 is the report to Planning Committee of 1st July 2009.

Planning Comments***Noise and disturbance***

3. Environmental Health Officer originally raised concerns about the use of machinery to carry out work on engines, and renovating model aircraft engines that may cause noise disturbance to nearby residential properties. Odour nuisance may be an issue from the possible use of chemicals e.g. use of solvents, cleaning products, paints and thinners etc. He was also concerned that the proposal would be an almost light industrial use in a residential area.
4. Having considered the additional information provided by the applicant relating to details of power-operated machinery and the proposed activities to be carried out at the shed, he has no objection to the proposal in terms of noise and environmental pollution. He considers that conditions be applied preventing the use of power tools outside the building and keeping doors shut. However, he does not consider that the proposal would warrant a condition limiting hours of use for power-operated machinery. If the proposed use would cause noise nuisance, the problem could be dealt with by Environmental Health Services.

S/0251/09/F Cottenham



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Access

5. The application site has existing vehicular access and car parking area at side adjacent to the boundary fencing with the neighbouring property, No 164 High Street. The up and over door in the front/north elevation of the proposed building is for occasional use bringing machinery into and out from the building. The main entrance of the building is the door at the east side elevation. The applicant is aware of the recommended condition that the existing hedge on the front boundary shall be retained.

Garden curtilage

6. According to the planning history record, the application site was part of the garden land of No 164 High Street. Due to the change in land ownership, the application site is no longer part of the garden area of No 164 and it does not attach to any residential properties. The character and appearance of the site remain as a domestic garden. The application site is owned by a family member of the applicant. Both the owner of the site and the applicant do not live in the village of Cottenham. There is no planning history relating to the change of use this site. Because of the situation of the site that it does not relate to a domestic dwelling, the site does not have permitted development right within the curtilage of a dwellinghouse.

Personal permission

7. Whether a personal condition is appropriate in this application has been considered. Given that the application site does not form part of the garden areas of the nearby residential properties and that the applicant does not live in the neighbouring properties, there are no strong personal grounds to justify that a personal condition is appropriate in this application. The main material planning considerations are: character and appearance in the Conservation Area, wide setting of the adjacent listed buildings, noise disturbance and environmental pollution, and residential amenity interests. It is considered that the planning issues could be addressed by imposing planning conditions. The questions of who is to occupy or how the applicant would use the proposed building are irrelevant in this case.
8. The proposed description specifies the change use of the garden land to sui generic use and that the shed is for purposes of hobby craft. Any other use on the application site that falls outside the development description would require planning permission for material change of use of the land or the shed. An informative will be added to any planning consent to draw the attention of the application about future change of use.

Update on Planning Conditions

9. The Environment Health Officer has advised that the proposed use would not warrant a condition limiting hours of use for power-operated machinery. He is satisfied that if a noise nuisance were to result it could be dealt with through environment health's mechanisms. As a consequence, Condition 1 (No Power Operated Machinery) of the previous recommendation is to be omitted if approved.
10. The conditions requested by the Conservation Manager have been missed from the previous report. Additional conditions requiring details of (a) materials, (b) colour finish for weatherboarding, and (c) side hung natural doors are recommend.

Recommendation

Approve

Conditions

1. The use of power operated machinery shall not take place anywhere on the site except within the shed. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
3. No materials or equipment shall be stored on the site outside the buildings save that waste materials may be kept in bins for removal periodically. (Reason - In the interests of visual/residential/rural amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. Before the use, hereby permitted, commences the building(s) shall be acoustically insulated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. (Reason - In order to secure a reduction in the level of noise emanating from the building in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
5. The doors in the east and north elevations of the shed, hereby permitted, shall be shut during the hours of operation. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
6. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. (Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
7. No trade or business shall be carried on from the shed, hereby permitted, or the application site. (Reason – In order to limit the impact of the development on the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. The existing hedge on the front boundary of the site shall be retained except at the point of access or existing car parking area as shown on the 1:250 scale block plan; and any trees or shrubs within it which, within a period of five years from the completion or occupation of the building, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. (Reason – To protect the hedge which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007)
9. Notwithstanding the approved drawings, no development shall take place until details of the materials to be used in the construction of the external surfaces, and colour finish for weatherboarding of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.
(Reason – To ensure the appearance of development is satisfactory in accordance with Policies DP/2 and DP/5 of the adopted Local Development Framework 2007.)

10. The doors of the building hereby permitted shall be side hung timber boarded doors. (Reason – To ensure the appearance of development is satisfactory in accordance with Policies DP/2 and DP/5 of the adopted Local Development Framework 2007.)

Informatives

The applicant's attention is drawn to the details of approved development. Any change of use of the site and the shed apart from hobby craft would require planning permission.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework (LDF) 2007
- South Cambridgeshire Local Development Framework: Development Affecting Conservation Areas Supplementary Planning Document 2009
- South Cambridgeshire Local Development Framework: Cottenham Village Design Statement Supplementary Planning Document 2007
- Circular 05/2005 – Planning Obligations
- Circular 11/95 – The Use of Conditions in Planning Permissions
- Planning application references and C/0258/67/D and S/0251/09F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 5th August 2009
AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0572/09/F - DUXFORD
Erection of 16 dwellings at land to the south of Station Road West for Hill Residential Development Ltd

Recommendation: Approval

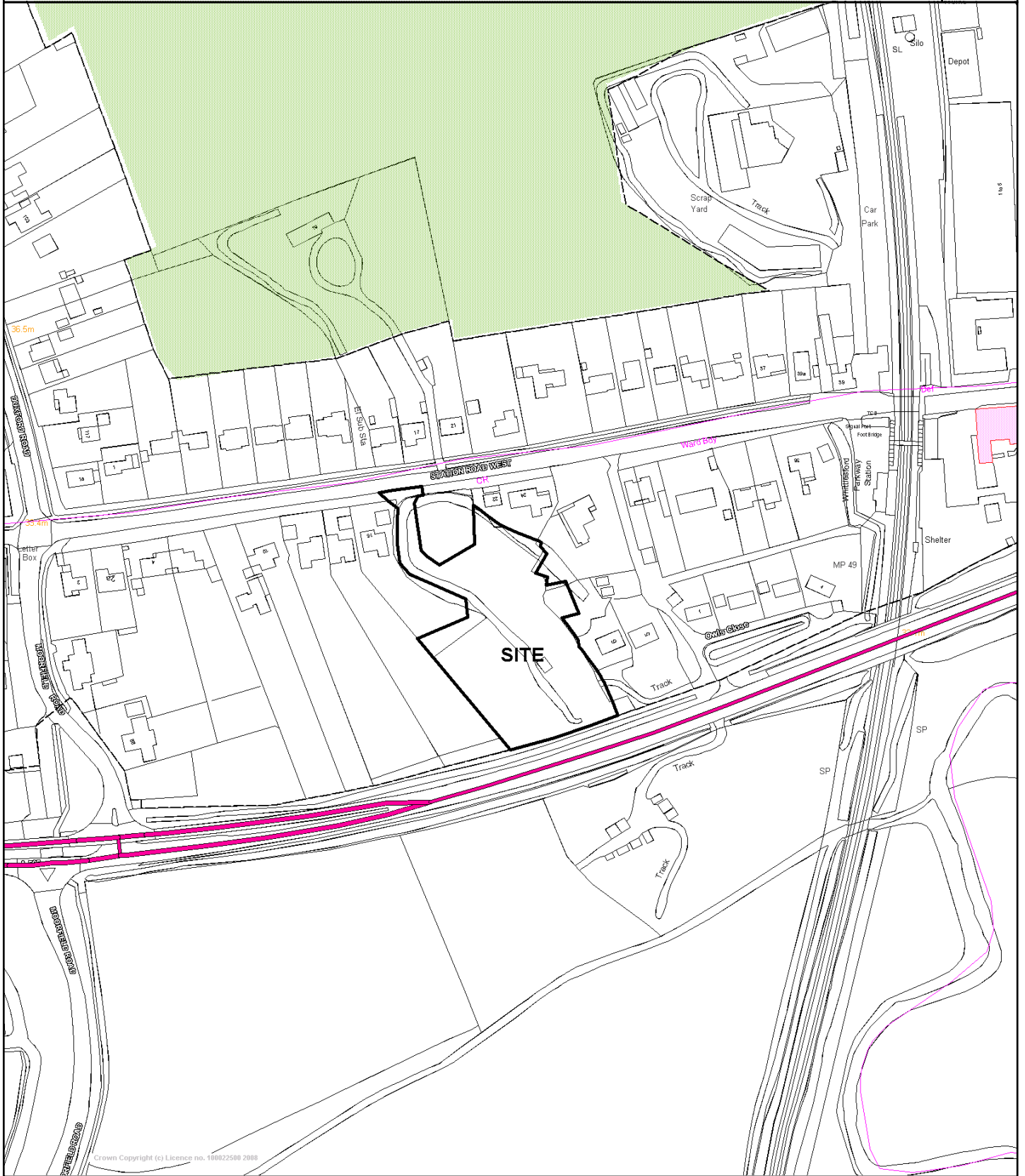
Date for Determination: 6th August 2009 (Major Development)

This application has been reported to the Planning Committee for determination because the officer recommendation does not accord with the recommendation of the Parish Councils.

Site and Proposal

1. The site has an area of 0.612 ha. The site forms the former garden areas of Nos 16 and 24 Station Road West. It is an extensive garden with mature trees formed upon a former gravel pit in this area. The frontage onto Station Road West has a steep 4.5m incline up to the road, and there are steep slopes on each of the side boundaries of the site. The southern boundary adjoins the A505 where the land flattens off. A number of trees within the site have been felled in preparation for the development.
2. To the east, the site is adjoined by dwellings in Owls Close, the nearest two detached houses having been completed and occupied in recent months. To the west, the site is adjoined by the rear garden areas of dwellings to Nos 8-14 Station Road West, on which planning permission for residential development has recently been granted. Station Road West is a cul-de-sac leading to Whittlesford Parkway railway station which provides main line services to Cambridge and London Liverpool Street.
3. This full application, dated 6th April 2009, proposes the erection of 16 houses, in 8 semi-detached pairs, together with garages, a carport and open parking. The access road is located to the west of the frontage, adjacent to No.16 Station Road West. The access road includes a turning head to accommodate public service vehicles. The layout plan shows 28 parking spaces. An acoustic barrier 2.5 m in height is proposed along the southern boundary with the A505.
4. All dwellings are two-storey, four dwellings having habitable rooms in the roof. Ridge heights vary between 9.1 m at 9.7 m. The external materials are proposed to be buff facing brick and hanging tile, and plain tile to roofs.
5. The proposal includes six affordable dwellings (37.5%) and ten market dwellings. The mix of market dwellings is: 4 of 4-bed (40%), 4 of 3-bed (30%) and 2 of 2-bed (20%).
6. The applicant has drawn attention to abnormal costs of developing the site, which have been demonstrated in a Housing Corporation Economic Appraisal using the Grimley model.

S/0572/09/F Duxford



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7. The density of development is 26.1 dwellings per hectare.
8. The proposal will be provided with 615.8 m² of public open space, which will include a local area for play.
9. The proposal includes solar thermal heating for each dwelling, together with photovoltaics on two dwellings, to meet the required level of energy savings.
10. The application is accompanied by a Design and Access Statement, and Environmental Survey, a Flood Risk Assessment, Renewable Energy Statement, and a Tree Report.

Planning History

11. **Current Application Site**
S/0132/09/F Change of use from garden land to recreational space - Approved subject to conditions 30th March 2009.
S/1890/07/F Erection fifteen dwellings - Approved subject to conditions 2nd January 2008, together with a Section 106 Agreement dated 27th May 2009 relating to public open space, affordable housing and education contributions.
S/1042/07/LDC Lawfulness of use of area as garden land, 16 Station Road - Granted.
12. **Adjacent site to the north fronting Station Road West**
S/1115/04/O and **S/1574/07/RM** - Erection of two dwellings on the frontage and formation of access road into the site - Approved.
13. **Adjacent site to the west to the rear of Nos 8 to 14 Station Road West**
S/1426/08/O Residential development (21 dwellings) - Withdrawn 13th November 2008.
S/2066/08/O Demolition of Existing Dwelling at Erection of 18 Dwellings, Access Road and Landscaping - Approved 9th April 2009

Planning Policy

14. In the **Local Development Framework Adopted Proposals Map (2008)** the site is shown to be wholly within the development framework of Whittlesford Bridge (Inset No 107).

Planning Policy Statements:

15. **PPS1** - Delivering Sustainable Development
PPS7 - Sustainable Development in Rural Areas
16. **Circular 11/95 - The Use of Conditions in Planning Permissions** - At prices that conditions should be necessary, relevant to planning, relevant to the development of permitted, enforceable, precise and reasonable in all other respects.
17. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

East of England Plan 2008

18. **SS1** (Achieving Sustainable Development)
ENV7 (Quality in the Built Environment)

19. **Cambridgeshire and Peterborough Structure Plan 2003: P9/8 (Infrastructure Provision)**
20. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/3 (Re-Using Previously Developed Land and Buildings)
ST/6 (Group Villages)
21. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**
DP/1 (Sustainable Development)
DP/2 (Design of New Development)
DP/3 (Development Criteria)
DP/4 (Infrastructure and New Developments)
DP/7 (Development Frameworks)
HG/1 (Housing Density)
HG/2 (Housing Mix)
HG/3 (Affordable Housing)
SF/10 (Outdoor Playspace, Informal Open Space, and New Developments)
SF/11 (Open Space Standards)
NE/1 (Energy Efficiency)
NE/3 (Renewable Energy Technologies in New Development)
NE/6 (Biodiversity)
TR/2 (Car and Cycle Parking Standards)
Open Space and New Developments SPD (January 2009)
Trees and Development Sites SPD (January 2009)

Consultations

22. **Duxford Parish Council** recommendation of refusal. The siting of a car port on Plot 6 does not comply with the recent planning application reference S/0132/09/F that gives approval for change of use from garden land to recreational space. In addition, the Parish Council requires confirmation that the application of affordable homes will prioritise Duxford residents if the development goes ahead.
23. **Whittlesford Parish Council:** Objection (no grounds stated). In the event of planning permission is granted, the Parish Council wishes for the following observations to be taken into account:
24. The access to the site should be constructed prior to any building taking place. No access to the site should be obtained via Owls Close.
25. All construction waste should be removed in skips and not burnt to avoid nuisance to the site residents.
26. All construction work should be restricted to the periods 8am to 5pm Monday to Friday, and 8am to 12 midday Saturday, with no work on Sundays.
27. A Section 106 agreement to provide money for the building of a new classroom at William Westley Primary School in Whittlesford should be considered.
28. Egress from the site could be difficult since there is a high volume of traffic accessing the railway station in the morning and evening rush hours Monday to Friday. The location of the access road should be well signposted in Station Road.

29. The access road should be constructed to meet Highway standards for subsequent adoption by the County Council.
30. Street lighting on Station Road West in the vicinity of the access road should be improved, to be funded by the developers.
31. Removal of trees from the site will have a deleterious effect on wildlife and may also increase in noise nuisance from the A505 for nearby residents.
32. Conditions attached to the previous planning permission S/1890/07/F should also apply to this development.
33. **Corporate Manager (Health and Environmental Services) (Contaminated Land)** - the site is situated on a formerly licensed landfill and a formal gravel quarry potentially filled with unknown material. The application should be subject to a detailed scheme for the investigation and recording of contamination and any necessary remediation.
34. **Corporate Manager (Health and Environmental Services) (Environmental Health)** - no objection, subject to the imposition of conditions relating to the acoustic barrier, control of dust during construction, acoustic glazing and ventilation of dwellings, and hours of usage of power operated machinery.
35. **Landscape Officer** - No objection.
36. **Ecology Officer** - Concern that the ecology survey has not been updated since the previous application, particularly in relation to bats. In addition, he recommended a condition for the provision of nest and bat boxes.
37. **Housing Development and the Enabling Manager** - The applicant is offering 4 of 2-bed units and 2 of 3-bed units; this mix of units is acceptable. No tenure has been mentioned and it is preferable not to agree the tenure mix until a Registered Social Landlord has been assigned to this scheme. The Housing Strategy and Development Team is happy with the proposals detailed within this planning application.
38. **Environment Agency** - No objection in principle. The site lies in flood zone 1 and ground water Source Protection Zone 3, and where landfill gas may be present. This is an area of environmental concern. The submitted flood risk assessment is acceptable. Recommended condition and informatives.
39. **New Communities (Cambridge County Council)** An education contribution of £8960 is necessary.
40. **Anglian Water** - The foul sewage network system serving the site has adequate capacity at present.
41. A consultation response from the **Local Highway Authority** is awaited and will be reported verbally at the meeting. In response to the previously approved scheme S/1890/07/F, the Local Highway Authority raised no objection in principle.

Representations

42. Representations have been received from Nos 29 and 30 Station Road. The concerns raised are, in summary:
 - a) There is insufficient room between Nos. 8 and 9 in case of fire;

- b) There may be surface water flooding problems here during storms;
- c) The site is already going to be overdeveloped. This is going to put even more pressure on the surrounding area, especially when the 18 dwellings on the adjoining site are taking into account, and the 2 dwellings on the frontage;
- d) Shortage of parking spaces on Station Road West.

Planning Comments

- 43. The site is located wholly within the village framework. In addition, the use of the site as garden land falls within the definition of previously used land, or brownfield land. In the Core Strategy DPD the site is selected as a Group Village, where Policy ST/6 states that development may exceptionally consist of up to about 15 dwellings where this would make best use of a single brownfield site. The proposal is for 16 dwellings, which is considered to comply with Policy ST/6.
- 42. Full planning permission exists for the erection of 15 dwellings on the site S/1897/07/F. The proposal represents an increase of one market dwelling compared with the approved scheme.
- 43. Members will note that the density of development (26.1 dph) does not fully achieve the 30 dwellings per hectare requirement set out in Policy HG/1, however the site is constrained by an upper limit imposed by policy ST/6, and it has a disproportionate area given over to its access road. I consider these are sufficient reasons to justify an exception to Policy HG/1. A comparable density of development has been approved on adjacent land to the west S/2066/08/O (28dph).
- 44. It is considered that the proposed development is consistent with the evolving character of the settlement, as required by policies DP/2 and DP/7.
- 45. The Council's Housing Development and Enabling Manager has advised that the provision of affordable housing is acceptable in the context of abnormal costs set out by the applicant. The concerns of Duxford Parish Council are noted that affordable housing be given priority to Duxford residents, however this is not a material planning consideration.
- 46. The mix of market housing is 40% 4-bed, 30% 3-bed, and 20% 2-bed. The previously approved scheme achieved 33% 4-bed, 33% 3-bed, and 33% 2-bed. Policy HG/2 indicates that the assessment of the market mix may have regard to economic viability. The applicant has submitted viability assessments which indicate that a housing mix that would match the starting point mix in Policy HG/2 (with a higher proportion of smaller dwellings) would result in a 12% reduction in residual site value. Members will note that on the adjoining site to the west (S/2066/08/O) a market housing mix of 58% 4-bed, 17% of 3-bed and 25% of 2-bed was approved. The proposed scheme has a higher proportion of smaller houses than the adjoining site and, taking into account the submitted evidence on viability, it is considered that the proposal accords with Policy HG/2.
- 47. The reservations of the Ecology Officer are noted it is recommended that a condition be attached to require suitably updated survey work to be carried out and submitted for agreement before development commences.
- 48. The concern of Duxford Parish Council about the proposal to site a car port on land previously granted consent for open space is noted. The current proposal shows a 66% increase in open space over the previously consented scheme. The car port on Plot 6 is well integrated into the scheme. For these reasons, an amendment to this part of the development is not required.

49. The concerns of Whittlesford Parish Council are noted. The proposal does not involve any additional loss of trees with the previous permitted scheme. There has been no request from the Local Highway Authority for additional monies to improve street lighting on Station Road West. The request has been drawn to the attention of the Local Highway Authority, but Officers are of the view that such a requirement would be unreasonable at this stage. The request for funding project the primary school in Whittlesford has been referred to the County Council for consideration. Other matters raised were dealt with in the previously approved scheme.
50. If planning permission is approved, it is recommended that the Section 106 Agreement dated 27th May 2009 be varied to take account of the revised scheme.
51. In summary, the scheme represents one additional market dwelling compared with the previously approved development, and an enlarged site area. No new issues of principle or detail arise from the proposal, which is recommended should be supported, subject to conditions.

Recommendation

52. In accordance with the application dated 6 April 2009.

Approve

Conditions

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
- 2. No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.**
 - a) Walls and roofs.**
(Reason - To ensure that the development is not incongruous.)
 - b) One local area for play.**
(Reason - To ensure the provision of a play area to enhance the quality of the development.)
 - c) Acoustic barrier adjoining the southern and south western boundaries of the site.**
(Reason - In order to safeguard the amenity of future occupiers of the dwellings to be constructed.)
 - d) Glazing and ventilation units to dwellings shall be submitted to the local planning authority to show compliance. The development shall not be constructed except in compliance with the recommendations and conclusions of the Environmental Noise Assessment report reference HHACY/8382/02B/HL submitted by Hill Residential Ltd and prepared by H & H Acoustic Consultancy Division dated 14th April 2009.**
(Reason - In order to safeguard the amenity of future occupiers of the dwellings to be constructed.)

- e) **An updated Environmental Survey (Protected Species) including an assessment of potential bat roosting sites. No development shall take place other than in accordance with approved mitigation measures.**

(Reason - To minimise disturbance, harm or potential impact upon protected species in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007 and their protection under the Wildlife and Countryside Act 1981.)

- f) **A scheme for the provision of bat and bird nest boxes upon the new buildings and small gaps beneath/ between boundary walls and fences for hedgehogs/amphibians.**

(Reason - To achieve biodiversity enhancement on the site in accordance with adopted Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

- g) **Arrangements for site access and parking/manoeuvring of contractor's vehicles, machinery and materials clear of the public highway during the period of construction.**

(Reason - In the interests of highway safety.)

- h) **Measures to be undertaken on site to control dust from construction operations.**

(Reason - In the interests of the amenity of occupiers of neighbouring property and highway safety.)

- i) **A scheme for the provision and implementation of surface water drainage.**

(Reason - To ensure a satisfactory method of surface water drainage.)

3. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.**

(Reason - To enhance the quality of the development and to assimilate it within the area.)

4. **All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**

(Reason - To enhance the quality of the development and to assimilate it within the area.)

5. **No demolition, site clearance or building operations shall commence until tree protection comprising weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres shall have been erected around trees to be retained on site at a distance agreed with the Tree Officer**

following BS 5837. Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.

(Reason - To protect trees which are to be retained in order to enhance the development and the visual amenities of the area.)

- 6. No demolition, removal of vegetation or development shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority and a scheme of mitigation is implemented.**

(Reason - To avoid causing harm to nesting birds and in compliance with Local Development Framework Policy NE/6 Biodiversity.)

- 7. No development approved by this permission shall be commenced until:**

- a) **The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.**
- b) **Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.**
- c) **The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.**
- d) **If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.**

(Reason - To prevent the increased risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

- 8. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.**

(Reason - To minimise noise disturbance to adjoining residents.)

- 9. Visibility splays shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway and 90.0m measured along the channel line of the public highway from the centre line of the proposed access road.**

(Reason – In the interests of highway safety.)

- 10. No development shall be carried out other than in accordance with the approved renewable energy statement prepared by Cunnington Clark Ltd dated March 2008 or any variation to the statement agreed in writing by the Local Planning Authority.**

(Reason - To ensure an energy efficient and sustainable development in accordance with Policies NE/1 and NE/3 of the adopted Local Development Framework 2007 and government guidance in PPS1 Delivering Sustainable Development and PPS22 Renewable energy.)

- 11. No development shall commence until details of a scheme for the provision of educational and recreational infrastructure to meet the needs of the development in accordance with Local Development Framework Policy DP/4 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**

(Reason - To ensure the development makes a gain for local infrastructure provision as required by Policy DP/4 of the South Cambridgeshire Development Control Policies Development Plan Document 2007.)

- 12. No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:**

- (a) The numbers, type and location of the site of the affordable housing provision to be made;
- (b) The timing of the construction of the affordable housing;
- (b) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- (d) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

(Reason - To ensure the provision of affordable housing in accordance with Policy HG/3 of the South Cambridgeshire Development Control Policies Development Plan Document 2007.)

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy, adopted January 2007
- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- South Cambridgeshire Open Space and New Developments SPD, 2009
- South Cambridgeshire Trees and Development Sites SPD, 2009
- Cambridgeshire and Peterborough Structure Plan 2003
- East of England Plan 2008
- PPS1 - Delivering Sustainable Development
- PPS7 - Sustainable Development in Rural Areas
- Circular 11/95

- Circular 05/95
Planning File refs: S/0872/08/F; S/0132/09/F; S/1890/07/F; S/1042/07/LDC;
S/1115/04/O; S/1574/07/RM; S/1426/08/O and S/2066/08/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee5th August 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0665/09/F & S/0667/09/LB – FULBOURN**Re-instatement of Cottage to 2 Bedroom Dwelling, Conversion of Outbuildings to Form Dwelling and Artists Studio with Associated Car Parking and Bin/Cycle Storage Facilities, Formation of New Pedestrian Access, and Use of Private Open Space for Ad-hoc Art Displays at Buildings and Land to North of Coach House, Fulbourn Manor, Manor Walk, Fulbourn for R.T. Townley Daughters Trust****Recommendation: Refusal****Date for Determination: 27th July 2009****Notes:**

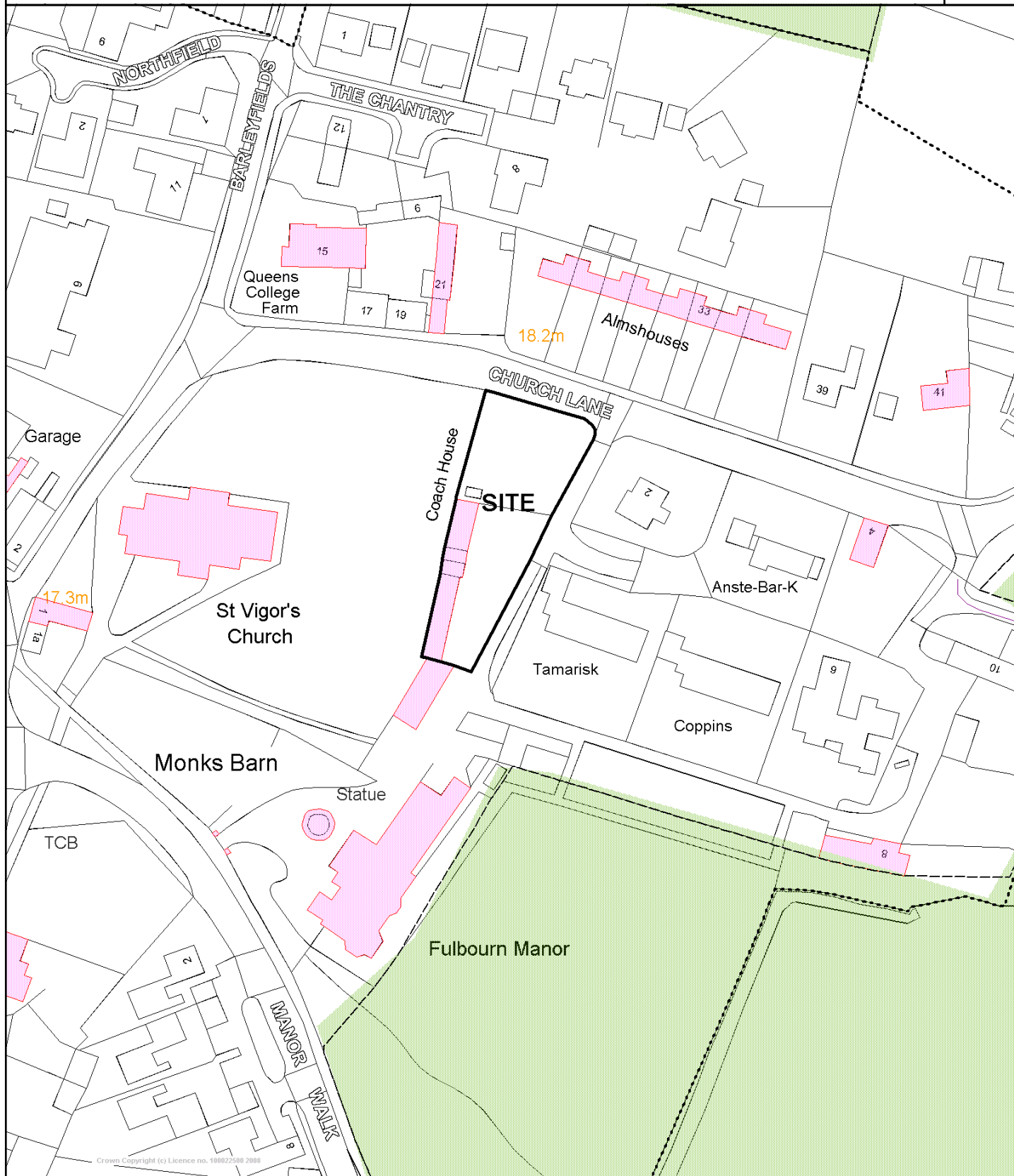
These applications have been reported to the Planning Committee for determination at the request of the Local Member.

Members will visit the site on 5th August 2009.

Conservation Area**Site and Proposal**

1. The site is situated within the Fulbourn village framework and conservation area. It forms the north western part of the Fulbourn Manor Estate and comprises an existing late 17th century/ early 18th century, grade II listed, two-storey, red brick/ cream render and plain tile cottage, an early 18th century, curtilage listed, 1½ storey red brick and plain tile part cottage and part game larder, a 19th century, single storey, buff brick/ flint and plain tile donkey stable/ tack rooms; an open courtyard; and a 20th century, single storey timber/ buff brick/ flint and corrugated tin roof garage. The grade II listed coach house is attached to its southern elevation. A small grassed area lies to the east, and a wall separates the buildings from an open space with mature trees subject to a preservation order adjacent to Church Lane. There is an existing 4.8 metre wide access on to Church Lane that currently serves nine dwellings.
2. Fulbourn Manor is a grade II listed building that is situated to the south. St Vigors church is a grade II* listed building that lies to the west. A group of modern bungalows and a two-storey lodge dwelling are located to the east. The churchyard and the open spaces within the Estate are designated as a Protected Village Amenity Area. Church Lane is a busy road with a speed limit of 30 miles per hour that links Fulbourn to the village of Great Wilbraham.
3. This full planning application, received 8th May 2009, proposes the refurbishment of an existing cottage to a two bedroom dwelling, external alterations and conversion of the existing donkey stables/tack room and game larder to a new two bedroom dwelling, external alterations and conversion of the garage to two artists studios, and use of the existing open space for ad-hoc art displays. The existing courtyard would

S/0665/09/F Fulbourn



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be used as a bin storage area and amenity space for the new dwelling. A parking area that comprises six parking spaces, a cycle store and heat pump enclosure would be provided to the east of the proposed artists studios. Pedestrian access to the open space would be gained through the existing wall and vehicular access to the site would be via the existing driveway off Church Lane. A new hedge would be planted within the grass area to the east of the buildings.

Planning History

4. There is no relevant site history.
5. Planning permission was granted in 1973 for two bungalows and a house on the north eastern section of the Fulbourn Manor Estate (reference **C/73/917**).

Planning Policy

6. ***Local Development Framework Policies***

East of England Plan 2008

ENV6 The Historic Environment

ENV7 Quality in the Built Environment

South Cambridgeshire Local Development Framework Core Strategy DPD 2007

ST/4 Rural Centres

South Cambridgeshire Local Development Framework Development Control Policies DPD 2007

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and New Developments

DP/7 Development Frameworks

HG/1 Housing Density

SF/10 Open Space

SF/11 Open Space Standards

ET/4 New Employment Development In Villages

NE/6 Biodiversity

NE/11 Flood Risk

CH/3 Listed Buildings

CH/4 Development Within the Curtilage or Setting of a Listed Building

CH/5 Conservation Areas

CH/6 Protected Village Amenity Areas

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

7. ***Supplementary Planning Documents***

South Cambridgeshire Local Development Framework Development Affecting Conservation Areas 2009

South Cambridgeshire Local Development Framework Trees and Development Sites 2009

South Cambridgeshire Local Development Framework Open Space in New Developments 2009

8. ***National Planning Guidance***

Planning Policy Statement Note 3 Housing
Planning Policy Guidance Note 15 Planning and the Historic Environment

9. **Circulars**

Circular 05/2005 Planning Obligations
Circular 11/95 The Use of Conditions in Planning Permissions

Consultation

10. **Fulbourn Parish Council** – Recommends approval and comments that the conversion is supported but some concerns are raised relating to the treatment of the attractive space in front of the building and it would not wish to see unnecessary clutter.
11. **Conservation Officer** – Recommends refusal.

“While there is no objection to the principle of refurbishment to cottage, there are some concerns about the works to the ground floor, which include the removal of the early 20th century tiles and the installation of limecrete and underfloor heating. There are also concerns relating to other internal fabric and the addition of a porch and glazed panels to the door.

The alterations required to convert the game larder, donkey stable and tack room to cottage 2 are more invasive and will have greater implications on the historic fabric. Of particular concern are the alterations to the roof including the removal of the collars, the introduction of a steel portal frame and the loss of the existing beams and game hooks in order to insert a new floor. Additional openings are also proposed internally at ground and first floor, which will result in loss of historic fabric. Externally additional openings are proposed on the gable and a rooflight is to be inserted to light the landing. While the gable openings will result in alterations to the historic fabric and result in a domestic appearance, the rooflight will harm the simple character of the front elevation, which is unaltered. A porch is also proposed to match cottage 1 and this is not supported for the reasons in the attached letter (see paragraphs 49-50, below, for details).

In principle there is no objection to the alterations or to the proposed use. The building is of some historic interest but the roof is modern and the addition of a slate roof is supported. However, there was concern that the installation of photovoltaic panels and rooflights would be visually intrusive and would result in a fussy appearance that could harm the appearance of the curtilage listed building and the setting of the adjacent listed buildings and the grade II* listed church. It was suggested that the panels could be repositioned on the ground perhaps in the courtyard that is proposed for the recycling bins; these could be moved to the other courtyard.

There is no objection to the location of the parking but the siting of the cycle store is unfortunate and it should be relocated adjacent to the plant enclosure.

Stone is proposed as hard landscaping in front of the studio but as stone is not a traditional material to the locality, brick would be more appropriate.

An opening in the wall to allow access to the tennis court would result in the loss of historic brickwork and is not considered necessary, as this area is easily accessible from the drive.”

12. **Trees and Landscapes Officer** – Objects to the proposal. The Sycamore tree is significant and must be retained. The tree is compromised in its current situation due to the hardstanding around half of the root area. The configuration of the parking and cycle store located in the vicinity of the remaining ‘open space’ of the root zone would compromise it further.
13. **Landscape Design Officer** – Comments are awaited and will be reported verbally at the meeting.
14. **Ecology Officer** – “I am happy to accept the bat survey and its conclusions. Two buildings have bat roosts associated with them that will require EPS licenses to allow further work upon them. I am satisfied that this further work can be conditioned in this instance given the knowledge already gained on site”.
15. **Local Highway Authority** – Objects to the proposal as it would inevitable intensify the use of the access and cause highway safety risks. It accepts that the relatively low traffic speeds and flows mean that the precepts of the Manual for Streets would be applicable in this case, but does not agree that vehicular visibility splays measuring 2 metres back from the highway would be acceptable. These should measure 2.4 metres back from the highway x 34 metres along the highway. The vehicle-to-vehicle visibility splays appear to traverse land that is not adopted public highway nor under the control of the applicant. This is not acceptable as the applicant will have no control over the future use of the land and the Council would not be able to place a condition on the land. The western splay encompasses a line of trees that need to have a clear trunk height of not less than 2 metres and all growth maintained at a height of 600mm, and a wall that needs to be reduced in height to 600mm. The dimensions of the parking spaces should be shown on the plan.
16. **English Heritage** – The application should be determined in accordance with national and local policy guidance and on the basis of the Council’s specialist conservation advice.
17. **Environmental Health Officer** – Comments are awaited and will be reported verbally at the meeting.
18. **Building Inspector** – No comments.
19. **Housing Development and Enabling Manager** – As there is no gain for affordable housing, no comments.

Representations

Local Member – Councillor Neil Scarr

20. “The buildings form a very important part of our built heritage and it is important to secure the future of the buildings by giving them a new lease of life. It is an important application, as it will represent the form the buildings will take for a generation and it is important that community representatives are involved in getting it right as well as the community being represented by professional judgement of officers”.

Neighbours

21. The occupier of Tamarisk, Church Lane has concerns regarding overlooking from the first floor bedroom windows of the cottages to his garden, the security light shining into his living room, noise from the heat pump, lack of outside provision for the

sculptors work, an increase in traffic, the limited space for parking and no space for visitors, no space for deliveries for sculptors, minimal visibility on to Church Lane, and the need for the driveway to be resurfaced.

22. The occupiers of Coppins, Manor Lodge and Anste-Bar-K, Church Lane find the application broadly acceptable but point out that the entrance driveway from Church Lane will be carrying additional traffic and the costs of the maintenance of the driveway should be shared among all users. Also requests that any damage to the driveway from construction traffic is borne by the applicant.

Applicant's Agent

23. "We maintain that the range needs to be considered holistically and the uses/works proposed represent the best solution. Any alternative uses or the deletion of the donkey stable from the scheme will make this an unviable scheme.
24. The range of red brick buildings is in a poor structural condition and the structural report makes it clear that major intervention in the form of underpinning and strengthening work is needed regardless of any other proposed works. The trial holes dug indicate the front and rear walls of the buildings have no footings thus there would be no loss of fabric in undertaking under pinning. The choice of under floor heating and a limecrete floor was made specifically to try and address the issue of dampness. We strongly suspect that the floor has been laid on a cementitious surface and thus we believe that any historic fabric was thus destroyed when the current floor was laid. Whilst this floor is probably 19th century and part of the history of the building it must also be seen as having done immense harm to the building by creating an impervious layer which has pushed the damp up the walls of the building. Whilst the churchyard is at a higher level, the digging out of a trench adjacent to the building at sometime in the past, has to a large extent, removed the issue of water pressure here, thus the key source of problems relating to damp come from the impervious floor tiles and substrate. The build up of slats to the floor area can be readily seen as a clear sign of this. The proposals should be seen as trying to 'unseal' the building and to provide a breathable floor with a view to addressing the damp problem. The removal of these is seen as being necessary for the overall benefit of the building.
25. The choice of under floor heating is one which seeks to give a constant ambient temperature which is considered to be far better for the building than any other form of central heating. The option of retaining a traditional solid fossil fuel heating system for the building is simply not viable for modern lifestyles and requirements. Equally the introduction of a traditional radiator system in the building is problematic given the limited space. The provision of wall mounted radiators is considered to be a less favourable option as they will compromise both the space and appearance of the rooms. It also forms part of the 'Green energy' strategy for the building which has from the outset been an important part of the client's brief for the project.
26. The installation of a bathroom to the first floor aims to use the existing space at the head of the stairs to enable the two bedrooms to be served by these close at hand facilities. Provision of such facilities on the ground floor is not considered to be acceptable. We have reviewed the location of the shower in this area. The shower could be relocated by siting a shower cubicle between the two bedrooms and just having a toilet and basin in the proposed bathroom area. Whilst this removes the need to alter the chimney this would alter the internal spatial layout of the rooms and is seen as a less favourable option. The works will not result in the loss of the whole stack just a small section of it. On balance the loss of this has to be weighed against

the other more intrusive options for creating a first floor bathroom. On this basis we would prefer to continue with the option tabled.

27. As you correctly observe the front elevation of the Cottage has been considered to have 'high significance' in terms of its architectural or historic importance and contribution to the special character and appearance of the building. For this reason it was not considered to be appropriate to seek to create a new window in the front elevation to provide any additional light to the kitchen/dining room area. As you will recall this room is lit only by a high level shuttered window to the rear elevation. The existing front door is not contemporary with the building and being a 19th century four panel door is considered to be capable of adaption to have the two top panels glazed without causing any harm to the character or appearance of the building. The loss of the panels must be balanced against the need to provide acceptable living conditions within the building – bearing in mind the dwelling was subject to a closure order by Environmental Health. Such an approach is seen as being a minimal and sensitive alteration which will significantly improve the living environment to the cottage and would require less use of electric lights during the day.
28. The proposed provision of porch canopies to the two entrance doors to the two proposed cottages can be justified for a number of reasons. Firstly Mr Townley can recall the existence of a porch structure on the building – we have been unable to source photographic evidence of this. He recalls it had a pitched canopy detail but also trellis sides over which honeysuckle grew. We have sought only to reinstate the canopy element. Secondly the canopies define clearly what doors are functioning as the main entrances to the units (with others being blocked up but retained as mock doors). Thirdly, it is desirable given there is no draught lobby in the interests of the comfort of the future occupiers and the energy efficiency of the building. Finally, the format is simple in design and thus is not seen as harmful to the appearance of the buildings.
29. The proposed alteration of the store wall relates to the obliquely angled wall which forms an awkward element creating difficult and unusable space in both units. The brick work to this area is not considered to be historic. The proposals in straightening the wall enable the small window to be incorporated in the store to light and vent this area. The only obvious reason for angling the wall in this way was to include the window into the unfloored room at some time in the past. The proposed kitchen/dining room to Cottage 2 would still be lit by existing windows to the front and rear elevations. This corner also contains the floor joists to Cottage 1 and in the interests of controlling noise transmission between the units it is more practical to contain these within the unit. To ensure the provisions of Part E of the Building Regulations can be met, the structure is built of brickwork which is white painted/limewashed and it is proposed this would be reused in the works.
30. The Historic Building Analysis has clearly identified the elements of the range proposed to form Cottage 2 as being of lesser significance than the adjacent Listed Cottage. In particular the donkey stable and tack room are the most recent elements of the range and thus contain the greater degrees of alteration principally the provision of a floor and stairs. However the cellular division of the units is retained. It is considered that the game larder was once floored thus the reinstatement of such a horizontal division can be more readily argued.
31. The building has clearly suffered due to the removal of the flooring and an inspection reveals past attempts to restrain the walls with a series of ties and wall plates. The need for a steel frame arises to provide lateral restraint to the front and rear walls and will largely be concealed in the floor and built in kitchen elements. It will of course

- help support the new floor. The existing timber beams would be retained for visual and historic interest.
32. The retention of the game hooks is considered to represent a hazard to potential tenants of the unit and is seen as being over excessive preservation given the proposed residential use of this area. The features are part of a past adaption of the building which can be recorded prior to being removed to enable a modern adaption to take place.
 33. The provision of two door openings to link the former game larder room to the adjacent former stable room are essential to enable the unit to function as a dwelling. The loss of fabric is minimal in terms of the scale of walling retained. As with any conversion scheme the loss of this fabric must be balanced against the merits of restoring and bringing back into use this redundant range of buildings. The need to find a new use for the buildings has been identified in the Conservation Area Appraisal for Fulbourn. It is argued that the scale of the development and the level of intervention has been kept to a minimum and follows good conservation practice. It is disappointing that such a negative stance has been taken against the conversion of the donkey stables given that it has clearly been identified as being the least significant element of the group and capable of accommodating the imaginative internal interventions and reuse of the space without harming the existing cellular division or external character of the building.
 34. We are happy to amend the specification so that floor bricks can be used internally as a floor covering for this dwelling and this would be compatible with the ground floor construction proposed.
 35. The proposed roof light is to be deleted and the bathroom will thus be solely vented by mechanical means and will have to have greater reliance on electric lighting. This does go against the low energy ethos of the scheme but we are prepared to make this amendment.
 36. The new fenestration has been restricted to side gable to relate to the proposed courtyard garden and avoid any new openings to the front or rear elevations which have been identified as having more visual importance and sensitivity to change. The design of windows selected has been made to be honest – the alterations reflect the change of function of the building to a dwelling rather than seeking to pretend they are associated with a former use. The design of the fenestration proposed is designed to be of a simple format, with no glazing bars so as to respect the character of the building. It is not accepted that the fenestration proposed would change the appearance of the structure to give it a more domestic character. The existing historic multi-pane sliding sash windows to the main facade already give a domestic appearance to the building.
 37. It is disappointing that the Conservation Section are not supportive of the use of green energy measures as part of the proposed works. The use of photovoltaic tiles has been carefully considered. The units will sit flush with the slates as the section of the roof denotes. The tiles have been proposed to both elevations to maximise their efficiency and also visually to create a subtle banding to the roofscape. The units will not be visually intrusive on the roof slope and will cause no harm to the setting of the church. Alternative locations had been considered but this is considered to provide the optimum functional and visual solution. The solution of having the panels in the adjacent courtyard firstly removes the proposed area of private space for Cottage 2 which reduces the amenities for this unit and secondly is not viable in terms of the functioning of the panels.

38. The proposals seek three roof lights to the building. These aim to maximise the amount of natural light received within the building given its proposed studio use. Equally given the building is of a quasi industrial nature the use of flush conservation format roof lights were considered to be appropriate however we are again willing to amend the proposals to concede this element.
39. The cycle store was located on the shared boundary to encourage use by both residents and users/visitors to the arts studio. Its relocation has been reviewed and we would be willing to redesign the plant enclosure area adjacent to the north wall to accommodate this. Revised drawings will be forwarded to you this week.
40. It is surprising that the view expressed is that stone is not a suitable material in this location given that the Manor itself has a Ketton stone finish and the paths around the building are laid with York stone flags. There is extensive use of clunch and limestone ashlar in the locality salvaged from the former second church adjacent to the site. The use of stone slabs has been proposed to give a more level surface for disabled access given the art studio is likely to have visiting members of the public. Stone is seen as being preferable to a concrete or black top surface. Bricks are considered to create a potential uneven trip hazard surface for this location.
41. The proposed opening in the wall seeks to link the tennis court area to the art studio use in order to give this area of public open space a beneficial function with direct and safe access from the art studios. The wall coping will continue to run as a continuous element above the door thus the character and appearance of the wall will not be compromised. The walls on the opposite side of the site which once contained the kitchen garden area had a doorways to a similar format, thus there is a tradition of such a feature in the locality.”

Planning Comments – Key Issues

42. The main issues to be considered during the determination of this application relate to the following:
- i) Principle of residential use on the site;
 - ii) Density, mix and affordable housing;
 - iii) Principle of artist studio use on the site;
 - iv) Lawful use;
 - v) Layout, siting, and design;
 - vi) Character and appearance of the listed and curtilage listed buildings, setting of the adjacent grade I listed church, grade II listed manor house, and grade II listed coach house, and character and appearance of the conservation area;
 - vii) Neighbour amenity;
 - viii) Biodiversity, trees and landscaping;
 - ix) Traffic generation, highway safety, and parking.

Principle of Residential Use

43. The site is situated within the Fulbourn village framework. Fulbourn is identified as a ‘Rural Centre’ where the principle of residential development without any limit on size is acceptable in principle.

Lawful Use

44. The existing cottage was last used for residential purposes in the 1950s. Whilst it is acknowledged that the building has been vacant for over 50 years and there have not

been any intervening uses within that time, the residential use of the dwelling is not considered to have been abandoned and is lawful. It appears that the owners may have had intentions to bring it back into use as works have been carried out to strengthen the roof. The building is therefore believed to be in a fairly good physical condition externally and would not require major reconstruction works to become habitable accommodation.

Density, Mix and Affordable Housing

45. The site measures 0.17 of a hectare in area. The conversion of the existing buildings to two dwellings would equate to a density of 12 dwellings per hectare. Whilst it is acknowledged that this would be clearly below the density of 40 dwelling per hectare required in sustainable villages such as Fulbourn, the development is considered acceptable given that the buildings are listed/ curtilage listed and any further alterations may adversely affect the character and appearance of the buildings.
46. The housing mix and affordable housing policies are not applicable to this proposal as it results in the creation of one new residential unit.

Principle of Artist Studio Use

47. Small-scale B1 employment uses are supported within the village frameworks of 'Rural Centres'. The two proposed artists' studios would have a gross floor space of approximately 70 square metres and replace the existing informal art studio use on the site. The two part time employees from the informal studio would be retained.

Conservation and Listed Building Issues

48. The proposal as originally submitted is considered to result in internal and external alterations that would harm the special character and appearance of these listed/ curtilage listed buildings, damage the setting of the adjacent listed buildings, and adversely affect the character and appearance of the conservation area.
49. In principle there is no objection to the refurbishment to the cottage but there are some concerns about the works to the ground floor, which include the removal of the early 20th century tiles and the installation of limecrete and underfloor heating. While removal of the impervious tiles and the use of limecrete is probably acceptable and will be beneficial in the long term, lowering the floors to a depth to enable the installation of the limecrete and heating could undermine the footings. This has been recognised by the structural engineer and he has suggested underpinning in limecrete and it is this level of intervention that is of concern.
50. The installation of a bathroom on the first floor includes an alteration to the chimney brickwork to enable a shower to be installed. This would result in a loss of historic fabric and an alternative layout should be sought.
51. In order to light the kitchen/dining room it is proposed that the top two panels of the 19th century panelled doors are replaced with glass. Although this door may not be original it is of historic interest and the proposed alteration would not only result in a loss of historic fabric but would alter the special character and appearance of the front elevation. A new porch is also proposed, which comprises a monopitch tiled roof supported on posts. This is an unnecessary addition that would detract from the simple character of the front elevation to the detriment of the listed building. The Historic Building Analysis states the front elevation is of high significance and therefore the proposals would appear to be a contradiction.

- 52 The alterations required to convert the game larder, donkey stable and tack room are more invasive and will have greater implications on the historic fabric. Of particular concern are the alterations to the roof including the removal of the collars, the introduction of a steel portal frame and the loss of the existing beams and game hooks in order to insert a new floor. Additional openings are also proposed internally at ground and first floor, which will result in loss of historic fabric.
- 53 Conversion of the donkey stall and tack room and the insertion of a first floor and staircase will have a significant impact on the character of these rooms and will result in the re-location of existing internal features. There is an existing brick floor and the proposal is to salvage and re-use externally to repair the existing brick area. This is not acceptable and bricks should be re-used internally as they are part of the historic floor finish associated with this type of building.
- 54 Externally, additional openings are proposed on the gable and a rooflight is to be inserted to light the landing. While the gable openings will result in alterations to the historic fabric and result in a domestic appearance, the rooflight will harm the simple character of the front elevation, which is unaltered. A porch is also proposed to match cottage 1 and this is not supported for the reasons given above.
55. No objection to the proposed use and alterations to the garage. A slate roof is supported but the addition of photovoltaic panels and roof lights would be visually invasive and result in a fussy appearance.
56. The siting of the cycle store is unfortunate, the use of stone for the paving is not considered appropriate, and the new opening in the wall would not be necessary and lead to the loss of historic brickwork.
- 57 Amended plans have been received that address some of the concerns in respect of the conservation issues, namely the re-location of the cycle store, the removal of roof lights, and the retention of the brick floor in the donkey stable. The other concerns will not be amended and the applicant's agent has provided justification for these elements of the scheme. However, the view of the Conservation Team remains one of refusal.
58. Notwithstanding the above, the works required to reduce the height of the wall along the Church lane frontage to achieve the required visibility splays would not be supported, as they would result in a significant loss of historic fabric. In addition, the higher section of wall appears to be the continuation of the churchyard wall and its alteration would harm the character and appearance of the street scene.

Neighbour Amenity

59. The proposal is not considered to seriously harm the amenities of neighbour at 'Tamarisk' through a loss of privacy. The existing cottage already has a first floor bedroom window in its east elevation. One additional bedroom window and a roof light serving a landing is not considered to result in an unacceptable degree of overlooking, due to the existing arrangement.
60. The siting of the heat pump is not considered to result in a significant increase in noise that would adversely affect the amenities of this neighbour, as it would be enclosed by a structure and screened by the existing wall along the eastern boundary of that property.

61. The security light is already in situ and does not require planning permission. Any light pollution concerns would be a matter for the Environmental Health Service.
62. Although the proposal would result in an increase of traffic using the shared driveway, it is not considered to result in noise and disturbance that would harm the amenities of the neighbours at 'The Lodge' and 'Tamarisk'. The access is already in use, serving nine dwellings and 'The Lodge' is set approximately 8 metre back from it, while 'Tamarisk' is screened by a boundary wall, furthermore, most of the access is already surfaced with tarmac.

Biodiversity, Trees and Landscaping

63. The proposal is not considered to result in the loss of a protected species and would maintain biodiversity through the retention of existing, and creation of new bat roosts.
64. The proposal would further compromise the important Sycamore tree that is situated to the front of the existing garage building. The introduction of formal car parking and a cycle store underneath the canopy and in the open area of the root zone would be likely to adversely affect the roots of the tree and reduce its lifespan.

Sustainability, Traffic Generation, Highway Safety and Parking

65. The proposal is not considered to give rise to a material increase in travel demands. In any case, the site is in a very sustainable location with good accessibility and choices of non-private modes of travel.
66. Access to the site is via the existing shared driveway off Church Lane. The proposal is considered to intensify the use of the access through the creation of an additional dwelling and formalising the use of the two artists studios. However, the change to the amount of traffic generated is not considered significant, given the limited size of the dwelling and the low number of employees for the artists' studio.
67. The existing access has a width of 4.8 metres. This is considered acceptable and would allow two vehicles to pass each other.
68. The existing access has vehicular visibility splays measuring 2.4 metres x 7 metres to the east and 2.4 metres x 7 metres to the west. Although it is acknowledged that these were the visibility splays required as per the condition in the 1973 planning consent for three dwellings on the adjacent site, the increase in the use of the access and updated Local Highway Authority standards indicate that these need to be upgraded to meet the Manual for Streets requirements of 2.4 metres x 34 metres in both directions.
69. Such works would not be possible due to the ownership of the land to the east by 'The Lodge' and the existing wall and trees along the site frontage that need to be retained. The proposal is therefore considered to be detrimental to highway safety due to the restricted visibility from the access and vehicles having to pull out on the public highway. This would cause a hazard to the free flow of traffic along Church Lane.
70. The existing buildings have an informal parking area to the front of the garage with space on the hard surfaced area for approximately three vehicles. The dwellings require an average of 1.5 spaces per unit (total of 3) and the artists studios require 1 space per 25 square metres of gross floor area (total of 3). The proposed scheme shows six parking spaces including one disabled space. This is considered appropriate, given the sustainable location of the village.

Other Matters

71. The South Cambridgeshire Recreation Study 2005 identifies a shortage of open space in Fulbourn. The development requires the on-site provision of 7 square metres of informal open space. No open space is provided on site as the area surrounding the buildings forms incidental landscaping to the scheme and the open space is private. Therefore, a financial contribution of £2,244.90 (index linked) towards the provision and maintenance of informal open space and children's play space 'off site' would be required. The applicant's agent has confirmed that the applicant would be willing to pay a contribution towards such facilities within the village in relation to a clearly identified project and within an agreed timescale. A condition would be attached to any consent securing such payment.
72. The site lies within Flood Zone 1 (low risk). The proposal is not considered to significantly increase the risk of flooding to the site and surrounding area given the limited expansion of floor space and providing that surface water run-off is managed effectively. This will be under the control of Building Regulations.
73. The issues raised by the neighbours in relation to the costs of maintenance and re-surfacing of the shared driveway are not planning considerations that can be taken into account during the determination of this application.

Recommendation

S/0665/09/F

74. Refusal, as amended by letter and drawing nos. 126 PD05A, 126 PD07A, 126 PD08A, 126 PD211A, 126 PD215A, 126 PD220A, 126 PD210A and 126 PD222A date stamped 21st July 2009.
- 1) The proposed development will, as a consequence of adding porches with a domestic character, addition of photovoltaic roof panels and openings including rooflights to simple and otherwise unfussy elevations, and lowering of the boundary wall that forms part of the setting of a Grade 28 listed building to provide visibility splays, have an unacceptable impact upon character and appearance and setting of listed buildings and the Fulbourn Conservation Area. The proposals are, therefore, contrary to the provisions of PPG15 and policies ENV6 of the East of England plan, 2008, CH/4, CH/5 (2007) and 'Development Affecting Conservation Areas SPD' (2009), of the South Cambridgeshire Local Development Framework.
 - 2) The proposed development will increase the use of the existing access, which is not built to modern standards. Vehicle-to-vehicle visibility splays are required in both directions along Church Lane. Such splays cannot be achieved on land within the applicant or Local Highway Authority's control and as such cannot be guaranteed. The proposal will be detrimental to highway safety. Policy DP/3 of the South Cambridgeshire Local Development Framework, 2007, which seeks to ensure that all new development has appropriate and safe access from the public highway.
 - 3) The proposed car parking configuration is within the root area of a significant Sycamore tree within the site. The proposal would be harmful to the future health of this tree, contrary to policies of the South Cambridgeshire Local Development Framework, 2007; namely DP/1, DP/2, DP/3, and 'Trees and

Development Sites SPD', 2007, which seek to ensure all new development does not have an adverse impact upon the environment or character of the local area and help to assimilate development into its surroundings, and policy CH/5 which seeks to ensure that development in Conservation Areas preserves or enhances its character and appearance.

S/0667/09/LB

75. Refusal, as amended by letter and drawing nos. 126 PD05A, 126 PD07A, 126 PD08A, 126 PD211A, 126 PD215A, 126 PD220A, 126 PD210A and 126 PD222A date stamped 21st July 2009:
- 1) The proposed development will, as a consequence of adding porches with a domestic character, addition of photovoltaic roof panels and openings including rooflights to simple and otherwise unfussy elevations, and lowering of the boundary wall that forms part of the setting of a Grade 2* listed building to provide visibility splays, have an unacceptable impact upon character and appearance and setting of listed buildings and the Fulbourn Conservation Area. The proposals are, therefore, contrary to the provisions of PPG15 and policies ENV6 of the East of England plan, 2008, CH/4, CH/5 (2007) and 'Development Affecting Conservation Areas SPD' (2009), of the South Cambridgeshire Local Development Framework which only permit development that preserves or enhances the character and appearance of listed buildings.
 - 2) The works proposed including lowering the floor and altering the chimney's brickwork of the cottage, removal of collars, introduction of a steel portal frame, removal of existing beams and game hooks in order to insert a new floor, and insertion of a first floor and staircase to the donkey stables, and lowering of the boundary wall will result in an unacceptable loss of historic fabric to the detriment of the character and appearance of these structures. As such the proposals are contrary to the provisions of PPG15 and policies ENV6 of the East of England plan, 2008, CH/4, CH/5 (2007) and 'Development Affecting Conservation Areas SPD' (2009), of the South Cambridgeshire Local Development Framework which only permit development that preserves or enhances the character and appearance of listed buildings.

Background Papers: the following background papers were used in the preparation of this report:

- East of England Plan 2008
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents 2009: Development Affecting Conservation Areas, Trees and Development Sites and Open Space in New Developments
- South Cambridgeshire Recreation Study 2005
- Planning Policy Statement 3 (Housing) and Planning Policy Guidance Note 15 (Planning and the Historic Environment)
- Planning File References: S/1665/09/F and C/73/917.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 5th August 2009
AUTHOR/S: Executive Director / Corporate Manager - Planning and
Sustainable Communities

S/0662/09/F - FULBOURN
Extension to Existing Warehouse at Fulbourn Mill, Wilbraham Road
for S & B Herba Foods Ltd
Recommendation: Approval

Date for Determination: 12th August 2009 (Major)

Notes:

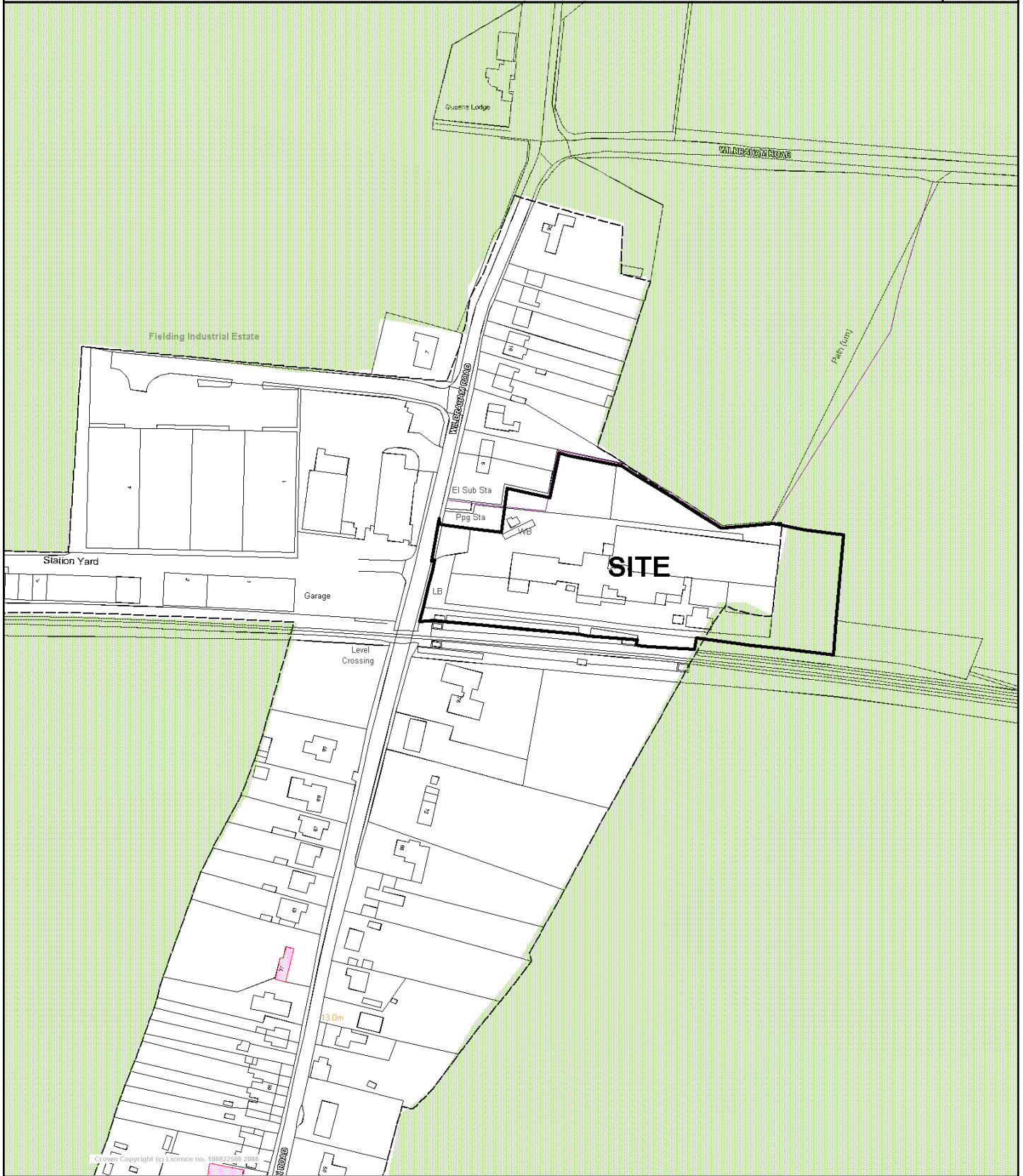
This Application has been reported to the Planning Committee for determination because it is a departure to the Local Development Framework to which objections on material planning grounds have been received.

Members will visit this site on 5th August 2009

Departure Application**Site and Proposal**

1. The site, measuring 1.198 hectares, comprises a second world war grain silo and mill (B2 - General Industrial Use) with modern, metal-clad two storey height extensions providing warehousing and office space, hardstandings with former railway sidings to the south, vehicle access and weighbridge to the west, car and cycle parking to the northwest, and a lawned area to the east. The site is screened from neighbouring countryside by maturing hedges and tree to the north and eastern boundaries. A public footway crossing the arable field to the north of the site from Wilbraham Road runs adjacent to part of the northern boundary and has further mature trees to its northern edge. A bank to the southern boundary with the Cambridge-Newmarket mainline railway to the south of the site provides some screening in that direction.
2. Due to the height of the Second World War mill (approximately 27.4 metres) it is clearly visible within the landscape for many miles around.
3. The site is accessed off Wilbraham Road. A crossing to the mainline railway is situated approximately 35 metres to the south.
4. Other development in the vicinity comprises a sub station and residential properties to the north, fronting Wilbraham Road, commercial properties at the former station yard opposite the site to the west. Beyond the railway crossing to the south further linear residential development on the approach onto the village centre is found. To the north and east is arable farm land.
5. This full planning application, received on 13th May 2009, proposes the extension of the existing warehouse to provide a further 624 square metres of

S/0662/09/F Fulbourn



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August Planning Committee 2009

floor space. The total cumulative floorspace for the mill will be 7724 square metres. The development will extend to the east of the existing modern extensions onto a lawned area at the eastern end of the site. The extension will measure 34.7 metres (width) by 18.0 metres (depth), have an eaves height of 6.4 metres and a ridge height of 7.6 metres. It will have double gable to the eastern elevation with a central valley between.

6. It follows an identical application which was refused and subsequently dismissed at appeal. The decision was the subject of a High Court challenge, which was upheld and the decision quashed. The application has been referred back to the Planning Inspectorate, who have agreed to hold it in abeyance while this application is determined. Paragraphs 25-26, below, of the history provide further background detail.
7. The application is accompanied by a Design and Access Statement, Planning Statement, Report by the applicant in support of the proposal, Transport Statement, and two year Management and Maintenance Plan for landscaping.
8. The Planning Statement suggests that:
 - (a) The application proposals accord with national and district policy, and with the Climate Change Act.
 - (b) The previous appeal decision has been found by the High Court to be flawed in the assessment of Green belt issues. Although it was agreed to be inappropriate development, the visual impact alone would not be sufficient to justify dismissing the appeal. The approach taken previously by the Appeal Inspector to determine whether 'very special circumstances' existed individually or collectively was flawed.
 - (c) It is suggested that the circumstances put forward collectively do amount to 'very special circumstances' sufficient to outweigh the resulting harm by way of inappropriateness and any other harm.
9. The material planning considerations put forward as the case for 'very special circumstances' include:
 - (a) "The applicants are a successful company nationally and internationally and are an important local employer utilising a special type of building which is particularly suited to their processes and needs which minimises the use of energy in the production process.
 - (b) The company's existing operational base is located outside of the Green Belt on the edge of a settlement where the company's expansion and extension of its premises would normally be encouraged.
 - (c) The extension site lies inside the Green Belt but within the curtilage of the existing mill and therefore constitutes previously used land.
 - (d) Alternative sites for expansion have been explored but are constrained by policy, relationship to neighbours, space available and relationship to production facilities.
 - (e) The only viable alternative of off-site storage is restricted in terms of location by the need to comply with stringent food safety and quality

standards which require particular care to prevent the contamination of rice.

- (f) Storage off site at the nearest compliant facility at Ely would cause significant additional costs and inefficiencies, increased HGV traffic movements through the Wilbrahams and Fulbourn, and significant generation of greenhouse gases, particularly CO₂ directly contrary to Climate Change Legislation and planning policy. As set out in URS's report the use of off-site storage facilities at Ely would result in an additional 91,200 HGV Kms per annum with a consequent increase in the emission of 67.7 tonnes CO₂, equivalent to some 14,000 additional return car journeys between Fulbourn and Cambridge”.
10. A copy of the Court decision in respect of planning application S/1585/05/F can be found at Appendix 1 of the Statement.
11. The applicant’s report in support of the application concludes:
- (a) S&B Herba Foods Limited is a successful and thriving business and is an important local employer which offers a diverse range of employment opportunities to people in the surrounding communities with varying skill sets.
 - (b) It uses a comprehensive and diverse range of local suppliers and services, hence contributing significantly to the local economy.
 - (c) S&B Herba foods success is founded on offering its customers good quality goods, at a competitive price, and ensuring deliveries are made as required. Changes in the rice, pea and lentil markets have resulted in the need for additional warehouse facilities.
 - (d) There is no scope within the present building or site to further increase production capacities by introducing additional milling or packing lines. As the mill is currently being operated for 24 hours per day, seven days per week it is not possible to increase production volumes by extending hours of operation.
 - (e) Market trends have led to a greater use of smaller pack sizes, which are more time and labour intensive to pack, as well as a greater requirement for customers 'own brand' products, thereby increasing the number of product lines it handles. This has complicated their milling and packing operations and requires a greater level of management input to ensure that customers' expectations are met.
 - (f) The current warehouse facilities are not sufficient to cope with the peaks in current demand, or additional space requirements dictated by weekend or evening packing shifts.
 - (g) When the warehouse is full to capacity, efficient operation of both the production process and the warehouse facility is not possible.
 - (h) Serious Health and Safety risks arise due to a lack of space.
 - (i) Various options have been considered prior to submitting this planning application for the proposed warehouse extension. The only

practical option to the business is to extend the warehouse to the rear (east) of the existing buildings.

- (j) If this application fails and semi-finished goods have to be stored off site, there will be significant implications in relation to lorry movements through surrounding villages, Carbon Di-oxide emissions.
12. In the submitted Transport Statement it is stated that if the extension is not permitted alternative storage facilities off-site will need to be sought. The nearest site meeting strict food hygiene regulations is at Ely. Using this alternative site would result in 91,200 HGV kilometres per annum with a consequent increase in CO₂ of 67.6 tonnes. It would also result in approximately three extra HGV extra trips per day through the Wilbraham villages. The proposal, it is suggested, will prevent a significant increase in emission and vehicle trips, which would be unavoidable if off-site storage facilities have to be utilised.

Planning History

13. **C/0058/73/F** - Erection of General Purpose Store. Approved 09/02/73.
14. **C/0675/73/F** - Use of Site as a Car and Lorry Parking Area. Approved 07/08/73.
15. **C/1492/73/F** - Erection of Four Grain Silos. Approved 15/03/74.
16. **S/1493/73/F** - Erection of Offices and Construction of a Weighbridge. Approved 14/02/74.
17. **S/1126/80/F** - Replacement of Existing Store. Approved 21/07/80.
18. **S/1884/86/F** - Extension for Use of Premises for Cleaning Polishing Gardening of Pulses Rice and Barley. Withdrawn 10/06/87.
19. **S/0400/87/F** - Proposed Warehouse Extension to Existing Processing Facility. Approved 07/04/87.
20. **S/0432/89/F** - Extension. Approved 05/05/89.
21. **S/1451/91/F** - Extension to Form Packaging Plant, Pallet Store and Increased Warehousing. Approved 05/02/92.
22. **S/1692/95/F** - Extension to House Rice Milling Plant. Approved 07/03/96.
23. **S/1292/97/F** - Widen Side Entrance. Approved 06/10/97.
24. **S/0334/98/F** - Extension to Office Accommodation. Approved 17/04/98.
25. **S/1585/05/F** - Proposed Extension to Existing Storage Area Integral to Mill. Refused - 05/10/05, Appeal Dismissed 28/03/2007. The application was refused on the following grounds:
1. The proposed development fails to satisfy the criteria set out in Policy GB2 of South Cambridgeshire Local Plan 2004 and is therefore defined as inappropriate development within the Green Belt. Inappropriate

development is by definition harmful to the Green Belt as such the proposal is contrary to Policy GB2 of South Cambridgeshire Local Plan 2004 which states planning permission will not be granted for inappropriate development within the Green Belt unless very special circumstances can be demonstrated.

2. The proposed development, by reason of its depth, height and massing would result in further built form attached to the end of this substantial building. This would contribute to further encroachment into the open aspect of land adjacent to the existing storage area reducing the open appearance of this part of the curtilage and would contribute to the undesirable finger of development extending into the sensitive and open Green Belt surroundings. The application is therefore contrary to Policy P9/2a of the Cambridgeshire and Peterborough Structure Plan 2003 which states the purposes of the Green Belt are to maintain and enhance the quality of the Cambridge setting and Policy GB2 of South Cambridgeshire Local Plan 2004 which aims to protect the rural character and openness of the Green Belt.
 3. The applicant has not demonstrated there are any very special circumstances which clearly override the harm to the Green Belt both by reason of inappropriateness and the harm identified above. The proposal is therefore contrary to Policy GB2 of South Cambridgeshire Local Plan 2004 which states planning permission will not be granted for inappropriate development within the Green Belt unless very special circumstances can be demonstrated.
26. As referred to at paragraphs 8 and 10 above, this decision was subsequently challenged. The decision was quashed by the Court on the basis that the Inspector had incorrectly assessed whether the material planning considerations put forward by the applicant amounted to 'very special circumstances' sufficient to clearly outweigh the harm by way of inappropriateness and other harm. The Inspector had erroneously assessed whether they were commonplace or unusual. This appeal is to be reconsidered by a different Inspector. This appeal has been held in abeyance until 6th August 2009 in order that the outcome of this planning application is known before proceeding with another Inquiry.

Planning Policy

27. **The Planning System: General Principles (2004):** Sets out the structure of the plan-led system and the guidelines for the determination of planning applications.
28. **PPS1 Delivering Sustainable Development (2005):** Paragraphs 7 and 8 state that national policies and regional and local development provide the framework for planning for sustainable development and for development to be managed effectively. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.
29. Paragraph 23 states: 'the Government is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all'.

30. **Planning Policy Statement: Planning and Climate Change Supplement to Planning Policy Statement 1:** This document provides practical guidance and support on the implementation of the principles set out in PPS1.
31. One its key aims is to ‘deliver patterns of urban growth and sustainable rural developments that help secure the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking: and which overall, reduce the need to travel, especially by car’ (paragraph 9).
32. Paragraph 42 states that where an application contributes to the key objectives set out in this PPS, the applicant ‘should expect expeditious and sympathetic handling of their application’.
33. In relation to safeguarding environmental performance, paragraphs 43 – 44 state:
- ‘In determining planning applications, planning authorities should also consider the likely impact of proposed development on:
- (a) existing, or other proposed, development, and its renewable or low-carbon energy supply;
 - (b) existing, or proposed, sources of renewable or low-carbon energy supply; and
 - (c) the vulnerability to climate change of existing or proposed development.
- Where proposed development would prejudice renewable or low-carbon energy supplies or lead to increased vulnerability of existing or proposed development, consideration should be given as to how the proposal could be amended to make it acceptable or, where this is not practicable, to whether planning permission should be refused’.
34. **Planning Policy Statement 7: Sustainable Development in Rural Areas (2005):** establishes the Government’s objectives for rural areas that are relevant to this Planning Policy. It includes in its aims (page 6):
- (i) To raise the quality of life and the environment in rural areas.
 - (ii) To promote more sustainable patterns of development.
 - iii) Promoting the development of the English regions by improving their economic performance so that all are able to reach their full potential.
 - (iv) To promote sustainable, diverse and adaptable agriculture sectors.
35. At paragraph 5 it states: ‘Planning authorities should support a wide range of economic activity in rural areas. It specifically refers to suitable for future economic development, particularly in those rural areas where there is a need for employment creation and economic regeneration; and the need to establish through LDDs criteria for permitting economic development in different locations, including the future expansion of business premises, to facilitate healthy and diverse economic activity in rural areas.
36. **Planning Policy Guidance 2: Green Belts:** identifies as the fundamental aims of Green Belt policy at paragraph 1.4 as: ‘to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use. They can assist in moving towards more sustainable patterns of urban development’.

37. It establishes a presumption against new development in Green Belts at paragraphs 3.1-3.3 and sets out appropriate uses of land and forms of development within Green Belts at paragraphs 3.4 – 3.5. Paragraph 3.2 states:

‘Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’.
38. At paragraph 3.15 it is established that: ‘the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design’.
39. **Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms 1992** is due to be superseded by Planning Policy Statement 4, which has been consulted upon, however the principles of the existing guidance stand, in that it seeks to ‘encourage continued economic development in a way which is compatible with its stated environmental objectives’ (paragraph 1).
40. It seeks also to ensure that careful consideration is given to development adjacent to disused freight facilities which have been safeguarded and might be returned to freight use if demand increases and to maximise the potential use of transport infrastructure other than roads (paragraph 11).
41. Paragraph 13 sets out the approach to be taken in considering development proposals. It requires that ‘the planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. Development control should not place unjustifiable obstacles in the way of development which is necessary to provide homes, investment and jobs, or to meet wider national or international objectives. Nevertheless planning decisions must reconcile necessary development with environmental protection and other development plan policies’.
42. Paragraphs 27 – 31 set out the approach to planning conditions, including hours of operation and occupancy.
43. **Planning Policy Guidance 13: Transport 2001**: includes objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
44. Paragraph 45 seeks to ensure that ‘any...disused transport sites and routes are not unnecessarily severed by new developments or transport infrastructure’.
45. **Circular 11/1995 - The Use of Conditions in Planning Permissions**: Advises that conditions should be necessary, relevant to planning, relevant to

the development permitted, enforceable, precise and reasonable in all other respects.

46. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.
47. **Circular 02/2009 - The Town and Country Planning (Consultation) (England) Direction 2009:** Requires all development proposals for sites within the Green Belt, received by a planning authority on or after 20th April 2009, that amount to 'inappropriate development' with a floorspace of over 1000m² or more 'any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt' to be referred to the Secretary of State if the Local Planning Authority is not minded to refuse.
48. **East of England Plan 2008:**
 - (a) SS1 Achieving Sustainable Development
 - (b) T1 Regional Transport Strategy Objectives and Outcomes
 - (c) T2 Changing Travel Behaviour
 - (d) T10 Freight Movement
 - (e) T14 Parking
 - (f) ENV7 Quality of the Built Environment
 - (g) ENG 2 Renewable Energy Targets
 - (h) WAT1 Water Efficiency
 - (i) WM6 Waste Management in Development
 - (j) CSR1 Strategy for the Sub-Region
 - (k) CSR3 Green Belt
 - (l) CSR4 Transport Infrastructure
49. **Cambridgeshire and Peterborough Structure Plan 2003:**
 - (a) P6/1 Development Related Infrastructure
 - (b) P9/8 Infrastructure Provision
50. **South Cambridgeshire Core Strategy DPD 2007:**
 - (a) ST/1 Green Belt
 - (b) ST/4 Rural Centres
51. **South Cambridgeshire Development Control Policies DPD 2007:**
 - (a) DP/1 Sustainable Development
 - (b) DP/2 Design of New Development
 - (c) DP/3 Development Criteria
 - (d) DP/4 Infrastructure and New Developments
 - (e) DP/6 Construction Methods
 - (f) DP/7 Development Frameworks
 - (g) GB/1 Development in the Green Belt
 - (h) GB/2 Mitigating the Impact of Development in the Green Belt
 - (i) GB/3 Mitigating the Impact of Development Adjoining the Green Belt
 - (j) ET/1 Limitations on the Occupancy of New Premises in South Cambridgeshire
 - (k) ET/4 New Employment Development in Villages
 - (l) ET/5 Development for the Expansion of Firms
 - (m) SF/6 Public Art
 - (n) NE/1 Energy Efficiency

- (o) NE/4 Landscape Character Areas
- (p) NE/6 Biodiversity
- (q) NE/8 Groundwater
- (r) NE/9 Water and Drainage Infrastructure
- (s) NE/11 Flood Risk
- (t) NE/15 Noise Pollution
- (u) NE/16 Emissions
- (v) TR/1 Planning for More Sustainable Travel
- (w) TR/2 Car and Cycle Parking Standards
- (x) TR/3 Mitigating Travel Impact
- (y) TR/4 Non-motorised Modes
- (z) TR/5 Rail Freight Interchanges

52. **South Cambridgeshire Site Specific Policies DPD Submission Draft 2006:**
(a) SP/19 Rail Freight

Consultations

53. **Fulbourn Parish Council** – Made no recommendation, commenting:
'Fulbourn Parish Council is concerned that this is an application for land which is in the Green Belt and would mean further encroachment of the Green Belt which is contrary to both the Green Belt and Local Plans.

We understand that the original extension was granted when the transportation of the products was by rail. However, the sidings are no longer in use and this means that there are many large lorries traveling along Station Road and through other parts of Fulbourn Village and also through Great Wilbraham. Objections have been received by Parishioners and we draw your attention to these as we believe copies have been sent to South Cambridgeshire District Council.

Fulbourn Parish Council understands a site visit has been requested to ascertain the impact of this application on the Green Belt and the problems relating to heavy lorries and the Council fully supports such a visit'.

54. **Great Wilbraham Parish Council** – Recommended approval, commenting:

'At their meeting on 15th June 2009 Great Wilbraham Parish Council agreed to recommend **approval** of this proposal, however request that S&B Herba Foods Ltd have a transport manager to improve the movement and timing of lorries through the village to alleviate safety concerns. They would also like the number of lorries going through Fulbourn and Great Wilbraham monitored and reported to the Parish Council each year. They also request that South Cambridgeshire District Council should enter into strategic negotiations with the rail authorities to give serious consideration to the re-opening of the sidings at Fulbourn and to allow rail transportation to be re-instated. There is extensive concern in the Parish over heavy goods vehicles using the road through the village along which the school and many listed buildings are closely situated'.

55. **Natural England** – Noted that the proposed extension lies approximately 400m from the nearest SSSI at Fulbourn Fen and concluded that as the proposal is for a relatively small extension is not likely to have an impact on any designated sites.

56. **Ecology Officer** – Commented:

“The area of the proposed development is currently close mown grass with a picnic bench.

Structural tree planting has been undertaken to provide additional cover, this has also involved some planting on the opposite side of the railway.

The former sidings are not considered to be an important habitat due to their partial covering with concrete, earth and grass. The best areas of potential habitat were further away from the proposed development area and in my view would not be impacted by the work in any way.

The current use of the site to store and package human food has resulted in a very strict pest control regime. Hence the site currently has little scope for nesting birds. I am going to suggest some opportunities for enhancing the site for swifts direct to my site contact, but am not asking for them by condition in case they cannot be delivered.

The nearby SSSIs are all largely wetland based. I cannot foresee how this site would impact upon the SSSIs in any way and therefore do not feel that we need to consider the matter in any further detail unless new information on site discharges (be it air or effluent to local watercourses) is brought to my attention.

I have no objection and do not require any conditions to be attached to any consent”.

57. **East of England Development Agency** – Has commented in relation to its role improving the East of England region’s economic performance:

‘Fulbourn Mill has seen extensive investment since 1988, including new plant, state of the art technology, and extensions and improvements to the main building. These improvements have been driven by the company’s success with this current proposal resulting from a gradual change in customer requirements since 1991. These have recently accelerated and a shortening in the supply chain has resulted in the need for extra storage capacity to be located at the site.

The RES recognises that a balance needs to be struck between space for rural businesses and issues of landscape impact in creating successful responses to rural economic development. To achieve the region’s aspirations of a living and working countryside, rural areas should accommodate appropriate scales of new development.

EEDA also supports the positive contribution this business makes to the rural economy. Agricultural infrastructure improvements remain key to ensuring that rural businesses can continue to be competitive whilst maximising their potential and ability to produce quality products’.

58. **Local Highway Authority (Cambridgeshire County Council)** – Commented in relation to traffic generation that there would be ‘no significant issues’.

59. In relation to layout it commented: 'The access to the site has been designed to accommodate the type of vehicle movements that the existing use generates and the access will not need modification in relationship to the proposal. As the proposed application does not increase the operational capacity, the number of persons employed on site or the predicted number of HGV movements, the proposals are also considered to be acceptable from a transport perspective'.
60. **Environment Agency** – Commented:

'The site is identified as being within Floodzone 1, low risk.

The site is identified as being with Groundwater Source Protection Zone 3; care must be taken to protect the water environment.

Insufficient information has been submitted to fully assess the impact of the development; it is recommended that the following conditions and informatives should be appended to any subsequent planning approval. The issues highlighted within these recommendations should also be addressed within the screening opinion'.
61. The conditions recommended require a scheme for pollution control, including surface and foul water drainage, and works are to stop until a remediation scheme is approved if during development contamination is found. Informatives area also recommended.
62. **Building Control Officer**– Noted that fire vehicle access is required in accordance with Approved Document – B5.
63. **Arts Development Officer** – Commented:

"The development is greater than 1,000m² and comes within the scope of the Council's public art policy. Given the nature of the development, unless the developers have a plan for public art, I suggest off-site provision. Once the developers have committed a commuted sum I can support discussion with the Parish Council and the Fulbourn Arts Forum".
64. **Cambridgeshire Fire and Rescue Service** – commented that adequate provision for fire hydrants should be made. This is to be secured through either planning condition or Section 106 agreement. The number and location of fire hydrants will be determined following Risk Assessment and with reference to national guidance. It also notes that access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5, Section 16.
65. **Divisional Environmental Health Officer** – Recommended conditions to minimise the effects of the development on nearby residents including: details of the location and type of any power driven plant or equipment prior to installation, limited hours during which power operated machinery can be used during the period of construction, details of any external lighting including floodlighting to be submitted for approval before construction commences. A condition related to piled foundations was also requested and an informative relating to bonfires on site during the period of construction.

66. **Landscape Design Officer** – Commented that, as the landscape buffer is already in place, there are no objections to the proposal.
67. **Network Rail** – Responded with ‘no comment to make’.

Representations

68. Seven letters and a petition signed by eight residents objecting to the proposal have been received from occupiers at 9, 77 and 93 Station Road, 12 Wilbraham Road, 2, 7, 8, 9, 12, 14, 15 and 18 Home End, Fulbourn.
69. The representations received raise the following material planning considerations:
- (a) Nuisance and danger from HGV traffic from the Mill.
 - (b) The size of the lorries used means they cannot easily negotiate the narrow roads and sharp bends within the village, two of which are Church Lane and Station Road.
 - (c) Traffic often comes to a sudden halt to accommodate these lorries.
 - (d) Difficulty passing when lorries are backed up waiting to enter the Mill just beyond the level crossing.
 - (e) Likelihood that a serious traffic accident will happen in Fulbourn as a consequence of its traffic.
 - (f) The verge is becoming more and more damaged, the road does not drain adequately and consequently floods.
 - (g) Re-opening the adjacent railway sidings could easily solve these problems, opening up links to Ipswich and Felixstowe.
 - (h) Impact on the quality of residents' lives and fabric of the village.
 - (i) Over three weekdays, week commencing 8th June, sixteen, eighteen and eighteen respectively lorries passed through Home End, Fulbourn. These were empty, having come off the A11 onto the Wilbrahams' access road, through Gt. Wilbraham and into the Herba site, the empty and noisier lorries then made their way back to the A11 via the narrow lanes of Fulbourn.
 - (j) S & B Herba do have direct control of vehicle movements, as they use haulage contractors. This makes sanctions on standards of driving and routes taken difficult to enforce.
 - (k) The Herba silo when used for grain storage was serviced by tractor pulled trailers coming straight from the field. Harvest time was expected to be a busy period of the year and was used by a limited number of farms in the radial area.
 - (l) The site is now continuously busy all year around for an ongoing process of rice preparation since permitted change of use.
 - (m) Previous extensions have been allowed to accommodate the growth of the various processes.
 - (n) The last extensions encroached into the Green Belt.
 - (o) Insufficient grounds for protection of the Green Belt have been given.
 - (p) The business currently employs 127 people and it is not intended to create further employment.
 - (q) Any expansion of storage will involve the movement of materials; in turn bringing to the site additional raw materials, resulting in increased road vehicle trips through the Conservation Area on totally unsuitable roads.
 - (r) Ways to reduce the numbers of over sized lorries using the village roads should be sought.

- (s) The railway sidings should be re-opened, making use of the link to Ipswich, as a railway truck can carry 70+ tonnes of grain compared to a HGV's 30 tonnes capacity.
- (t) The railway has not been used despite suggesting that some goods would be transported by rail on previous applications.
- (u) Increased traffic and noise created by the Mill.
- (v) The unofficial agreement that loaded vehicles arrive via Wilbraham in practice often does not happen.
- (w) Vehicles approaching from the M11 come via Fulbourn.
- (x) This busy mill is in a mainly residential area.
- (y) Residents are particularly concerned with the increase in noise that is emitted from the mill itself, especially during the evenings and weekends. Further development should not be allowed until measures to reduce noise pollution are in place.
- (z) Station Road is narrow and very difficult for a lorry and car to pass easily, let alone two lorries.
- (aa) In reality most vehicles come via Home End and Manor Walk, within the Conservation Area.
- (bb) Recently a lorry hit the telegraph pole outside 77 Station Road, dislodging the wires and junction box, without stopping to see what damage had been caused. Expensive repairs had to be carried out to it.
- (cc) Station Road is long, narrow with cars parked along one side, leading into a conservation area. There are several very old properties which should be protected.
- (dd) Access to the factory is difficult. The example given is of during winter, on foggy days how vehicles were backed up on the road outside, waiting for access. This queue stretched back to almost the corner and created danger for any vehicle trying to pass or coming round the corner at Queens Farm. One letter suggests such events are caused by rain, causing ships' holds to be closed to stop rice getting wet, resulting in lorries coming in batches rather than being spaced out.
- (ee) Such queuing prevents residents from accessing their properties.
- (ff) Other commercial operators' traffic combined with the mill's take the small roads to beyond their full capacity.
- (gg) Unacceptable noise and air pollution due to traffic.
- (hh) It is questioned why storage at Queens Farm cannot be used.

Planning Comments – Key Issues

70. The key issues in determining this planning application are Green Belt, traffic and highway safety. Other matters to be considered include the impact on amenities and pollution from traffic, employment, sustainability, public art, biodiversity, access for emergency vehicles, re-opening of the railway sidings. The application is a departure and this is also to be considered.

Green Belt – Appropriate development?

71. The Green Belt boundary is tightly drawn around the rear of the existing building to the east, therefore the development proposes falls within it. This application proposes development that does not fall within that which is considered 'appropriate' as set out in paragraph 3.4 of PPG2. It is concluded therefore, that the proposal is inappropriate development for which material planning considerations amounting to 'very special circumstances' must be demonstrated sufficient to clearly outweigh the harm by way of its inappropriateness and any other harm identified. This has not been disputed.

Green Belt – Other harm?

72. It is accepted following the appeal and court challenge that the extension would result in a loss of openness. It was found that the extent to which this loss of openness would have a material impact on the wider landscape was minimal due to its not being clearly visible within views. It was acknowledged that due to planted screening, which would further mature, the building would also not be prominent from close vantage points to the north and south. It was found not to be of sufficient concern to warrant dismissing the appeal.
73. Additional information was submitted at the appeal in relation to landscape impact. The Council's Landscape Design Officer has raised no concerns in relation to the visual impact or landscaping, which has since become better established; therefore the Inspector's assessment remains a reasonable judgement to have reached.

Other Harm – Traffic impact and highway safety?

74. A number of representations have received expressing concerns relating to traffic and highway safety. These relate to the existing operations and concern that this not be exacerbated by the proposed extension.
75. The development is to serve the existing company. It is stated in the information accompanying the application that it is not intended to employ more staff as a result. In addition the number of HGV trips will also not alter, as these would be travelling to and from the site anyway. The mill will have no further capacity in terms of production. The proposal will result in reduction in miles travelled from alternative storage facilities and as such meets the Council's sustainable development policy objectives.
76. It is also noted that the previous application was not refused on traffic grounds. Without new evidence or objection from the Local Highway Authority it is considered that this would not be ground for refusal of the current proposal.
77. The Local Highway Authority is satisfied that no harm to the highway will result either in terms of increased traffic or access. Comment on the concerns raised by residents has been sought. A verbal update will be provided.

Other matters

Environmental Impact

78. The application proposal falls within Schedule 2 of the Regulations. It is considered that it will not result in significant effects on the environment. It is not of more than local importance, as it relates to a stand-alone site, the location is not particularly sensitive, although it does fall within 2000 metres of SSSIs in the area it has been confirmed that these will not be harmed, and the development is not unusually complex or potentially hazardous.
79. The extension proposed should be considered in relation to existing development. With regard to the development that would result the opinion

remains that this is not of such significance as to require an environmental impact assessment to be carried out.

Sustainability

80. The applicant has described how the building, due to its height enables gravity fed production. This is a particularly effective means of treating grains and pulses and reduces energy consumption.
81. By providing additional storage facilities on site the company will be able to minimise the need to rely on HGVs transferring products and packaging materials from alternative sites. This reduces the amount of CO₂ associated with the business' operations. This accords with policy DP/1 and PPS1 in that it increases the sustainability of the business.
82. The proposal makes use of previously developed land within the site and as such does not result in the loss of agricultural land.
83. The scheme is not of sufficient floor space to fall within the Council's policy NE/12 to require a water conservation strategy.

Employment

84. The proposal will not increase employment, however, as supported by EEDA, the development will facilitate the business meeting its customers requirements and ensure the business continues to operate competitively. This is in accordance with policy, which aims to support existing business through appropriate expansion. This includes use of previously developed land, which the site comprises.

Biodiversity

85. As part of screening the proposals to ascertain whether an Environmental Impact Assessment is required, both Natural England and the Council's own Ecologist concluded that the development is unlikely to impact biodiversity due to the nature of the site. Furthermore, it will not detrimentally impact upon designated SSSIs in the area. No planning conditions have been requested.

Noise and air pollution

86. The Environmental Health Officer has not raised concerns in relation to the impact of traffic on amenities through noise and air pollution. As no increase in trips is proposed it is considered that this will not result in harm. It has been requested that this be taken into account however and a verbal update will be given.
87. Noise or air pollution will result from the building, which is to be used for storage. Environmental Health have recommended safeguarding planning condition requiring details of any power operated machinery, which is reasonable given the potential to impact residential amenity and in accordance with policies NE/15 and NE/16.

Access for emergency vehicles

88. The applicant has been asked to confirm that the necessary access for vehicles can be obtained. A verbal update will be provided.

Re-opening of the railway sidings

89. Although it is not currently proposed to re-open the railway sidings, several options have been explored with the applicant at pre-application stage, one of which would have involved building outside of the Green Belt on the sidings. While that is not what is now proposed it supports the case for extending into the Green Belt, as the development proposed in this application will safeguard these for the future.
90. Paragraph 2.1.4 of the applicant's supporting statement refers:

'There is still the facility to use the rail sidings for the intake of bulk raw materials should the rail operators make this feasible again in the future. Unfortunately, the rail operator decided to disconnect the sidings when the line was upgraded in 2005, as it was not prepared to invest in the new signalling equipment. Despite this we still view this facility as a potentially significant advantage of the Fulbourn site, as it could appreciably reduce the lorry movements into the site for the delivery of raw materials'.

91. The possibility of re-opening the sidings is to be re-examined and will be the subject of a verbal update; however, it is not a determining factor in relation to this application, which has an acceptable impact in terms of traffic.

Public art

92. Although this application is classified as a major scheme, it does not fall within the scope of policy SF/6 as the floor area to be built is not 1,000m²gross or more. The policy does encourage Public Art on smaller schemes; therefore, the applicant's view as to whether or not they would be willing to include a scheme if approved has been sought in accordance with the policy. If agreed this could be secured through planning condition requiring a scheme to be submitted or a Section 106 legal agreement.

Green Belt – 'Very special circumstances'?

93. It is necessary for the applicant to demonstrate that material planning considerations exist that clearly outweigh the harm to the Green Belt by way of inappropriateness, loss of openness and visual harm; and any other harm identified. It has been established that no significant harm other than to the Green Belt would result as a consequence of the proposed extension. Representations indicate that the existing operation causes some problems locally, however this proposal is unlikely to add to these.
94. The applicant has put forward a number of considerations in support of the proposal (see paragraph 8, above). It is necessary to consider whether individually or cumulatively these amount to 'very special circumstances' when balanced against the harm it would cause.
95. It is accepted that there is merit in most of these other considerations. These cumulatively do amount to 'very special circumstances' that are sufficient to clearly outweigh the harm by way of inappropriateness, loss of openness and visual harm.

Departure

96. The floorspace proposed does not exceed the 1000m² threshold set out in Circular 02/2009, however; it is necessary to determine whether the proposal 'by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'.
97. It is considered that the scale of the extension when seen against the backdrop of the existing building and with existing landscaping will not have significant impact on the openness of the Green Belt. The building is to accommodate storage and not processing operations. The location is adjacent to existing development and the village framework, thereby minimising the impact on openness.
98. It is recommended that the application does not require referral to the Secretary of State, as it will not have a significant impact on the openness of the Green Belt.

Recommendation

99. Subject to confirmation of access for emergency fire vehicles, public art, traffic impact on the village and residents, possibilities for opening the sidings, and any comments from the Environment Agency, **approve** with the following conditions:
- (a) SC1 Full Planning Permission, Time Limit (3 years)
The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
- (b) **The soft landscape works detailed on drawing numbers 06049.06C and 06049.07D shall be maintained in accordance with the proposals set out in the document 'Management Plan and Initial 2 Year Maintenance Period' approved details. If within a period of five years from the date of the decision any tree planted is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- (c) SC38 Noise
During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

- (d) SC41 Details of Power Driven Plant
Details of the location and type of any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the building(s) but excluding office equipment and vehicles and the location of the outlet from the building(s) of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.
(Reason - To protect the occupiers of adjoining buildings (dwellings) from the effect of odour, dust or fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
- (e) SC57 Fire Hydrants
No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.
(Reason - To ensure an adequate water supply is available for emergency use.)
- (f) SC58 Lighting
No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
- (g) **Prior to the commencement of any development, a scheme for the provision and implementation of pollution control of the to the water environment, which shall include foul and surface water drainage, shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.**
(Reason - To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of pollution to the water environment.)
- (h) **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, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.**
(Reason - To prevent the increased risk of pollution to the water environment.)

Informatives

1. Should pile driven foundation be proposed, then before works commence, a statement of the method for constriction of these foundations shall be submitted and agreed by the District Environmental Health officer so that noise and vibration can be controlled.
2. During the period of construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health officer in accordance with best practice and existing waste management legislation.
3. The Environment Agency will be pleased to assess details submitted in respect of the above conditions.
4. All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.
5. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
6. All foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent shall be discharged to the public foul sewer.
7. Anglian Water Services Ltd. should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution or flooding. If there is not capacity in either of the sewers, the Agency must be re-consulted with alternative methods of disposal.
8. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Background Papers: the following background papers were used in the preparation of this report:

- The Planning System: General Principles
- PS1 Delivering Sustainable Development
- Planning Policy Statement 7: Sustainable Development in Rural Areas
- Planning Policy Guidance 2: Green Belts
- Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms
- Planning Policy Guidance 13: Transport
- Circular 11/1995 - The Use of Conditions in Planning Permissions
- Circular 05/2005 - Planning Obligations
- Circular 02/2009 - The Town and Country Planning (Consultation) (England) Direction 2009
- East of England Plan 2008

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Core Strategy DPD 2007
- South Cambridgeshire Development Control Policies DPD 2007
- South Cambridgeshire Site Specific Policies DPD Submission Draft 2006.
- Planning file refs. C/0058/73/, C/0675/73/F, C/1492/73/F, S/1493/73/F, S/1126/80/F, S/1884/86/F, S/0400/87/F, S/0432/89/F, S/1451/91/F, S/1692/95/F, S/1292/97/F, S/0334/98/F, S/1585/05/F and S/0662/09/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5th August 2009

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0698/09/F - LITTLE GRANSDEN**Change of Use of Existing Double Garage and Extension to Form Annexe, and Relocation of Existing Shed at 84 Main Road for Ms Jane Holland****Recommendation: Approval****Date for Determination: 23rd July 2009****Notes:**

This Application has been reported to the Planning Committee for determination because the Parish Council has recommended refusal in a Conservation Area, contrary to Officer recommendation.

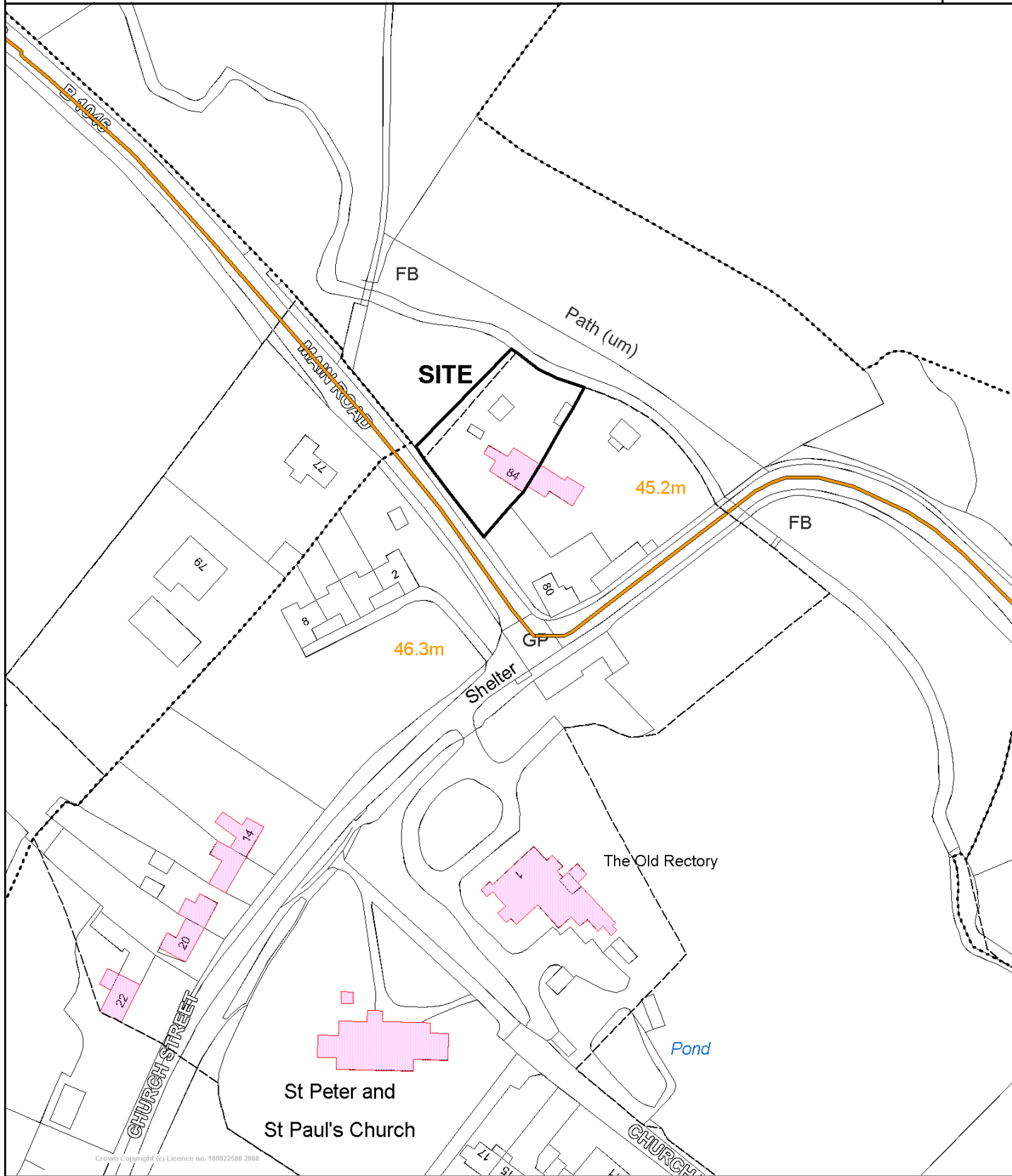
Conservation Area**Site and Proposal**

1. The full application, received on 19th May 2009, relates to a grade II listed dwelling, located within the Little Gransden Conservation Area. It previously formed one dwelling with no. 82 Main Road. The cottages are two storey and timber framed with a roughcast render finish all under a steeply pitched roof that is now covered in asbestos cement slates. The village framework runs through the garden of no. 84 to the northwest of the dwelling. There are numerous outbuildings within the garden.
2. The proposal seeks the extension and conversion of the existing flat roofed double garage on the site. The extension would be to the northeast section of the building, and a pitched roof would be added. Internally, the garage would create two bedrooms and a toilet/shower room. Although classified as an annexe, users would have to rely upon facilities in the main dwelling.
3. The site lies in Flood Zones 2 and 3, due to the presence of a drain that runs across the northeast of the site. To the southeast is no. 82 Main Road, which is also grade II listed. The properties are set at a lower level than the road. The frontage boundary to no. 84 is an attractive set of black railings, cited as a "positive fence" in the Little Gransden Conservation Area Appraisal 2006.

Planning History

4. Application **S/1695/08/F** sought the extension and change of use of the double garage to form a holiday let. This was refused on grounds of highway safety concerns, dated 8th December 2008. The design of the building was very similar to that currently being considered, although the internal arrangements are different. The exterior of the proposed building has not changed.

S-0698-09-F



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Scale 1/1250 Date 21/7/2009

Centre = 527115 E 255280 N

AUGUST 2009 PLANNING COMMITTEE

5. Application **S/1692/08/F** sought the erection of a new double garage towards the rear of the garden at 84 Main Road. This was refused on impacts upon the listed building and Conservation Area, dated 8th December 2008. This application is currently at appeal.

Planning Policy

6. Local Development Framework Development Control Policies 2007:
DP/2 – Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **CH/4** – Development Within the Curtilage of a Listed Building, **CH/5** – Conservation Areas, and **NE/11** – Flood Risk
7. **Little Gransden Conservation Area Appraisal adopted 2006.**
8. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation

9. **Little Gransden Parish Council** recommends refusal on grounds of loss of amenity, overdevelopment of the site, the dangerous exit onto Main Road and the risk of flooding.
10. The **Conservation Officer** states there is no objection to the relocation of the iron clad shed, or the removal of the metal clad shed. On the previous application, no objections were raised to the extension of the garage. The works would have no significant impact upon the setting of the listed building.

Representations

11. The occupiers of no. 82 Main Road have strong objections to the proposal. This is on grounds of the loss of residential amenity by way of noise and disturbance, loss of sunlight and by being overbearing, the manoeuvring of vehicles alongside the shared boundary, highway safety regarding the access, flooding, and the impact upon the setting of the listed building and Conservation Area.

Planning Comments – Key Issues

12. The key issues regarding the scheme are the impact upon the setting of the listed building and the Conservation Area, the impact upon the amenity of the occupiers of no. 82 Main Road, highway safety, and flooding.

Impact upon the listed building and Conservation Area

13. The existing building is a flat roof structure with a white painted pebbledash exterior. It is not considered to be of any architectural merit. However, it is set within a very sensitive location. The addition of a pitched roof is a more traditional style of design and would be beneficial to the character of the area. The building is to be extended away from the road. Given the change in levels on the site and the nature of the frontage boundary, the building will clearly be visible from Main Road. I note the comments from the Conservation Officer. With appropriate roof materials and joinery, the proposal would not have any significant impact on the setting of the listed building, would preserve the character of the Conservation Area. Members should

note the previous scheme, which had an identical exterior finish, was not refused on such grounds.

14. The removal of one shed and relocation of another is not considered to cause any harm to the setting of the listed building or the Conservation Area. The shed to be re-sited will be partially hidden behind vegetation and the proposed garage, and therefore its impact upon the street scene will be reduced.

Impact upon the amenity of the occupiers of no. 82 Main Road

15. The existing structure is set behind the building line of the dwellings at no. 82 and 84 Main Road. The extension would increase its length by 3.6m, and would add a pitched roof, increasing the height from 2.9m to 4.5m. Given the orientation to the northwest of the properties, no serious loss of light would occur to the occupiers of either property.
16. The building would be visible from the rear garden of no. 82 Main Road, and is set 12m from the shared boundary. Whilst I appreciate the extension and increase in height would add bulk to the building, given the distance and pitch of the roof, I do not consider the structure would seriously harm the amenities of the occupiers of no. 82 Main Road. I also do not consider that any noise associated with the use would create any serious disturbance to no. 82 Main Road. With regard to noise from vehicles, there is a gravel drive at the site. Whilst cars will not be able to park in the garage if it is converted, they could still park on the gravelled areas to the side and rear of the dwelling. Any impact has the potential to occur now, and I do not consider the granting of the application would cause a serious increase in vehicle noise and related disturbance. Members should again note that the previous scheme was again not refused on these grounds.

Highway safety

17. The previous application for a holiday let was refused on grounds of highway safety. The access has 3m wide gates onto Main Road, which would not allow two vehicles to pass. This gives potential for vehicles to have to wait on Main Road before entering the site, leading to potential highway safety issues. By changing the holiday let to an annexe, its use can be tied to the occupation of no. 84 by condition. Journeys to the site are more associated with the existing dwelling, and therefore there should be no increase in any compromise of the use of the access. The Local Highways Authority concur with this assessment. Members should note the applicant has stated the annexe is needed due to her disabled daughter, who is registered disabled, drives an adapted car, and cannot climb the staircase in the main dwelling.

Flooding

18. The site lies within Flood Zones 2 and 3 of the Environment Agency matrix. Standing advice states details should be given regarding floor levels and flood proofing. No details are provided within the Flood Risk Assessment submitted. However, a condition could ensure the impact upon flooding is kept within the required standards.

Recommendation

19. Recommend approval (with additional plan 09/LG/05 date stamped 22nd June 2009).

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
2. No development shall take place until details of the joinery and the materials to be used in the construction of the roof of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure the appearance of the development does not harm the setting of the listed building or character of the Conservation area, in accordance with Policies DP/2, CH/4 and CH/5 of the adopted Local Development Framework 2007.)
3. The building hereby permitted, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 84 Main Road. (Reason - To protect the amenities of adjoining residents and to prevent highway safety issues in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. No development shall take place until details of flood alleviation and protection measures for the building, hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (Reason - To prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Little Gransden Conservation Area Appraisal adopted March 2006
- Planning Files Ref: S/0698/09/F, S/1695/08/F and S/1692/08/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5 August 2009

AUTHOR/S: Chief Executive / Democratic Services Manager

HATLEY - PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH NO. 13

Recommendation: to make a public path diversion order to divert part of public footpath no.13 Hatley from its existing route to the proposed new route, and ask Cambridgeshire County Council to draft a document for sealing by South Cambridgeshire District Council.

Purpose

1. To report on the proposed diversion of part of Public Footpath No.13, Hatley under Section 257 of the Town and Country Planning Act 1990.

Background

2. Cambridgeshire County Council has an agreement with South Cambridgeshire District Council to act as its agent in connection with applications to divert public rights of way under the Town and Country Planning Act 1990. The County Council's Countryside Access Team has received an application to divert part of public footpath no. 13 in Hatley. It relates to planning application S/0371/06/O, details of which can be viewed as part of the electronic version of this report.
3. An application to divert part of Public Footpath No.13, Hatley under Section 257 of the Town and Country Planning Act 1990 was made by Mr David Ward in December 2008. Mr Ward's application indicated that a diversion order is required in order to implement a planning permission in relation to planning application number S/0371/06/O. The planning application received Planning Permission from South Cambridgeshire District Council on 14th August 2006.
4. The planning application is for the erection of a dwelling and provision of access for existing dwelling at Touchwood, 38 East Hatley, Hatley. This property is sometimes indicated as no.34 East Hatley on ordnance survey plans. Public Footpath No.13 Hatley runs north-easterly across the meadow adjacent to no. 38 East Hatley, through the existing garage of no. 38 East Hatley, along rear of the property and through the extension at the rear of the property. The proposed new dwelling would obstruct part of the current line of the public footpath. It would be necessary, therefore, to divert this part of the public footpath to enable the building work to take place without obstruction of the highway.

Considerations

5. The diversion of the footpath falls to be determined by the relevant planning authority under section 257 of the Town and Country Planning Act 1990. In February 2007, South Cambridgeshire District Council entered into an agreement with Cambridgeshire County Council that all Public Path Diversion Order applications under section 257 of the Town and Country Planning Act 1990 should be processed by the County Council, acting as agents for the District Council (see Document D). Mr

Ward's application to divert part of the public footpath was therefore correctly made to Cambridgeshire County Council acting as agent for the Local Planning Authority.

6. The plan attached to this report shows the effects of the proposed diversion. The part of the existing definitive line of Public Footpath no.13, Hatley which it is proposed to divert leaves the road called East Hatley at Ordnance Survey Grid Reference TL2861 5048 (point A on the plan) and proceeds in a north-north-easterly direction for approximately 112 metres to OS GR TL2869 5058 (point B on the plan) where it continues in a north-north-easterly direction.
7. It is proposed to divert this section of path so that it leaves the road called East Hatley at Ordnance Survey Grid Reference TL2861 5048 (point A on the plan) and proceeds in a northerly direction for approximately 53 metres through a meadow to OS GR TL2862 5053 (point D) where the path will run in a north-easterly direction between the ditch and boundary fences of no..38 and no..32 East Hatley for approximately 65 metres to OS GR TL2869 5058 (point B) to meet the current recorded line of the path which proceeds in a north-north-easterly direction to join Main Street at point C. It is intended that the new route will have a recorded width of two metres.
8. The existing legal line of Public Footpath no. 13, Hatley is obstructed by the gardens of numbers 16 – 32 East Hatley and by the garden and house of number 38 East Hatley. This is a long-standing problem that was not addressed during the building of these properties.

Legislation

9. Section 257 of the Town and Country Planning Act 1990 allows that:
 - '(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—
 - (a) in accordance with planning permission granted under Part III, or
 - (b) by a government department.
 - (2) An order under this section may, if the competent authority are satisfied that it should do so, provide—
 - (a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
 - (b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
 - (c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
 - (d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.'
10. An Order will come into effect when certified by the Highway Authority that the new path has been constructed to a satisfactory standard.

Grounds for diverting part of Public Footpath No.13 Hatley

11. The plans for the proposed development, which have been given planning permission, indicate that the new dwelling and access will obstruct the current line of Public Footpath no.13 Hatley. Obstructing a footpath is an offence under Section 137 of the Highways Act 1980. It is necessary to divert part of the Footpath from its current location to avoid such offences being committed, and, therefore, to allow the development to be carried out. The re-routing of part of this public footpath from its existing route to the proposed new route is required in order to implement a planning permission granted under Part III of the Town and Country Planning Act 1990. Section 1 (a) is therefore satisfied.
12. The proposed new route starts at the same point on East Hatley as the current recorded line, and is only approximately 3-4 metres longer. This is not considered substantially less convenient than the existing route. It is intended that the new route will have a recorded width of two metres, which is considered adequate for a public footpath. The applicants have agreed to undertake the necessary works required to implement the proposed new route at their own expense.

Options

13. South Cambridgeshire District Council has three options. These are to
- authorise Cambridgeshire County Council to draft an Order for sealing by South Cambridgeshire District Council in due course
 - decline to make an Order
 - suggest amendments to the proposals from Cambridgeshire County Council

Implications

14. Financial	None for South Cambridgeshire District Council
Legal	South Cambridgeshire District Council is the Order Making Authority and will seal the Order. Obstructing a footpath is an offence under Section 137 of the Highways Act 1980
Staffing	None for South Cambridgeshire District Council
Risk Management	Agreeing to the proposed diversion would prevent a potential breach of the Highways Act 1980.
Equal Opportunities	None

Consultations

15. The applicant corresponded with the land owner of the field on the western side of the ditch to purchase land on the edge of the field adjacent to the ditch to divert the path onto this side and therefore out of the gardens of nos. 16 - 38 East Hatley. Agreement could not be reached between the two parties.
16. South Cambridgeshire District Council, Hatley Parish Council, local County and District Councillors, the prescribed user groups and the utility companies were all consulted about the proposals. The following replies have been received:

The Ramblers Association South Cambridgeshire District stated that they do not object to the diversion but neither do they support it due to the part of Public Footpath No. 13 Hatley not affected by the proposed diversion being subject to a number of obstructions.

Sebastian Kindersley and Bridget Smith as the local District Councillors support the proposal.

Sebastian Kindersley as the local County Councillor supports the proposed diversion.

Hatley Parish Council does not object to the proposed diversion.

National Grid Gas Distribution has no objection to the proposal, as it has no apparatus that will be affected.

Envoy do not have any apparatus within the immediate proximity of the proposed diversion.

The Trees and Landscape Officer at South Cambridgeshire District Council has no comment to make.

The Conservation Service at South Cambridgeshire District Council (owners of the nearby Church of St Denis) has no objections to make.

The Ecology Officer at South Cambridgeshire District Council stated that there are Great Crested Newts in the moat and the surrounding habitat. If any works are to undertaken near the moat the Ecology Officer has asked to be consulted.

17. The owners / occupiers of nos. 22-30 East Hatley (the properties over which the unaffected part of the footpath runs through the gardens) were consulted. The occupier of 26 East Hatley contacted the County Council to draw attention to Great Crested Newts and toads being in the locality of the moat / ditch.
18. Cambridgeshire County Council's Service Director for Highways and Access makes the following comments: '...I am content that South Cambridgeshire District Council should make a Public Path Diversion Order to divert part of Public Footpath no.13 Hatley'
19. No other comments were received.

Effect on Strategic Aims

20.	<p>Commitment to being a listening council, providing first class services accessible to all. The applicant seeks to make this right of way accessible to all members of the public.</p>
	<p>Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all. The diverted section of footpath would be constructed to the high standards required by Cambridgeshire County Council as the Rights of Way Authority.</p>
	<p>Commitment to making South Cambridgeshire a place in which residents can feel proud to live. Resolving potential conflicts between private individuals and users of public rights of way will be of benefit to everyone.</p>
	<p>Commitment to assisting provision for local jobs for all. N / a</p>

Commitment to providing a voice for rural life.
N / a

Conclusion

21. It is considered that the application to divert part of Public Footpath no.13 Hatley meets the requirements of Section 257 of the Town and Country Planning Act 1990. No objections have been received in response to consultation.

Recommendations

22. It is recommended that South Cambridgeshire District Council make a Public Path Diversion Order to divert part of Public Footpath no.13 Hatley from its existing route to the proposed new route, as shown on the map attached to this report, and ask Cambridgeshire County Council to draft an Order for sealing by South Cambridgeshire District Council.

Background Papers: the following background papers were used in the preparation of this report:

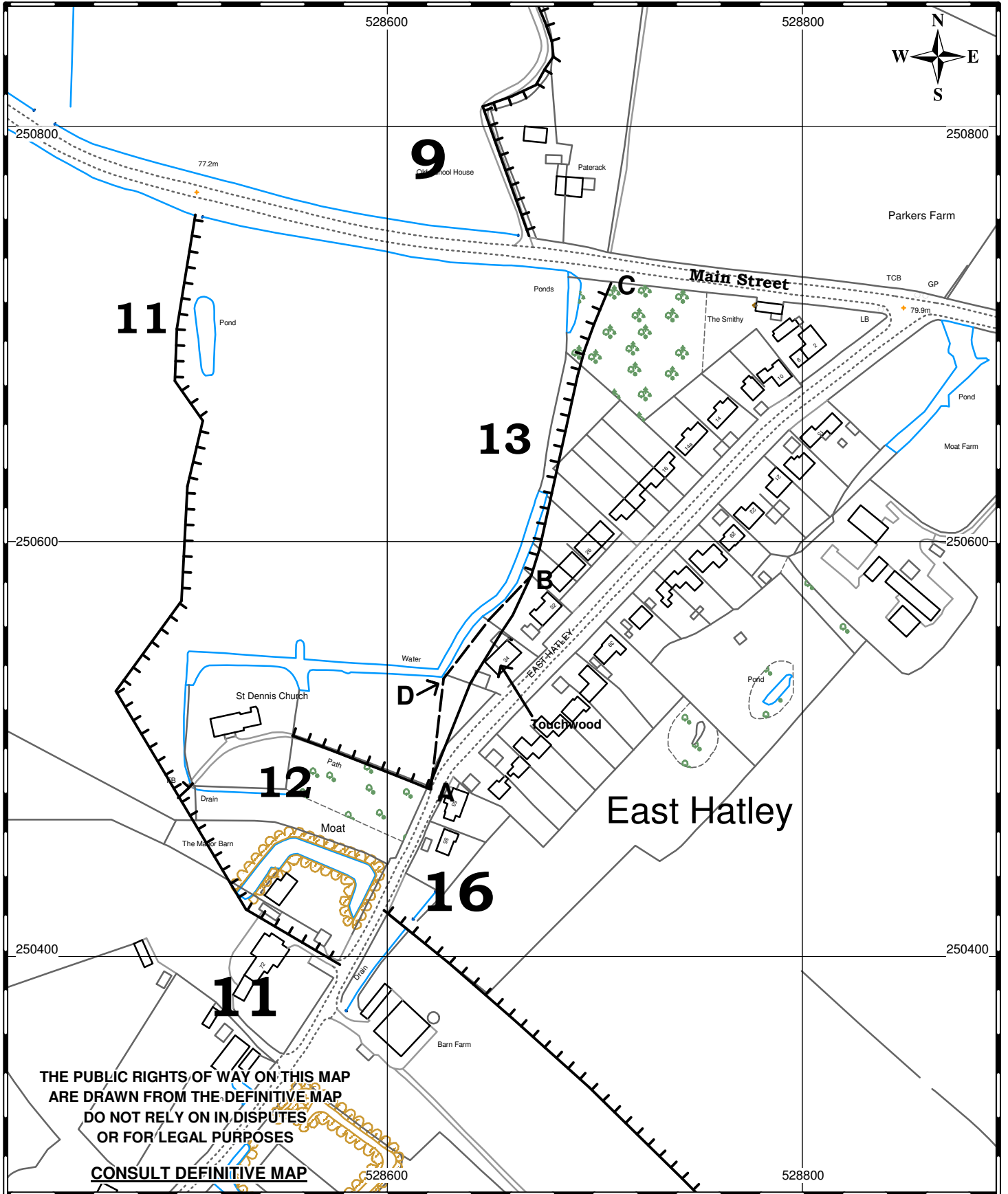
- Copy of application to divert Public Footpath no.13 (part) Hatley
- Copy of planning application no. S/0371/06/O
- Copy of planning permission
- Copy of Memorandum of Agreement between South Cambridgeshire District Council and Cambridgeshire County Council
- Plan showing proposed diversion
- Copies of consultation responses
- Memorandum from Cambridgeshire County Council's Service Director, Highways and Access

Contact Officers: Steven Thoday – Definitive Map Consolidation Officer, Cambridgeshire County Council
Telephone: (01223) 715629

Ian Senior – Democratic Services Officer, South Cambridgeshire District Council
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Proposed Diversion of Public Footpath No.13 (part) Hatley



Scale: 1:2500
 Date: 20/01/2009
 By: fh390

Key - Drawn from the Definitive Map

- Path to be stopped up
- Path to be created
- Unaffected Public Footpath

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 5th August 2009
AUTHOR/S: Corporate Manager – Planning & Sustainable Communities

**APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION:
SUMMARIES OF DECISIONS OF INTEREST – FOR INFORMATION**

Purpose

1. To highlight recent Appeal decisions of interest. These form part of the more extensive Appeals report, which is now only available on the Council's website and in the Weekly Bulletin.

Summaries

Mr & Mrs Cowley – Erection of dwelling – Cattell's Mill, Mill Road, Willingham - Appeal allowed

2. The proposal involved the demolition of an outbuilding and the erection of a new dwelling to the rear of 18 Mill Road. The application had been refused because of the harm to the living conditions of 59 and 61 Balland Field and the setting of the grade II* listed Cattell's Mill.
3. The inspector found that the relationship between the new and existing dwellings was acceptable so far as outlook, overshadowing and daylight were concerned. He was satisfied that the size, siting and design of the new dwelling would not be sufficient to create unreasonable living conditions.
4. Although the listed mill now has modern housing around it, the inspector acknowledged that it still stands with its visitor centre in a relatively open and strongly defined area. The new dwellings would be sufficiently distant from the mill so as not to intrude into its sense of openness. While the property's appearance would differ from adjacent houses, it would reflect the mill's character and would not be incongruous.
5. The appeal was therefore allowed subject to a Unilateral Undertaking requiring a financial contribution towards open space provision. Conditions were imposed regarding further details of solar panels, landscaping, protection of trees and hedgerows, restrictions on permitted development rights, external materials and minor alterations to the garage doors and access to 18 Mill Road.

Mrs S Shevlin – Dropped kerb – 5 Cambridge Road, Waterbeach – Appeal allowed

6. This application was refused primarily on the advice of the local highway authority. The dropped kerb would result in substandard visibility to the detriment of both highway and pedestrian safety. Block paving to the front and side of the house had already been laid.

7. Cambridge Road is a principal road through the village. From his site visit, the inspector reasoned there is sufficient room to the front and side of the house to allow a car to pull off the road and manoeuvre within the space available to allow exit in a forward gear. However, it may well be that, depending on the size of vehicle, some overhang of the footpath may occur during manoeuvring. To the front of No. 5, the footpath provides sufficient scope to provide adequate pedestrian visibility to either side of the proposed crossing. Although the County Council suggested that Cambridge Road requires much greater visibility than proposed, no information of actual vehicle speeds, flows or accident data was provided to suggest the road presents particular problems or dangers. Based on his visit in the middle of a weekday afternoon, the inspector noted that there were frequent gaps in what appeared to be a light flow of traffic and that vehicle speeds were restricted by the road alignment and some on-street parking. He accepted that at other times flows and speeds may be higher but as the proposal is to form an access point for a single dwelling a reduced 2m 'X' distance would be reasonable. To the south-west the requisite visibility is achievable over front gardens of adjacent houses in respect of which an existing planning condition prevents any obstruction over a height of 0.76m. This is an enforceable condition and given the width of the adjacent footpath that provides good pedestrian visibility, adequate visibility for a driver emerging onto the road could be maintained.
8. Whilst parking provision for No. 5 already exists more remotely to the rear the appellant's wish to be able to park to the front of the property would be more convenient. Given the presence of the hardstanding it is also possible that use might be made of it for parking even in the absence of a dropped kerb. This could be potentially more awkward and dangerous than if a properly formed crossing was provided.
9. The proposal would therefore not result in unacceptable harm to highway and pedestrian safety.

Mrs A Dant, Mr N Foster & Mr T Brown – Erection of 9 dwellings and associated vehicle access – land r/o 10a Rosemary Road and 3 St Andrew's Hill, Waterbeach – Appeal dismissed.

10. This application was refused by the Planning Committee on the grounds of its impact on the conservation area, on the adjoining listed building known as The Hall and on the residential amenities of adjoining occupiers in Rosemary Road. Because of objections from third parties and the Council's desire for suitable conditions to be imposed, highway safety was also a main issue. The appeal was considered by way of a hearing at which Cllr Johnson attended and spoke against the proposal.
11. The site abuts the curtilage of The Hall, However, the inspector concluded that the property has substantial grounds and the main house would be relatively distant from the development. He therefore considered that the listed building itself would not be affected by the proposal. The Council also raised concerns in respect of a curtilage wall and a coach house that would be seen in the context of the new development. However, the inspector found the proposed separation would be sufficient to mean the scheme would not affect the setting of either structure, and the particular character of both would remain unaffected. Views of these structures would be limited and insignificant. It would be apparent that the new houses were outside the curtilage of The Hall, and, sufficiently far from the coach house and wall to mean they would not impinge on their settings.

12. The site lies outside the conservation area. The land is undeveloped and overgrown at present and the inspector found it contributes little to the conservation area's sense of openness. The proposed development would not cause any harm to the conservation area.
13. The main front elevations of the proposed dwellings would be about 27-30 m. from the rear elevations of the houses on Rosemary Road. The inspector concluded that even if the new elevations contained principal windows such a separation would be sufficient to mean there would be no unacceptable loss of privacy or daylight within those existing buildings. The Council's draft Design Guide provides a useful indication of what the Council considers to be a satisfactory distance between the main elevations of dwellings. The document advocates a 'rule of thumb' separation between rear elevations of 18m, and that dimension would be substantially exceeded in the development proposed. Neither would the proposal result in unacceptable noise and disturbance at the back of the Rosemary Road houses. While the driveway would pass 2 gardens and be close to windows in the rear and side elevations, this is not an uncommon situation and the amount of traffic reasonably expected would not cause undue noise. Headlights would shine onto the front elevation of the house on the opposite side of Rosemary Road, but the likely number of movements would not be unsatisfactory in this built-up area. As such, the proposal need not unreasonably affect the living conditions of neighbouring residents.
14. The submitted plan shows visibility splays would cross part of the adjoining front gardens. These already reduced splays were the minimum necessary to maintain highway safety. Adequate visibility could only be achieved if these splays are protected to ensure planting or structures of an inappropriate height did not further reduce the visibility for drivers leaving the site. The front garden of one of these properties is outside the appellants' control and is owned by someone who had objected to the proposal. The appellants argued that sight splays would be protected by a restrictive covenant. However, the Council pointed out covenants do not serve the same purpose as planning conditions, as they cannot be guaranteed in perpetuity. Relying on a covenant to achieve a justified planning control would therefore be inappropriate. The inspector agreed and was of the opinion that the proposed westbound sight splay cannot be appropriately safeguarded. This was alone sufficient for the appeal to be dismissed.

Mr D Lee - Erection of dwelling -The Bell House, 9 Rectory Farm Road, Little Wilbraham – Appeal dismissed

15. The three main issues in this appeal were the setting of the neighbouring Listed Building, Reed Cottage; the living conditions of existing and prospective occupants of The Bell House; and the character or appearance of the Conservation Area.
16. Reed Cottage is an extended Grade II Listed Building, which the inspector found is well set back from the road in an attractive, good size garden. Its main aspects are to the front, to the side towards Church Road and to the rear towards its rear garden. Its north elevation is along the common boundary with The Bell House. There is only one small window within this elevation and there is a considerable amount of vegetation in the form of trees and shrubs along this boundary. These considerations of aspect and screening persuaded the inspector that the openness of the appeal site does not contribute in any significant way towards the setting of the Listed Building.
17. The rear, single-storey part of the proposed dwelling would be about 13 m long and up to about 3 m tall. It would result in a wall extending along the common boundary of the site of the proposed dwelling and the proposed rear garden of The Bell House. In

some circumstances a wall of this scale, at or close to a boundary with a residential curtilage, would be too overbearing. In this case, however, the remaining width of about 24 m of the rear garden of The Bell House would ensure the retention of enough space to safeguard the pleasantness of the garden and the enjoyment of it. Indeed, the wall would complement the rear elevation of The Bell House and of the outbuildings along the rear of its garden to create an attractive courtyard effect. The planting of suitable shrubs and flowers alongside the new wall could further enhance this arrangement. Living conditions at The Bell House would therefore not be adversely affected.

18. The appeal site lies within the mainly built-up eastern part of the village framework where residential development is, in principle, acceptable. Several open spaces are evident, usually in the form of large and medium size gardens and an area in front of and around the Church especially so along Church Road and the southern end of the western side of Rectory Farm Road. These include the appeal site. The inspector found that these areas, with their many fine trees, attractive hedges and other planting, make a vital contribution to the prevailing spacious character and sylvan appearance of this part of the Conservation Area.
19. As a matter of principle, the appeal site is physically capable of accommodating the proposed dwelling. Existing and proposed vegetation around and within the appeal site would ensure the proposed dwelling would not be visually intrusive in its surroundings. Despite this, the inspector found the appeal site to be especially important because of the way in which its shape and extent complements the size and grace of the elegant Bell House. The actual presence of the proposed dwelling on this valuable space, rather than the extent to which it would be shielded from public view, was of prime importance. As such, it would damage the essential character and appearance of the Conservation Area. Certain aspects of the design and proposed external materials of construction could be dealt with by way of conditions, but these aspects did not outweigh the basic objection in principle.
20. The appeal was therefore dismissed because of its harmful impact on the conservation area.

Wm Morrison Supermarkets plc – Extension to sales area – Morrison’s, Broad Street, Cambourne – Appeal dismissed

21. This application was dismissed under delegated powers and determined following a public inquiry. The main issues were whether the proposed development would result in insufficient car parking for the settlement centre in the short or longer term; and whether the reduction of car parking would put at risk investor confidence in the future development of the settlement.
22. The proposal was to increase the retail floor area of the supermarket by extending eastwards into the existing car park. This would reduce the number of parking spaces by 39 from 522 to 487. While Morrison’s owns the car park, it is not for the exclusive use of the supermarket. It is a public car park, required, along with 3 other smaller public car parks, to contribute towards meeting overall parking demand in the centre from development both existing and yet to be provided in accordance with an approved Master Plan. The Council was concerned that the loss of 39 spaces which would result from the proposed development plus the additional demand for parking resulting from the proposed 20% increase in floor area would reduce the amount of public car parking in the centre to a level insufficient to meet the needs of the centre when developed as intended.

23. Both parties submitted assessments of the present number of off street public parking spaces available in the centre. In a bid to demonstrate that the proposed supermarket development would still leave sufficient car parking to serve a completed centre the appellant presented an assessment of future parking demand taking account of the proposed supermarket expansion, the future development proposals marketed in 2006/07 and the possible expansion of Cambourne to 4250 dwellings. Having considered various scenarios for future growth and parking demands, the inspector decided that the appellant had failed to demonstrate that it can be safely assumed that the impact of the proposed supermarket extension on existing parking capacity can be absorbed without affecting the sufficiency of future car parking provision in the centre.
24. The effective reduction in parking capacity, which would result from the proposed supermarket expansion, would be prejudicial to the provision of sufficient car parking to adequately support the development of the centre as envisaged in the Master Plan. As such, the inspector considered the proposal to be premature at this stage of Cambourne's development. The appeal should fail on this issue.
25. The inspector concluded that there are many factors, which affect investor confidence. To his mind the size of the existing car park was drawn to potential investors' attention because the developers considered it to be a factor, which would have a positive effect upon investor confidence. He considered it reasonable to assume that the proposed reduction in the size of the car park would have a less positive effect on investor confidence. However there is insufficient evidence to conclude that this factor alone would affect overall investor confidence such as to threaten the development of the centre in accordance with the Master Plan.

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