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29 September 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, 7 OCTOBER 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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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. Declarations of Interest

General declarations of interest should be made at this stage. Interests relating to specific items on the agenda should be declared immediately after the Chairman introduces those items or as soon thereafter as a declarable interest becomes apparent.

1 - 2

3. Minutes of Previous Meeting

To authorise the Chairman to sign the Minutes of the meeting held on 2 September 2009 as a correct record. The minutes are attached to the electronic version of this agenda.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

- | | | |
|------------|--|------------------|
| 4. | S/1098/09/F - Rampton (Land Adjoining (1-8 Primrose Meadow, Cow Lane) | 3 - 10 |
| 5. | S/1048/09/F - Cottenham (The Lakes, Twenty Pence) | 11 - 22 |
| 6. | S/0990/09/F - Duxford (8 Station Road West and Land to the South of 10, 12 and 14, Station Road West) | 23 - 36 |
| 7. | S/2308/06/O - Hauxton (Land to the East of the A10 Known as the Former Bayer CropScience Ltd Site)
The report to the Planning Committee meeting in August 2009, and the two appendices to that report, are attached to the electronic version of this agenda on the Council's website. | 37 - 58 |
| 8. | S/0547/09/F - Longstanton (Land to the East of 'Lyndhurst', Station Road for Aspinalls Builders Merchants Ltd) | 59 - 68 |
| 9. | S/1702/08/F - Willingham (Aspinalls Builders Yard, 2 Station Road) | 69 - 78 |
| 10. | S/0745/09/F - Longstanton (Land to North of Nelson Crescent, High Street) | 79 - 98 |
| 11. | S/0574/09/F - Over (2 Willingham Road) | 99 - 104 |
| 12. | S/0809/09/F - Fen Drayton (10 College Farm Court) | 105 - 108 |
| 13. | S/1177/09/F - Willingham (Land North of Westfield) | 109 - 122 |
| 14. | S/1073/09/F - Willingham (Long Acre, Meadow Road) | 123 - 128 |
| 15. | S/1191/09/F - Willingham (Beaumont Place, Meadow Road) | 129 - 136 |
| 16. | C/6/9/1A - Cambridgeshire Guided Busway (Discharge of Condition 5 - Lighting) | 137 - 140 |
| 17. | Review of Chairman's Delegation Meeting | 141 - 150 |

INFORMATION ITEMS

The following items are included on the agenda for information and are, in the main, available in electronic format only (at www.scams.gov.uk/meetings and in the Weekly Bulletin dated 30 September 2009). If Members have any comments or questions relating to issues raised therein, they should contact the appropriate officers prior to the meeting.

- 18. Appeals against Planning Decisions and Enforcement Action** **151 - 152**
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
- 19. Enforcement Action** **153 - 158**

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Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

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The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"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 – 7 October 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:

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villiage:

Reason:

Please return the completed form to ian.senior@scambs.gov.uk prior to the meeting, or leave it with the Democratic Services Officer in the Chamber, or leave it with the Democratic Services Section.

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]

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Reason:

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1098/09/F - RAMPTON**Temporary Change of use of land as a Gypsy Pitch and siting of mobile home at Land Adjoining 1 - 8 Primrose Meadow, Cow Lane, for Mr James Price.****Recommendation: Temporary Approval for three years****Date for Determination: 9th October 2009****Notes:****This Application has been reported to the Planning Committee as the Parish Council's recommendation of refusal differs to that of officers.****Site and Proposal**

1. The application site comprises of part of an agricultural field situated outside of the Rampton village framework within the open countryside. The site is accessed off Cow Lane and is adjacent to an existing authorised traveller site and opposite two working farms (New Farm and Topfield Farm). Cow Lane is a rural road that alters in its width and surface when travelling north out of the village. At the section opposite the application site the road is wide enough for one vehicle and is hard surfaced with no public footpath. The field and lane is characterised by its high and dense hedgerows upon opposite sides of the lane.
2. The application, dated 4th August 2009 proposes the change of use of the southwest corner of the agricultural field (approx 600sq m) south of Primrose Meadow to a Gypsy pitch and the stationing of one mobile home.

Planning History

3. Appeal Decision APP/W0530/C/03/1136651 was allowed and enforcement action quashed with planning permission granted for 8 traveller pitches at Primrose Meadow on 7th September 2004.

Planning Policy

East of England Plan 2008:

SS1 Achieving Sustainable Development

South Cambridgeshire Core Strategy 2007

ST/7 Infill VillagesSouth Cambridgeshire Local Development Framework Development Control Policies
DPD, 2007:**DP/1 Sustainable Development**

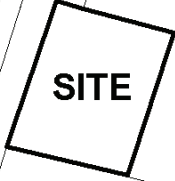
S/1098/09/F Rampton



imrose Meadows

Nether Irams

5.7m



New Farm

4.9m

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Scale 1/1250 Date 21/9/2009

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October Planning Committee 2009

DP/2 Design of New development
DP/3 Development Criteria
TR/1 Planning for more Sustainable Travel

Consultation Draft Gypsy and Travellers DPD, July 2009. This comprises advice regarding the identification and selection of suitable sites for gypsies and travellers, including a matrix for scoring the suitability of proposed sites.

4. Planning **Circular 01/2006** - (Planning for Gypsies and Travellers Caravan Sites) – Intends to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work. It advises that where there is an unmet need and no alternative gypsy provision, but there is a reasonable expectation that sites will become available within a given timescale to meet that need Local Planning Authorities should consider granting a temporary permission for proposed sites. It does not say that temporary permission should only be considered where the site is already occupied.
5. Advice on the use of temporary permissions is contained in paragraphs 108-113 of the **Circular 11/95** (The Use of Conditions in Planning Permissions). Paragraphs 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no available alternative Gypsy and Traveller site provision in an area, but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area, which will meet that need, Local Planning Authorities should give consideration to granting a temporary permission. Such circumstances may arise, for example, in a case where a Local Planning Authority is preparing its site allocations DPD. In such circumstances Local Planning Authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.
6. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site. In some cases, it may be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

Consultation

7. **Rampton Parish Council** – notes that “the site is exemplary in its tidiness and standard of upkeep. We also note that the occupiers of the site have integrated well into the community. However, referring to the Gypsy and Traveller documents the proposal does not appear to satisfy the criteria outlined therein in relation to sustainable development in that it is not within 2000m of a primary school, doctor or shop. We are also concerned that if the application is granted it must be as an additional pitch to the existing site, and not as it is in a fresh field, viewed as a new site. We note that if granted the pitch will become number 9 of the existing site and we would point out that the recommendations state that there should be 10 pitches per site. We are concerned that if granted this should be made a condition of the consent.”

8. "The poor condition of the access road and the absence of passing places are a cause for concern that will be exacerbated by further development at the site. These issues about the road remain a concern irrespective of the outcome of the application. Also if granted we are concerned that the access gateway does not involve destruction of any existing hedgerow, and landscaping be applied as deemed necessary. We also note that it was a condition of the successful planning appeal that allowed the initial site to become settled that "it is necessary to limit the number of pitches to the 8 currently provided".
9. **Local Highway Authority** – Cow Lane is adopted Highway for its entirety. Any gates should be set back 5m from the near edge of the carriageway. The access should be a minimal width of 3m and should be laid out in accordance with the County specification. It is felt that the proposed access is suitable for one pitch but if any additional pitches are requested the existing access will need to be improved.
10. **Environmental Health** – The proposal would not result in a significant impact from an environmental health standpoint, subject to mobile home licensing requirements.
11. **Traveller Liaison Officer** – There are no more available pitches on the adjacent traveller site and the applicant (son of adjacent family the Price's) requires accommodation close to his existing family. Only one pitch is required and the remainder of the field shall be used as open green space only. The existing site is well maintained and the proposed site would not result in a detrimental outlook of the lane. The Price family was forced to leave authorised land in Cottenham some years ago following pressure to sell their land. As a result they had to settle without planning permission, which was later granted upon appeal. As a result the Price's wish to keep their son within close proximity for the security of his immediate family.
12. **Old West Internal Drainage Board (OWIDB)** – The Board wishes to see an adequate system for both surface and foul water drainage included in the development of this site should permission be granted. Ditches adjacent to the site may be the responsibility of the site owner for maintenance works. The design and layout of the site should consider any work required now or in the future to ensure all ditches remain free flowing.
13. **Landscape Design Officer** – Comments to be read verbally.

Representations

14. Four letters of objection have been received from and on behalf of residents of Top Farm, 18 Cow Lane and New Farm, the contents of which are summarised below:
 - (a) Increasing the size of the existing site would have a detrimental impact upon the amenities of the occupiers of Topfield Farm. At present its residence are kept awake by barking dogs and screaming children;
 - (b) Cow Lane is already busy due to the amount of vans and cars using the traveller site. This application would inevitably increase traffic flows;
 - (c) When permission was granted SCDC confirmed that it would not allow the site to be increased above 8 pitches;
 - (d) Conditions on the original approval required further planting to the site boundaries, this has been breached;
 - (e) The recent gypsy and traveller consultation process did not identify any suitable sites within Rampton;
 - (f) SCDC does not currently review the existing site to ensure that the correct residents occupy the site and that the conditions imposed by the inspector have

been adhered to. Furthermore, the ongoing complaints of noise caused by travellers are not followed up;

- (g) If approved this pitch will act for a nucleus of another site;
- (h) The proposal would leave possible extension for the whole field to become a new traveller site;
- (i) The existing boundaries should be protected and cared for.

Planning Comments – Key Issues

15. This proposal needs to be determined in accordance with the three tiered site assessment process of the draft Gypsy and Traveller DPD, July 2009.
16. In addition the impact that the proposed development would have upon the character and openness of the surrounding countryside, highway safety, drainage and neighbour amenity will need to be taken into consideration in the determination of this application.
17. Circular 01/2006 states that, in the countryside, applicants will need to clearly demonstrate why there is a need for a site that cannot be met by lawful existing or planned sites in the region. In addition, it states that sites should be located in sustainable locations, near to villages that can provide a range of services and facilities, in particular school and medical facilities. One of the objectives of Circular 01/2006 is also to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to.
18. The Consultation Draft of the Gypsy and Traveller DPD includes a three-tiered assessment process to assess the suitability of proposed sites. Tier 1, location constraints, identifies whether a location is acceptable in principle. It states sites should ideally be located within 1,000m of Cambridge or Northstowe, a Rural or Minor Rural Centre, or a better served Group Village. Sites should also have good access to key amenities of a doctor's surgery or medical centre, primary school and a food shop, within 2000m. Tiers 2 and 3 also consider infrastructure, visual impact and residential amenity issues.
19. In light of the above the only existing sites within Rampton to be tested are the temporary sites at Westside Farm and Cuckoo lane and permanent sites such as land fronting Rampton Road (Willingham) and land north of Ramphill. These were all rejected as options due to their location near to an Infill Village rather than to identified settlements since they do not meet the tests of Tier 1 for access to services and facilities. In light of these sites being evaluated and rejected the consultation on the options consider that Rampton is not a suitable or appropriate location for an allocation to meet additional general Gypsy and Traveller needs.
20. Draft Policy GT1 states that permission on unallocated land outside development frameworks will only be granted where: the council is satisfied there is a clear established need for the site in the district that cannot be met by a lawful existing or allocated site; the site is located in a sustainable location, well related to a settlement with a range of services and facilities; and that the number of pitches is appropriate to the site size and location. In particular, no pitches should generally be permitted in/adjoining Infill Villages.

21. Considering the application against the above criteria, the applicants do fall under the definition of gypsy/traveller, as defined in Circular 01/2006, and it is therefore accepted that they are in need of appropriate accommodation. The site proposed in the present application falls outside the defined village framework for Rampton, which, as a result of its limited services and facilities, is classified as an Infill Only Village. The village only has one public house, a village hall and a recreation ground. The nearest villages with a good range of services and facilities are Cottenham and Willingham, and both of these are in excess of 2000 metres away from the site. In such unsustainable locations, both Circular 01/2006 and the draft Gypsy and Traveller DPD resist the creation of new sites. Indeed, the application site was not even tested as a possible option for a future allocation on this basis.
22. Circular 01/2006 states that the provisions of the European Convention on Human Rights should be considered as part of any decision making process, and that the consequences of refusing or granting planning permission on the applicant's and local residents' rights, must be considered. In this instance, it has been accepted that the applicant is in need of appropriate accommodation and consideration therefore needs to be given to whether refusing the application would deprive the applicant, and his family, of this fundamental right.
23. Notwithstanding the above the Gypsy and Traveller DPD, July 2009 is a draft document and whilst providing useful detail to the assessment of traveller sites within the district it carries little weight until its formal adoption. Nevertheless based on the above it is apparent that the proposal would fail to meet the criteria as set out within Planning Policies DP/1 and TR/1 on the grounds that it would not adhere to the following:
 - (a) Minimise the need to travel and reduce car dependency;
 - (b) Make efficient and effective use of land by giving priority to the use of brownfield sites;
 - (c) Offer an appropriate choice of travel by public transport or other non-car travel mode.
24. The needs survey carried out by the applicant highlights the fact that their immediate family is located upon the adjacent land to the application site. The applicant currently lives with his mother and father upon the existing site and is due to marry in the New Year. Both the applicant and his partner wish to live alongside their family, as is their custom and they do not have any children, health or welfare issues. The applicant and his immediate family have been located in Rampton for over 7 years at Primrose Meadow and the family is well integrated within the existing community. The applicant works locally as a landscape gardener.
25. Primrose Meadow is a successfully run family site, providing accommodation for just Mr Price and his family and is kept in good order. The comments from the Parish Council confirm that the existing site and its occupants have fitted in well with the existing community. There are currently no vacant pitches within the existing site to house the applicant and his partner. The applicant does not wish to go into social housing, as he does not wish to be isolated from his family or his traditional way of living.
26. The Gypsy and Traveller DPD identifying new Gypsy and Traveller sites is still out for consultation and it will be sometime before new sites are properly identified and available. This means that there are currently no alternative options for the applicant within the close confines of this family. Considering the applicant's personal family connections with the neighbouring site and the limited impact that a single additional pitch would create it is considered that a personal temporary planning permission for a period of 3 years would allow the applicant to be housed whilst the DPD is fully reviewed. In this time alternative sites, which are suitable for the applicant's needs

may become available. A recent appeal decision in Willingham allowed a temporary 3-year consent for a traveller site to allow for the Development Plan Process.

27. It is considered that the pitch for one mobile home would not result in any adverse impact upon highway safety or neighbour amenity in accordance with Policies DP/2 and DP/3 on the grounds that a temporary pitch of the scale proposed would not be detrimental upon neighbour amenity, highway safety or the character and appearance of the area. The existing access meets the required width as requested by the Local Highway Authority and the site has a gated entrance as existing. Furthermore, conditions would be necessary to suitably address the retention and implementation of sufficient landscaping and drainage in order to accommodate the temporary use. The applicant has accepted the officer's recommendation of a temporary consent and is aware of the proposed conditions. The description of the proposal has been amended to address the temporary nature of the proposal.

Recommendation

28. Approve

Conditions

1. The use, hereby permitted, shall be discontinued and the mobile home hereby permitted, shall be removed and the land restored to its former condition on or before 31st October 2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. (Reason - In accordance with the advice in Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites, the Council is preparing a Gypsy and Traveller Development Plan document, and on a without prejudice basis to a permanent consent on this site, a time limited consent will enable the Local Planning Authority to properly assess the impact of Traveller development on issues in Policies DP/2, DP/3 and DP/7 of the adopted Local Development Framework 2007.)
2. The site and the mobile home, hereby permitted, shall not be occupied other than by Mr James Price, his immediate family and any dependant living with him. (Reason – James Price and his family are local travellers and the permitted use would not normally be granted on this site because it would be contrary to Policy DP/7 of the adopted Local Development Framework 2007. Occupation by other persons would not amount to special circumstances for permitted development in this location.)
3. The site shall not be used for any trade or business purpose other than as a home base for light vehicles (defined as under 3.5 tonnes) used by the occupants of the site for the purpose of making their livelihood off-site. In particular, no materials associated with such activities shall be stored in the open on the site. (Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. 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.)

5. 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.)
6. 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.)
7. 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.)

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

- South Cambridgeshire Local Development Framework Core Strategy DPD and Development Control Policies DPD (adopted January 2007 and July 2007).
- Planning File S/1098/08/F.
- Planning Appeal Reference APP/W0530/C/03/1136651.
- ODPM Circular 1/2006 (Planning for Gypsy and Traveller Caravan Sites.)
- Issues and Options Report 1: General Approach, Gypsies and Traveller Development Plan Document.
- South Cambridgeshire Local Development Framework.
- Document. Draft Policies Site Option and Policies, 2009.

Contact Officer: Mike Jones – Senior Planning Officer
Telephone: (01954) 713253

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

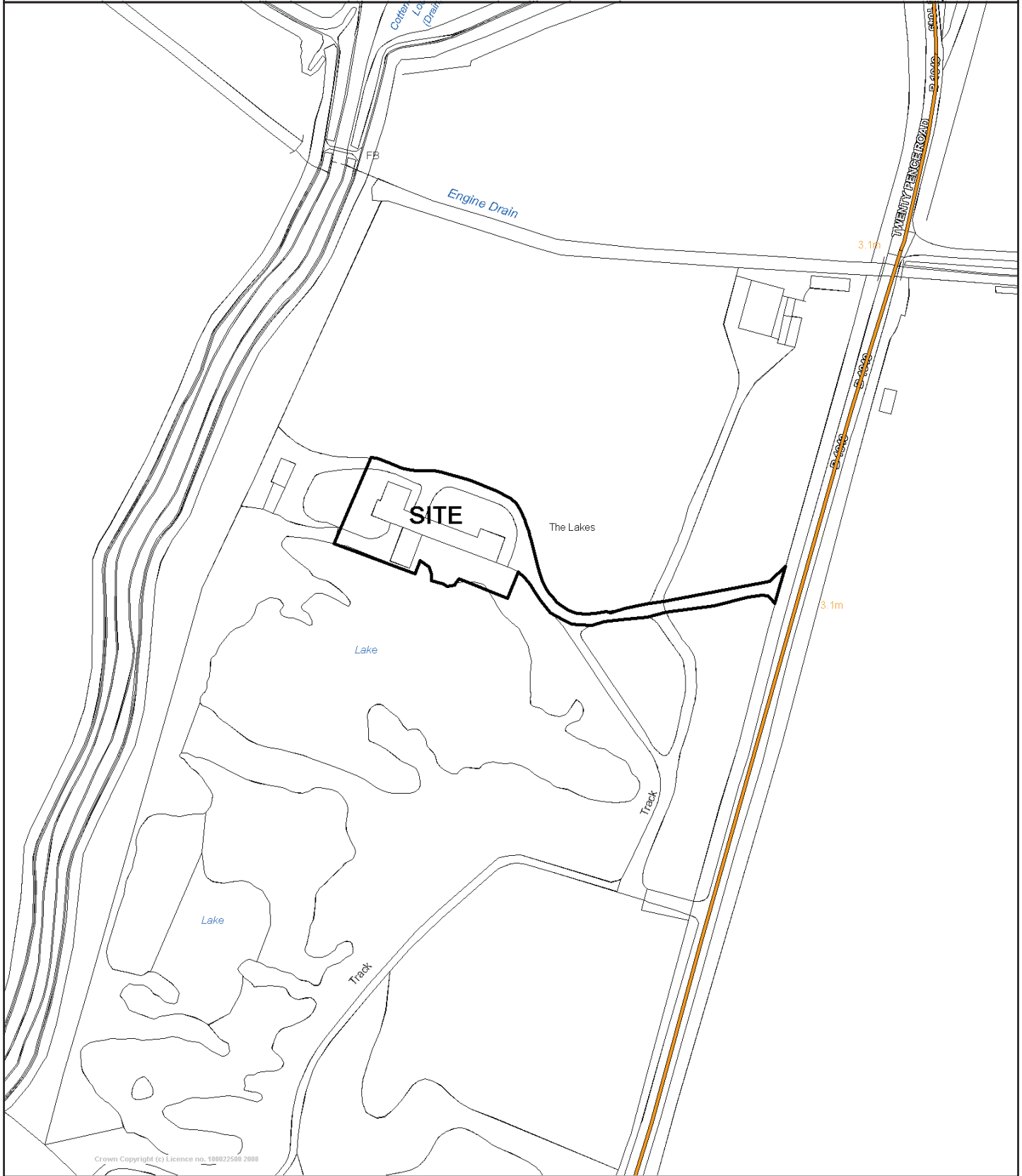
S/1048/09/F - COTTENHAM**Alterations and Change of Use of Existing Dwelling to Form 4 Holiday Lets & Formation of Replacement Access (Part Retrospective) at The Lakes, Twenty Pence Road for Mrs Lorraine Ryman****Recommendation: Delegated: Approval****Date for Determination: 7th October 2009****Notes:**

This Application has been reported to Planning Committee for determination because the Officer recommendation of approval conflicts with the response from the Parish Council, and at the request of District Councillor Edwards

Site and Proposal

1. The site lies within open countryside between the villages of Cottenham, approximately 3 kilometres to the south, and Wilburton, around 4 kilometres to the north. The site is occupied by a former large 9-bedroom dwelling known as 'The Lakes'. Parts of the original dwelling have been demolished, so that the structure now comprises four detached buildings. The physical alterations to the original dwelling are unauthorised, and it appears that at least three of the four units are being occupied as residential dwellings. The buildings are sited approximately 110 metres to the west of Twentypence Road and are well screened by a mature hedgerow and trees forming the eastern boundary of the site. On the south side of the detached units are a number of lakes. Vehicular access to the premises is obtained via Twentypence Road (the B1049), a 60mph road. The existing access is 124 metres away from a bend to the south and 316 metres from a bend to the north.
2. The full application, received on 21st July 2009, seeks retrospective consent for the physical works and alterations that have been carried out to the original dwelling, together with the change of use of the dwelling to form four detached holiday let units. In addition, the application proposes a replacement access onto the Twenty Pence Road, in a position approximately 90 metres to the north of the existing access point. The proposed new access would be 6 metres wide for a distance of 15 metres back from the highway boundary, and would reduce to a width of 4 metres thereafter. 2.4 metre x 215 metre vehicle visibility splays would be provided in both directions. Both the existing access to the south, together with a field access further to the north, would be permanently closed off and hedging planted in the gaps.
3. The application has been accompanied by: a Design and Access Statement; Transport Statement; Ecological Assessment; and Flood Risk Assessment.

S/1048/09/F Cottenham



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Scale 1/2000 Date 21/9/2009

Centre = 547872 E 270798 N

October Planning Committee 2009

Planning History

4. **S/1979/08/F** - Application for alterations and change of use of existing dwelling to form 4 holiday lets, and formation of replacement access refused for the following reason:

“The site lies within a designated County Wildlife Site. In addition, contrary to the information contained within Section 14 of the application form, priority/protected species are known to be present on the site. In the absence of a formal biodiversity management plan, the application fails to satisfactorily demonstrate how the biodiversity value of the site will be sustained for the benefit of visitors. Consequently, the proposal is contrary to the South Cambridgeshire Local Development Framework 2007: Policy NE/7, which states that planning permission will not be given for proposals that may have an unacceptable adverse impact on a site of biodiversity importance, and Policy NE/6, which states that new development should aim to maintain, enhance, restore or add to biodiversity, and requires the potential impact of development to be assessed where it is believed a proposal may affect a protected or priority species or habitat.”

5. **S/0919/08/F** - Application for new access approximately 80 metres to the north of the existing access, measuring 5m wide for 15m back from the highway and incorporating 2.4m x 215m visibility splays, was withdrawn at the applicant's request.

6. **S/0386/08/F** - Application for part demolition and conversion of house to form 4 dwellings (retrospective) refused for the following reasons:

- (a) Increase in dwellings in an unsustainable location;
- (b) Development would lead to an increase in traffic from an inadequate access, resulting in highway safety problems;
- (c) Failure to comply with Housing Mix Policy HG/2;
- (d) Poor relationship between the dwellings resulting in neighbour amenity problems;
- (e) No affordable housing or public open space contributions.

An appeal was submitted but was subsequently withdrawn.

7. **S/1502/07/F** - Part demolition and conversion of house to 4 dwellings – application withdrawn.

8. **S/1535/06/O** and **S/1536/06/O** - Two separate outline applications for three residential units on land to the north of The Lakes refused for the following reasons:

- (a) Contrary to settlement policy;
- (b) Visual impact within landscape;
- (c) No Flood Risk Assessment;
- (d) Access exceeds standards necessary for the development proposed;
- (e) No regard to impact on local wildlife sites;
- (f) Combined impact of the two applications would lead to demand on educational facilities.

9. **S/1534/06/F** - Application for relocation of highway access refused as the access design exceeded that necessary for a dwelling, and the proposal sought to retain the existing access so that two access points would serve the site. This would result in the removal of a significant length of hedgerow to the detriment of the rural character of the area.

10. **S/0099/06/LDC** - Lawful Development Certificate for existing use as 3 dwellings refused on the basis of insufficient evidence to demonstrate lawful use.
11. **S/1591/76/F** - Extension to lake - approved
12. **C/0727/73/F** - Demolition of existing dwellings and erection of new dwelling and garage.
13. **C/1169/72/O** - Demolition of existing dwelling and erection of new dwelling and garages.

Planning Policy

14. **Planning Policy Statement 7** - Sustainable Development in Rural Areas
15. **East of England Plan 2008:**
 - SS1** - Achieving Sustainable Development
 - E6** - Tourism
16. **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/7** - Development Frameworks
 - ET/10** - Tourist Facilities and Visitor Accommodation
 - NE/6** - Biodiversity
 - NE/7** - Sites of Biodiversity or Geological Importance
 - NE/11** - Flood Risk
 - TR/1** - Planning for More Sustainable Travel
 - TR/2** - Car and Cycle Parking Standards
17. Department of Communities and Local Government - Good Practice Guide on Planning for Tourism – 2006
18. **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.
19. **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

20. **Cottenham Parish Council** recommends refusal, stating:

“Cottenham Parish Council protests the need to determine ‘yet another’ planning application for this property and recommends refusal in the strongest possible terms.

As a Council we append responses to earlier applications and ask that you pay particular attention to the statements in those dated August 2007; March 2008 and February 2009. We also include a ten year summary of planning activity at this venue

and, as all documents and material considerations remain relevant, we ask that they be read in conjunction with this letter of recommended refusal.

The planning position speaks for itself: eight previous (to this) applications over the last three years, all either refused or withdrawn, together with a history of unlawful development to wit: "*the 9 bedroom house (see Introduction 1.2 to the Transport Assessment)*" which has evolved (unlawfully) since 1973. This persistence suggests to this Council a campaign of attrition for as we see it:

- (a) The reasons for the previous refusals still apply - what has changed? - nothing has changed save the nature of 'this month's planning request!
- (b) The 'house' once convertible into separately owned residences, then rentable flats, now capable of conversion to 4 holiday lets remains the same, unlawfully developed abode which, were it on a Travellers' site, would be a target for demolition
- (c) There appear to be 'financial considerations' at work which are not material in planning law
- (d) This application is just a stepping stone to future unrestricted residential permission and the use of the LPA's policies on "Tourism" is but a ruse.

Documents accompanying the current application deserve comment:

- a) Transport Assessment.
 - 1.2 - the 9 bedroom house is referred to as if "approved/accepted" - it is not, nor has it been, and should be in the opinion of Cottenham Parish Council the subject (for SCDC) of demolition
 - 2.1 - the B1049 is glibly referred to as a 'local traffic route'. We assume that SCDC (the LPA) is better informed: the B1049, much to the disappointment of this Council, is designated by the County's Highways Department (for purposes of Minerals & Waste and major site (Northstowe) development) as a "Main Distributor Route" each and every form of HCV or HGV will be permitted, nay encouraged, down this road come the recovery. Allowing any additional access on to the 1049 at this location, and especially for unknowing 'visitors', would be a grave mistake.
 - 3.3 - the Lakes aid to tourism: this Council is given to believe that these 'fishing' lakes were closed to the public some 4/5 years ago because of property abuse by Gypsies & Travellers. Had the business been particularly viable it's unlikely that such a decision would have been taken thus there is no reason to conclude, in the absence of any attempt to project financial benefit from tourism, that the statements in 3.3 should carry any weight when considering this application.
 - 4.2 - arguing that traffic from 4 holiday lets will likely not exceed that from the existing 9 bedroom house has no validity being as the 9 bedroom house is unlawful and the traffic therefrom likely, hopefully, to be mitigated by the LPA.
 - 6.5 – further 'play' on the benefits derived from close access to the Old West River (R. Great Ouse) is, again, unsubstantiated. Some half-mile north on the 1049, in East Cambs, is a marina, usually quite full, and if benefit can be gained from proximity then evidence of genuine enquiry could surely be available now. This and other unsubstantiated statements can be given no weight in planning law.

- b) The Design & Access Statement quotes support from:
ET/e - support for the 'rural' economy and 'farm diversification' is hardly relevant here
ET/f - growth of tourism and new facilities: these facilities are not 'new' and already have an adverse impact on the natural environment
ET/10 - would probably qualify but for the fact that the 'property' is already in breach of SCDC rules and has been "over-developed" and "extended" to an unacceptable level thus the application is broadly disqualified by the LPA's own policy on what may be permitted.

Cottenham Parish Council sees absolutely no justification for accepting this application and, fortunately, a firm of London Planning Lawyers, from whom we sought advice, concur.

However, should South Cambridgeshire District Council conclude otherwise then this Council would expect no less than the inclusion of a Section 106 agreement per circular 05/2005.

Given the level of detail inherent in a restriction to holiday use (*for example: limitations on periods of occupancy; requirements that the units are not used as an only or principal home; restrictions on occupancy at certain times of the year [perhaps]*) coupled with the need for swift and effective enforcement action in the event of any breach; makes the use of a s.106 planning obligation most appropriate given that the 5 tests set out in circular guidance are met (*ie. relevant to planning; necessary to make the development acceptable in planning terms; directly related to the development; fairly and reasonably related in scale and kind to the development; reasonable in all other respects*).

Furthermore the applicant has already stated that a s.106 agreement, that will facilitate and regulate the development, is perfectly acceptable thus there would be no justification for overlooking our request should 'reason' fail in all other respects."

The additional documentation referred to by the Parish Council is enclosed as an appendix to this report. In summary, the August 2007 letter (in response to application reference S/1502/07/F for 4 detached dwellings) states that, since the dwelling was built in 1973, there has been an element of unauthorised, uncontrolled development of the premises. It appears that in 2006, the then owner created a self-contained flat for his daughter. The present owners were unable to substantiate their claims, as part of the Lawful Development Certificate application, that the dwelling had been split into 3 separate units. A subsequent planning application for use as 3 dwellings was also refused. Refusal of the application for 4 dwellings was recommended for the following reasons: contrary to settlement policy - no justification for more than one dwelling; and highway safety implications of intensifying the use of the access. The March 2008 letter (responding to application reference S/0386/08/F) reiterates the above concerns and also states that the fact the footprint is less than that of the original dwelling does not represent sufficient justification for the proposal. The February 2009 letter, responding to the previous holiday let application (S/1979/08/F), recommends refusal on the following grounds: contrary to policies relating to housing in the countryside and replacement dwellings (HG/6 and HG/7); no proof that holiday let use would be viable; and highway safety implications of proposed access.

21. **The Cottenham Village Design Group** states that it is generally opposed to new building on open land outside the village framework on the grounds that it is likely to disrupt the locally distinctive open character of the landscape. Although this would be an inappropriate location for new development, separation and conversion of the

existing dwelling for use as holiday accommodation does appear to be a way forward for this site. However, it is important that any conversion is completed to a high standard using matching materials as far as possible. Highway access onto this fast stretch of the B1049 is a significant road safety concern, and any revision to the existing access arrangements should consider road safety as the foremost priority. It is encouraging to see the supporting biodiversity assessment and management plan, and it is hoped the Wildlife Trust or similar body can become involved in the monitoring and management of the site. The intention to reinstate the hedge at existing access points and possibly add planting along the driveway is supported, and it is recommended that native and/or locally typical species for these areas is used.

22. **The Landscape Design Officer** raises no objections.
23. **The Trees and Landscape Officer** raised no objections to the previous application.
24. **The Ecology Officer's** comments are awaited and will be reported verbally at the Committee meeting.
25. **The Local Highways Authority** raises no objections subject to the following conditions: vehicular access to be provided before first occupation of the development; access to be constructed with adequate drainage measures; no unbound material to be used within 15 metres of the highway boundary; vehicular crossing of ditch to be constructed in accordance with previously agreed scheme; all existing accesses to be permanently closed and highway verges reinstated in accordance with a previously agreed scheme. The drawing should be amended to clearly show the 5m radii kerbs and to remove the proposed white lining.
26. **The Environment Agency** raises no objections, in principle, to the development. The site is identified as being within Flood Zone 1 (low risk), effectively a 'dry island', the surrounding area being both Flood Zones 2 and 3 (medium and high risk respectively). It is stressed that, with reference to paragraph 6.9 of the Flood Risk Assessment (which states the owners of the holiday home are registered with the Agency's Floodline), the applicant must consider a strategy to ensure that all occupants/tenants are advised of the associated flood risk at the time of rental and that clear and precise procedures are available on site for all.
27. **The Old West Internal Drainage Board** raises no objections.

Representations

28. None

Planning Comments – Key Issues

29. The previous application for 4 holiday lets was refused solely on biodiversity grounds, and this is therefore the principal issue to consider in the determination of this application. In response to serious concerns raised by Cottenham Parish Council, the following key issues are also addressed in the consideration of this application:
 - Whether use as holiday lets is appropriate in this countryside location;
 - Sustainability;
 - Highway safety and visual impact implications of access proposals;
 - Ecological issues;
 - Flood risk;
 - Neighbour amenity.

Principle of holiday lets use and sustainability issues

30. The Lakes was a 9 bedroom dwelling that has been adapted, through the demolition of former interconnecting areas, to form 4 detached buildings. The works that have been carried out to date are unlawful and do not have the benefit of any planning permission, and the history section outlines the applicant's attempts to regularise the situation and to seek an appropriate re-use for the building.
31. The Parish Council has raised serious concerns about whether the application should be entertained. In view of the history of the site, to use the buildings for residential purposes (through Lawful Development Certificates and planning applications) and for new residential development to the north, these concerns are understandable. However, the Planning Authority does have an obligation to determine applications as submitted, and each proposal must be taken at face value.
32. The previous applications have sought to alter and convert the building to form 4 detached dwellings. The site lies well outside the defined Cottenham village framework, where there is a general presumption against residential development. Policy HG/8 does give some support to the conversion of existing buildings in the countryside to residential use but only as an exception (with employment and live/work units being considered first) and subject to the development meeting sustainable development criteria. The site lies in a very isolated location, approximately 3 miles from the edge of Cottenham. Twentypence Road is a 60mph road with no pedestrian footpath and occupiers of any dwellings would clearly have to rely on the private car. The site does not lie in a sustainable location with easy access to services and facilities and is not accessible by a range of non-car travel modes. As such, the creation of residential units on this site clearly contravenes policy requirements as set out in the history section above.
33. With regards to the possibility of holiday let accommodation, Local Development Framework Policy ET/10 states:

“Outside development frameworks, development to provide overnight visitor accommodation, holiday accommodation, public houses and restaurants will only be permitted by change of use/conversion, or through appropriate replacement of buildings not requiring large extension, or by appropriately modest extensions to existing facilities.

Development of holiday accommodation will be limited to short-term holiday lets through conditions or legal agreement. Permitted development rights may be removed in the interests of amenity. “
34. Planning Policy Statement 7 encourages the conversion of rural buildings to holiday accommodation where this accords with sustainable development objectives. Whilst the proposal to convert the building to dwellings (S/0386/08/F) was partly refused on sustainability grounds, the DCLG's Good Practice Guide on Planning for Tourism states that planners should seek to ensure that new tourism developments are as sustainable as possible in transport terms, but will need to recognise that the wide variety of developments that are inherent in the tourism industry means that there are some developments that are car dependent. In cases where access by sustainable modes of transport is difficult, it states that the traffic generated by small scale schemes is likely to be fairly limited and additional traffic movements are therefore unlikely to be a reason for refusal for otherwise suitable tourism developments.

35. The application has been accompanied by a transport statement, which notes that two bus routes pass the site, but that there are no bus stops in the vicinity of the property. With regards to the traffic generation associated with holiday lets use, the transport statement estimates around 16-20 daily trips for a single 9-bedroom dwelling, and 16 trips per day for the 4 holiday let units, with only a small percentage of the latter trips being expected during peak traffic hours. Taken over the course of the whole year, it is highly unlikely that a holiday let use would result in the same frequency and intensity of vehicle movements as either a single 9 bedroom residence or 4 detached smaller dwellings. In light of this, together with the advice set out in the aforementioned good practice guide, it is considered that the development is on a sufficiently small scale to avoid conflict with sustainable development objectives. The principle of the proposed use is therefore considered to be acceptable.
36. It would be absolutely essential, as stipulated within Policy ET/10, that any approval be subject to the use of the units as holiday let accommodation only, and the applicant's agent has indicated in the supporting Design and Access Statement that the applicant would be willing to enter into a Unilateral Undertaking or Bilateral Agreement under Section 106 to this effect. This legal agreement would need to ensure that the premises are only used by visitors, in order to avoid occupation by permanent households (which would be contrary to policies relating to development in the countryside, sustainability principles, affordable housing, mix, open space and residential amenity). In addition, as granting any consent on this site is no guarantee of implementation, it would be essential to instigate enforcement action to ensure the cessation of any existing multiple residential use of the buildings.

Access proposals - highway safety and visual impact implications

37. In the previously refused application for 4 dwellings (S/0386/08/F), the proposal sought to utilise the existing point of vehicular access. This access is narrow and concealed. The application did not propose any improvements to the existing access and the Local Highways Authority objected on the basis that the proposal would result in an intensification in use of the access to the detriment of highway safety. A previous application for a new wider access approximately 90 metres to the north of the existing, together with the retention of the existing access, was refused as the new access dimensions exceeded that required, resulting in the removal of large section of hedge and consequent harm to the character of the area (S/1534/06/F). The current proposal seeks to provide a replacement access to the north of the current access position and also to close off the existing residential and field accesses. The new access would comprise 2.4m x 215m visibility splays, rather than the previously proposed and refused 4.5m x 215m splays. This means that only a small section of the existing hedge would need to be removed, with the remainder within part of the splay area being trimmed back. In addition, new hedgerows would be planted across the existing entrances. The proposal would therefore result in very little loss to the existing boundary hedgerows, and is not therefore considered to result in serious harm to the rural character of the area.
38. The Parish Council has expressed concerns regarding the highway safety implications of creating a new access. As stated in the application, the new access would replace two existing accesses. Any consent would need to be both conditional upon the new access being provided prior to the commencement of the use, and to the existing accesses being closed off upon the new access being brought into use. Neither the Trees and Landscape Officers nor the Local Highways Authority has raised any objections to the proposal. The visual impact and highway safety implications of the proposed development are therefore considered to be acceptable.

Ecological issues

39. The Ecology Officer objected to the previous application to use the buildings for holiday lets. The Design and Access Statement accompanying that application referred to the property's lakeside location and exploitation of the natural assets of the location. However, the application included no formal biodiversity management plan to demonstrate how the biodiversity value of the site would be sustained for the benefit of visitors. The current application includes an ecological assessment and management plan, and the Ecology Officer's comments on this will be reported verbally at the meeting.

Flood Risk

40. The application has been accompanied by a Flood Risk Assessment, and neither the Environment Agency nor the Internal Drainage Board has raised any objections to the proposal.

Neighbour Amenity

41. The refused application for 4 dwellings (S/0386/08/F) was refused partly on neighbour amenity grounds: namely overlooking of neighbouring gardens from the plot 2 rear balcony and plot 3 first floor side windows, and noise and disturbance to plots 1 and 4 arising from use of the gravelled parking area to plots 2 and 3. As the proposal is for holiday lets, as opposed to private dwellings, it is not essential to secure the same level of privacy for occupiers of the properties, and the application is therefore considered to be acceptable in this respect.

Other

42. The application for 4 dwellings (S/0386/08/F), was refused, in part, as it failed to comply with the housing mix policy (HG/2) and failed to provide affordable housing and open space contributions. As this proposal is for holiday lets, rather than permanent residential properties, the issues of mix, affordable housing and open space contributions would not be applicable in this instance.

Recommendation

43. A. Subject to the Ecology Officer being satisfied that previous concerns have been overcome, to the receipt of an amended access plan, and to the prior signing of a Section 106 Legal Agreement restricting the occupation of the units to holiday lets only, delegated powers are sought to approve the application, subject also to the following additional conditions:
1. The use hereby permitted shall commence 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. Sc5 – Landscaping
 3. Sc6 - Implementation of landscaping
 4. Before the commencement of the holiday let use, hereby permitted, the new vehicular access shown on drawing number IT875/TS/03 shall be completed in accordance with the approved drawing (Reason - In the interests of highway

safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

5. Before the commencement of the holiday let use, hereby permitted, and upon the bringing into use of the new access, all of the existing accesses to the site shall be permanently and effectively closed, the ditch crossings opened up and the highway verge reinstated in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority (Reason - In the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
 6. Before the commencement of the holiday let use, hereby permitted, the vehicular crossing of the ditch/watercourse along the frontage of the site shall be constructed in accordance with a scheme, which shall previously have been submitted to and approved in writing by the Local Planning Authority (Reason - In the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
 7. Before the commencement of the holiday let use, hereby permitted, details of surface water drainage for the new access shall be submitted to and approved in writing by the Local Planning Authority (Reason - To prevent surface water discharging to the highway, in the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
 8. No unbound material shall be used in the surface finish of the driveway within 15 metres of the highway boundary of the site (Reason - In the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
44. In the event that the Section 106 Agreement is not completed, the application be refused.
45. B. That an enforcement notice be served to seek the cessation of the use for four dwellings with a compliance period of six months.

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

Planning Policy Statement 7 - Sustainable Development in Rural Areas;
East of England Plan 2008;
South Cambridgeshire Local Development Framework (LDF) 2007;
Department of Communities and Local Government - Good Practice Guide on Planning for Tourism 2006;
Circular 05/2005 – Planning obligations
Circular 11/1995 – The use of conditions in planning permissions
Planning application references S/1048/09/F; S/1979/08/F; S/0919/08/F; S/0386/08/F;
S/1502/07/F; S/1536/06/O; S/1535/06/O; S/1534/06/F; S/0099/06/LDC; S/1591/76/F;
C/0727/73/D; C/1169/72/O.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0990/09/F - DUXFORD**Demolition of Existing Dwelling and the Erection of 18 Dwellings, Access Road, Car Parking, Garages, Landscaping and Public Open Space (Revised Design to the Approved Scheme under Planning Permission S/2066/08/O) at 8 Station Road West and Land to the South of 10, 12 and 14, Station Road West, for Bellway Homes Essex****Recommendation: Approval****Date for Determination: 8 October 2009 (Major development)**

This Application has been reported to the Planning Committee for determination because the recommendation of refusal from Duxford Parish Council does not accord with the Officer recommendation.

Site and Proposal

1. The application site, measuring 0.64 ha, comprises the site of a recently demolished bungalow with rear garden at No 8 Station Road, together with parts of the rear garden areas of adjacent dwellings to the east at Nos 10, 12, and 14 Station Road. Station Road is a cul-de-sac leading to Whittlesford Parkway railway station which provides main line services to Cambridge and London Liverpool Street. To the south of the site is the A505 providing access to the M11. There is a fall in levels from the north to the south of the site down to the A505 boundary. To the west, the site is adjoined by a semi-detached house at No 6 Station Road which has a single-storey extension adjoining the western boundary with the site. To the east of the site access stands No 10 Station Road, a detached two-storey house.
2. The rear garden area of No 8 has a mature grove of apple trees some of which are the subject of a recently designated Tree Preservation Order. There are a number of mature trees and bushes on the boundary with the A505, and fencing on the upper western boundary adjoining the garden of No 6.
3. The character of development in Station Road West is characterised predominantly by detached properties with individual frontages onto the road. Development in depth is present to the east of the site at Owls Close. Recently, planning permission has been granted for the erection of 16 dwellings in depth on adjacent land to the east (**S/0572/09/F**).
4. This full application, dated 3 July 2009, proposes the demolition of the bungalow and the erection of 18 detached, semi-detached, and terraced houses with garages, on the site. The access road is shown to come through the frontage of No 8. The layout drawing shows 37 car parking spaces, including 2 disabled spaces, and turning heads to accommodate public service vehicles. An acoustic barrier 2.5 m in height is proposed for the southern boundary with A505.

S/0990/09/F Duxford



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October Planning Committee 2009

5. The application is accompanied by detailed elevations that show each house type, and street elevations. These show the majority of dwellings to be of two-storey height, with dwellings on four plots having rooms in the roof. The heights of ridges vary from 8.5m to 10.2m. Typical materials are stock bricks and concrete tiles.
6. Dwellings and garages on Plots 1 and 2 are shown to be sited a minimum of 1.5m from the western boundary adjoining the garden area of No 6, Station Road West.
7. Small amendments to the details of elevations to Plots 8 to 11 were received 30 July 2009, and an amended layout plan was received 17 September 2009. This proposed changes to the orientation of roofs to the garage/ carport to Plots 1 and 2, following representations received from the neighbouring occupier.
8. The proposal includes six affordable dwellings and twelve market dwellings. The mix of market dwellings is: 7 of 4-bed (58%), 2 of 3-bed (17%), and 3 of 2-bed (25%).
9. The proportion of affordable dwellings provision (net) is 35%. This comprises 2 two-bed houses for rent, 2 three-bed houses for rent, and 2 two-bed houses for intermediate rent to homebuy. The application has been supported by an Affordable Housing Statement, which sets out exceptional development costs in terms of a long and expensive access, road noise mitigation measures, underground high-voltage cable, ground conditions mitigation and specialised foundations, and a requirement for foul drainage pumping. This evidence is similar to that approved under S/2066/08/O.
10. The density of development is 28 dwellings per hectare.
11. The layout shows 665 m² of public open space, including a local area for play. Open space will be maintained by a private management company.
12. The applicant proposes to provide enhanced insulation and energy efficient light fittings, and to provide the six affordable dwellings with air source heat pumps in order to meet 10% energy targets in policies NE/1 and NE/3.
13. The application is supported by a Design and Access Statement, Affordable Housing Statement, Arboricultural Impact Assessment, Biodiversity Assessment and Report, Environmental Noise Assessment, Flood Risk Assessment, Geotechnical Report, Habitat and Reptile Surveys, Open Space Statement, Renewable Energy Statement, Transport Statement, Utilities Statement, and S106 Agreement Heads of Terms.

Planning History

14. **S/2066/08/O**- Demolition of Existing Dwelling and the Erection of 18 Dwellings- Outline planning permission issued 9 April 2009.
S/1426/08/O Residential development (21 dwellings) -Withdrawn 13/11/2008
S/0114/08/LDC Certificate of Lawfulness for existing use of land for garden area approved 8/8/2008
S/0083/08/LDC Certificate of Lawfulness for existing use of land for garden area approved 8/8/2008
S/1664/82/D Erection of three houses and garages space - approved 18/2/1983

S/1659/81/O Erection of three houses- approved 9/12/1981

S/1540/79/O Gypsy camp - refused 14/11/1979

Land rear of 24 Station Road West

15. **S/0572/09/F** - Erection of 16 dwellings with associated access road- Approved 6 August 2009

S/1890/07/F Erection of 15 dwellings with associated access road – Approved 2/01/2008

Land adjacent to 24 Station Road West

16. **S/1115/04/O** and **S/1574/07/RM** - Erection of 2 dwellings on the frontage and formation of access road into the site- details approved 8/10/2007.

6 Station Road West

17. **S/1060/09/F** – Extension of existing garage to form annexe- current application.

S/0044/09/F - Change of use of garage/workshop to residential use and construction of glasshouse enclosure and swimming pool- Approved 3 April 2009

Planning Policy

Planning Policy Statements:

18. **PPS 1-** Delivering Sustainable Development
PPS 7 - Sustainable Development in Rural Areas

East of England Plan

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

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

21. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/3 (Re-Using Previously Developed Land and Buildings)

ST/6 (Group Villages)

22. **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/6 (Construction Methods)

DP/7 (Development Frameworks)

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)

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)

23. Trees in the rear gardens of the dwellings at 8 and 10 Station Road West are subject to a provisional Tree Preservation Order made on 1 December 2008, confirmed with amendments 4 September 2009.
24. Supplementary Planning Documents
Open Space in New Developments SPD (2009)
Trees & Development Sites SPD (2009)
Biodiversity SPD (2009)
25. **Circular 11/95 - The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development of permitted, enforceable, precise and reasonable in all other respects.
26. **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 respects.

Consultations

27. **Duxford Parish Council:** recommendation of refusal for the following reasons:
 - 1) the allocation of affordable rented properties does not meet SCDC's criteria of 40%;
 - 2) the application ignores the Tree Preservation Order on the existing orchard;
 - 3) the development of eighteen homes in a 'group village' contravenes existing planning policy;
 - 4) the sums allocated for the provision of off-site play equipment and schooling is considered inadequate and 'mean' in relation to the size of the proposed development.
28. **Whittlesford Parish Council:** recommendation of approval (no comment).
29. **Trees and Landscape Officer:** no objection subject to suitable conditions. The submitted Arboricultural Impact Assessment is acceptable. The Trees and Landscape Officer has no objection to the removal of trees proposed in the submitted drawings.
30. **Ecology Officer:** no objection, as the scheme still retains a proportion of the orchard. Conditions recommended to control the removal of vegetation inside the bird breeding season, removal of Japanese knotweed and ecological enhancement.
31. **Housing Development and Enabling Manager:** No objection, following previous approval S/2066/08/O.
32. **Corporate Manager (Health and Environmental Services)** no objection subject to conditions ensuring the attenuation of traffic noise from the adjoining A 505, and restriction of the use of power operated machinery during construction hours.

33. **Corporate Manager (Contaminated Land):** no objection subject to a recommended condition.
34. **Local Highway Authority:** No objection subject to recommended conditions.
35. **Cambridgeshire Fire and Rescue Service:** recommended condition for the provision of fire hydrants.
36. **Cambridgeshire Archaeological Unit:** No comment in view of the extensive historic quarrying of the site.
37. **Environment Agency:** no objection subject to conditions preventing any pollution to controlled waters.

Representations

38. 6 Station Road West
 - a) A wall is required along the western boundary with No. 6 between 1.8m and 2.3m in height.
 - b) The siting of the dwelling on Plot 1 will cause a loss of privacy and amenity to No.6. The dwelling will be overbearing, and will result in overshadowing of the rear garden area. A single-storey property would be much more sympathetic. At the very least, the dwelling type should be changed to be the same as Plot 2, that is Type F, as this would considerably reduce the number of overlooking windows to front and rear.
 - c) There is only minimal additional planting proposed to screen the access road and properties from the main road. The trees and shrubbery adjacent to Plots 1 and 2 should be changed to evergreen species in order to lengthen the period of visual screening provided by them. This should be provided along the entire length of the western boundary.
 - d) The roof of the garages to Plots 1 and 2 should be altered to a pitch running west-east in order to improve screening of the house.
 - e) Plots 1 and 2 should not be used as the main show homes.
 - f) Plot 2: windows should be relocated at first floor level; bathroom window on the western boundary should be located to the southern elevation; windows on the northern and southern elevation should be positioned further away from the western boundary.
 - g) Extremely high densities and the properties are of similar and bland design, which will reduce the charm and quality of the neighbourhood.
 - h) The number of dwellings exceeds that outlined for brownfield sites in Duxford in policy, which is 15, and adjoins a similar scheme.
 - i) The high-density is vastly different to the current low density of residential dwellings in Station Road West. This is an urban type development that is out of context with its rural location.
 - j) The density is justified by the extensive cost of developing the site, but this should have been considered during the initial negotiation of the purchase of the site.
 - k) The scheme should use the already consented access serving the adjacent site for 15 residential dwellings.
 - l) Inappropriate housing mix, which does not address the needs of the retired or disabled.
 - m) Garden areas are too small.
 - n) Additional pressure on local school facilities.
 - o) The site could be linked to the adjoining development in the future and this would add to vehicular use of the proposed inadequate access.

- p) The road layout makes possible a future extension to the west.
- q) The tree preservation order should be fully protected. This is not recognised in the amended layout.
- r) Loss of ecological interest from the development of the extensive back gardens.
- s) Light pollution from street lamps.
- t) Noise and disturbance from traffic generation to a bedroom window at 6 Station Road West.
- u) Noise disturbance from commuters parking on the new access road. Will parking be restricted on this road?
- v) Increase in road noise and noise from the railway as a result of the loss of tree cover.
- w) Noise disturbance during the construction period.
- x) Will the developers take responsibility if the water table is contaminated by the proposed development?
- y) The development will provide access to the side boundary of No.6 with increased security risk. This boundary should be securely fenced and access well-secured during the construction period.
- z) Loss of outlook from the construction of dwellings on Plots 1 and 2, and loss of privacy during the construction period.
- aa) The western visibility splay in Station Road appears to encroach over the boundary.

39. 7 Station Road

A developers sign has been erected at the entrance to the site, trees have been removed and builders' huts placed on the site prior to planning permission being granted.

Planning Comments

Principle of development

- 40. Outline planning permission has been granted for the same number of dwellings, adopting substantially the same layout – S/2066/08/O issued 6 April 2009.
- 41. 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 represents a net increase of 17 dwellings, which is considered to comply with policy ST/6.
- 42. The density of development fails to achieve the 30 dwellings per hectare requirement set out in policy HG/1. The site is constrained by an upper limit imposed by policy ST/6 and it is considered this is sufficient ground to justify an exception to policy HG/1. A similar density of development has been approved on adjacent land to the east.
- 43. The proposal represents developments in depth in an area which is generally characterised by frontage development on Station Road West. However, development to the east in Owls Close and in the recently approved housing estate for 15 dwellings has established a precedent for in-depth development in this part of the village. I consider the proposed development to be consistent with the evolving character of the settlement, as required by policies DP/2 and DP/7.

44. The Council's Housing Development and Enabling Manager has advised on S/2066/08/O that the provision of affordable housing, although short by one dwelling of the formal requirement according to policy HG/3, was acceptable in the context of abnormal costs set out by the applicant. The mix of market housing offers dwellings with two, three and four bedrooms. This is a range of accommodation as required by policy HG/2 for schemes in excess of 10 dwellings. It is considered that the proposal complies with policies HG/2 and HG/3.

Layout of development and highways

45. The proposal meets open space requirements in accordance with policy SP/10, which should also be the subject of a condition requiring infrastructure provision. It is considered that the proposal has sufficient car parking provision, and that garden sizes are adequate. The local highway authority has indicated its acceptance of the scheme, taking into account the nature of the local road network and the level of traffic likely to be generated by the scheme. There is no link proposed to the adjacent approved development, and a proposal for such a link would require a further submission for planning permission.

Landscaping

46. The site is partially exposed on its boundary to the A505. The proposal includes additional planting and screening on this boundary, which is acceptable to the Council's Landscape Officer. Prior to the submission of the current application, a Tree Preservation Order was placed on apple trees in the rear garden of No. 8. The proposal will result in the removal of many of these trees, but this has been proposed in consultation with the Council's Trees Officer and Ecology Officer, who are recommending the revised proposal as acceptable in the context of the Tree Preservation Order.

Residential amenity

47. The occupiers of No.6 Station Road West have written with concerns about the impact on the amenities of their property from the development. The proposed driveway will be located a minimum of 5.0 m from the boundary with No.6. In the house, there is a room above the garage which has velux- type windows in its roof slope facing towards the proposed driveway. As these are orientated in the plane of the roof, I do not consider that there will be undue noise disturbance from the road to this bedroom. A second bedroom window is located at first floor level at a distance of 11 m from the driveway, and facing towards it. Given the distance from the proposed driveway, I do not consider that undue noise disturbance will result to this bedroom.
48. The occupiers of No.6 have expressed concern at the impact upon their amenity arising from the construction of dwellings on Plots 1 and 2. In the amended plans received 17 September 2009 the applicant has made adjustments in response to these concerns. The design of garage roofs has been revised as requested, and in Plot 2, a first floor bedroom window in the north elevation has been moved away from the shared boundary to reduce oblique overlooking of the rear garden of No.6. A first floor bathroom window in the facing elevation of Plot 2 will be hung so that the opening side blocks views northwards. Facing walls of each house/garage of Plots 1 and 2 have been moved further from the boundary compared with approved layout S/2066/08/O. There will be a degree of overbearing impact and overshadowing arising from this siting, but it is not considered that these are substantial reasons for refusal given the distance to the main amenity area of the dwelling at present. The applicant has agreed to revise landscaping proposals to take account of the

neighbour's concerns. The occupiers of No.6 have planning permission (S/0044/09/F) to introduce a covered swimming pool into this area, and a current application (S/1060/09/F) to extend an outbuilding to bring the window to a habitable room closer to the development on Plot 1. The applicants were fully aware of the adjacent proposal when submitting these planning applications. The design of Plot 1 has taken into account the need to minimise any overlooking by ensuring that first floor windows in the northern elevation nearest to the common boundary are obscure-glazed and in use as bathrooms. It is not considered that significant harm to the amenity of No.6 Station Road West will result from the finished development.

49. Duxford Parish Council has expressed concern about the proportion of affordable dwellings, and that the TPO on the orchard has not been considered. As explained above, these concerns have not been supported by the Council's Housing Development and Enabling Officer or Ecology Officer respectively. Also as discussed above, the development of eighteen homes (17 net) in a 'Group Village' is not considered to contravene existing planning policy. Finally, the sums allocated for the provision of off-site play equipment and schooling is in accordance with adopted Open Space SPD and County Council advice on S/2066/08/O.
50. In the event of planning permission being granted, a variation to the Section 106 Agreement for S/2066/08/O will be required to take account of the new planning permission.

Recommendation

51. Approval as amended by drawings received 30 July and 17 September 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 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. **In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the first dwelling hereby approved.**
 - (a) **No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.**
 - (b) **If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.**
 - (c) **The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.**

(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
5. **No development shall take place until details of the proposed children's play area including the number and type of pieces of play equipment have been submitted to and approved in writing by the Local Planning Authority. The play area shall be laid out and equipped as approved before the first occupation of any part of the development, or in accordance with a programme to be submitted to and approved in writing by the Local Planning Authority.**

(Reason - To provide outdoor play space in accordance with Policies DP/3 and SF/10 of the adopted Local Development Framework 2007.)
6. **No development shall begin until a scheme for the provision of bird nest and bat 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.)

7. **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).
8. **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. **acoustic barrier adjoining the southern and south-western/south-eastern boundaries of the site;**
 - b. **measures to be undertaken on site to control from construction operations;**
 - c. **Plots 3 to 13 inclusive: Acoustic glazing and ventilation units to dwellings;**
 - d. **Plots 1 and 2: Details of obscure glazing, fixed panes and method of opening to windows at first floor level in northern, western and southern elevations.**

(Reason – a) to c) - Insufficient information was submitted with the application to assure the Local Planning Authority that adequate noise mitigation measures will be completed to comply with Policies DP/6 and NE/15 of the adopted Local Development Framework 2007.

d) To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007)

9. **No development shall take place except in accordance with the recommendations and conclusions for the acoustic glazing and ventilation to dwellings contained in the Environmental Noise Assessment Report reference HHACY/9728/02R/MJL as submitted by Bellway Homes and prepared by H&H Acoustic Consultancy Division dated 30 June 2009.** (Reason: To ensure that that adequate noise mitigation measures will be completed to comply with Policies DP/6 and NE/15 of the adopted Local Development Framework 2007)
10. **No development shall take place except in accordance with the recommendations and conclusions for energy conservation and renewable energy to dwellings contained in the Renewable Energy Statement reference SRP3437 Issue 1 as submitted by Bellway Homes and prepared by Bespoke Builder Services Ltd dated June 2009.** (Reason: To ensure that that adequate energy conservation and renewable energy measures will be completed to comply with Policies NE/1 and NE/3 of the adopted Local Development Framework 2007)
11. **Prior to the commencement of development, hereby approved, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the Local Planning Authority:**
 - (a) **a preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual**

model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

- (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
- (c) The site investigation results and the detailed risk assessment (b), based on these, and conscience appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
- b) A verification plan provided details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

Any changes to these components shall require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.

(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.)

- 12. If 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 in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)**
- 13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. (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.)**
- 14. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage, which may include on-site attenuation, shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme. (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.)**
- 15. 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 protect occupiers of adjoining buildings from noise disturbance.)**

- 16. 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.)
- 17. The boundary treatment for each dwelling shall be completed in accordance with Drawing No.BW061-02-03 revision D before that dwelling is occupied and shall thereafter be retained, unless otherwise approved in writing by the Local Planning Authority.**

(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. In relation to the dwellings, hereby approved, on Plot 1 and Plot 2, and 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 and B (the enlargement, improvement or other alteration of a dwelling house or additions or alterations to its roof) 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 adjoining residential amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 19. No development shall begin until details of a scheme for the provision of recreational, educational and affordable housing infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policies DP/4, HG/3 and SP/10 have 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 that the development contributes towards recreational, educational and affordable housing infrastructure in accordance with the above-mentioned Policies HG/3, SP/10 and Policy DP/4 of the adopted Local Development Framework 2007.)
- 20. Prior to commencement of the development visibility splays with dimensions of 2.4 metres by 90 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access as shown on submitted drawing prepared by Richard Jackson plc Number 33959/HW01 dated 11 June 2009. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.**

(Reason – In the interests of highway safety and in accordance with Policy DP/3 of the adopted Local Development Framework 2007).
- 21. Prior to commencement of the development details of pedestrian visibility splays to those car parking spaces and parking blocks that are to exit directly onto the proposed adopted public highway, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. The visibility splay areas shall be kept clear of all planting, fencing, walls and the like exceeding 600mm**

high. (Reason – In the interests of highway safety and in accordance with Policy DP/3 of the adopted Local Development Framework 2007).

22. **No unbound material shall be used in the surface finish of any driveway, hereby approved, within 6 metres of the highway boundary of the site.**

(Reason – To avoid the displacement of loose material in the interests of highway safety and in accordance with Policy DP/3 of the adopted Local Development Framework 2007).

23. **The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.** (Reason: To prevent surface water discharging to the highway).

24. **No development shall begin until there has been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority a scheme of management of construction vehicles, equipment and materials required for the development of the site to be stored clear of the public highway during the period of construction. The development, hereby approved, shall not be carried out except in accordance with the approved scheme.** (Reason – In the interests of highway safety and in accordance with Policy DP/6 of the adopted Local Development Framework 2007)

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

- East of England Plan 2008
- Circulars 05/2005 and 11/1995
- Government Policy referred to in Paragraph 18
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- South Cambridgeshire Development Control Policies Development Plan Document 2007
- South Cambridgeshire Local Development Framework Adopted Proposals Map (2008)
- Open Space in New Developments SPD (2009), Trees & Development Sites SPD (2009), Biodiversity SPD (2009).
- Planning File refs S/0990/09/F, S/2066/08/O, S/0572/09/F, S/1060/09/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2308/06/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: 2nd March 2007
(Major Application)**

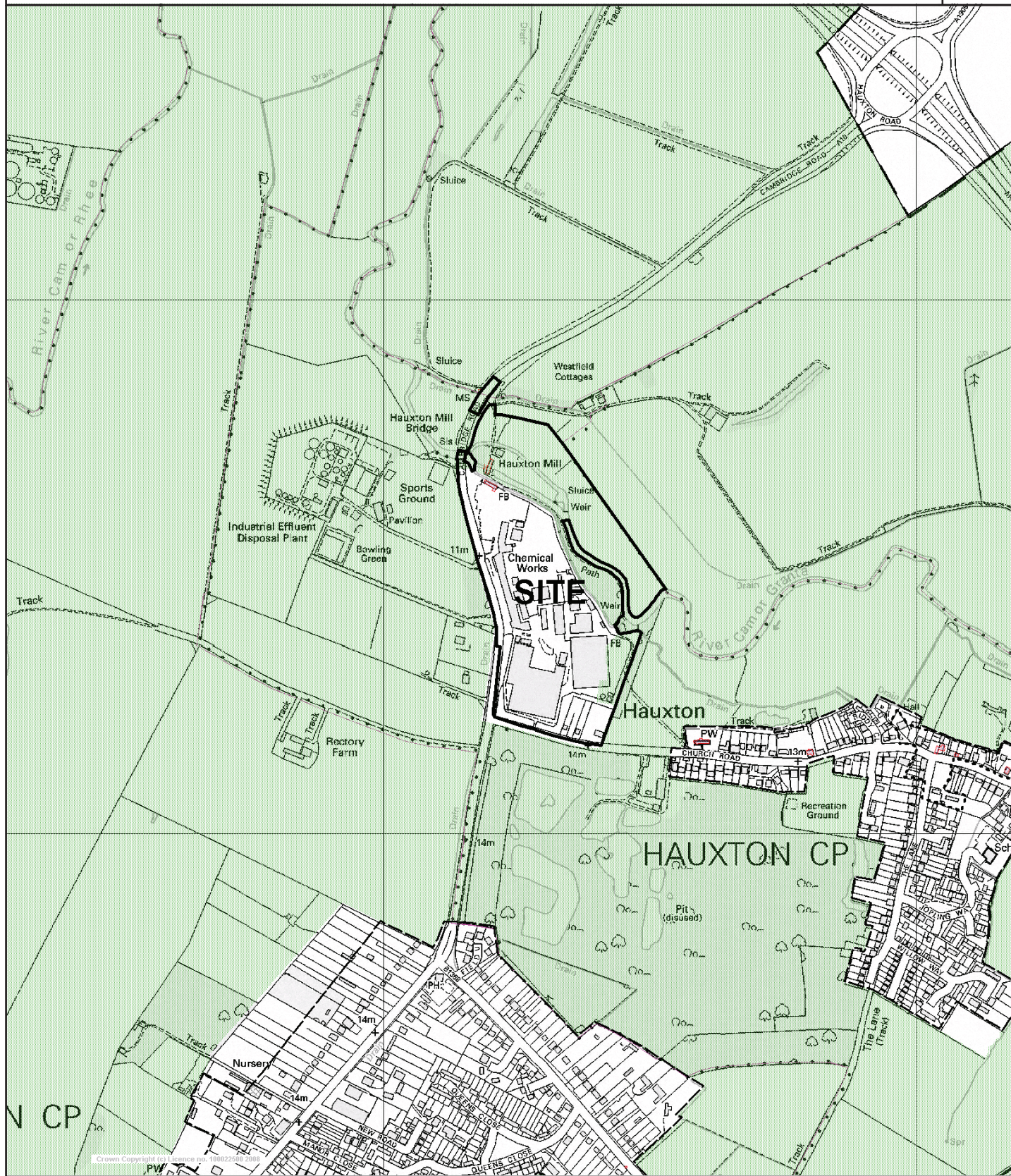
Notes:

This Application has been reported to the Planning Committee for determination, to update Committee on progress since the application was first considered on 3rd October 2007.

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. Planning Committee resolved to approve this application on 5th August 2009 subject to the prior completion of a Section 106 Agreement. A draft Agreement has been prepared.
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/2308/06/O Hauxton



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Scale 1/10000 Date 22/9/2009

Centre = 543243 E 252455 N

October 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 1st December 2006, 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. All matters are reserved, save for means of access, which will involve a new signalled controlled T-junction via the A10 and two local access points from Church Road, each serving approximately 20 houses.
6. Full details of the proposals, policy background, relevant history and representations are included in Appendix 1, which is the agenda report to 5 August 2009 Committee in respect of application S/2014/08/O, which proposed the same amount of development on the site.

Background

7. On 3rd October 2007:

“The Committee was **MINDED TO GIVE OFFICERS DELEGATED POWERS TO APPROVE OR REFUSE** the application, subject 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 within Hauxton village
- (b) A Local Equipped Area of Play within the site
- (c) Contributions towards:
 - The improvement in public transport provision;
 - The enhancement of cycleways along the A10;
 - Enhancement of the Great Shelford health centre;
 - Education facilities at Hauxton primary school;
 - 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 Floor 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.”

8. The application remains undetermined.
9. On 5th August 2009 Planning Committee refused application S/2014/08/O for the following reasons:
 1. “The application proposes a mix of uses, including up to 380 dwellings. This represents a net density of 54 dwellings per hectare. This density will create a cramped form of built development, which will not comply with Policy SP/7 of the Local Development Framework Site Specific Policies DPD Submission Draft January 2006, which anticipates around 250 dwellings on the site.

2. The application does not include sufficient affordable housing, other than 50% of the proposed 70 Extra-Care dwellings, to meet the requirements of Policy HG/3 of the Local Development Framework Development Control Policies DPD adopted July 2007, which requires 40% or more of the dwellings for which planning permission may be given on all sites of two or more dwellings to be affordable.”

10. Committee on 5th August 2009 also resolved to:

“Approve the application S/2307/06/F for the remediation of the site, subject to the prior completion of a suitable Section 106 Legal Agreement including an obligation to secure agreement from Atkins or other specialist consultant to act as an impartial and independent expert tasked with producing a report confirming the achievement of proper remediation of the site and providing a collateral warranty for the benefit of South Cambridgeshire District Council, and subject to the Conditions referred to in the report, amended as necessary as a result of further consultation and negotiation.

A draft Section 106 Agreement has been issued. The application remains undetermined pending its completion.

S/2308/06/O Referral to the Secretary of State

11. 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).
12. 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.”

Section 106 Agreement

13. The draft agreement has been the subject of extensive discussions since application S/2308/06/O was considered at Planning Committee in October 2007. 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.
14. 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. Planning committee considered the application against the background of the adopted Local Development Framework 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. In all respects the draft agreement has successfully incorporated all the requirements of Committee on 3rd October 2007.
15. Moreover, the objections raised by the Environment Agency and Highways Agency have been withdrawn in the consideration of application S/2014/08/O.

Applicant's submissions since 5th August 2009

16. In response to the Planning Committee's resolution on 5th August in regard to application S/2014/08/O the applicant has submitted additional documentation, which reflects the information submitted previously in respect of the above-mentioned application.
17. The proposals remain exactly the same as considered by Committee on 3rd October 2007. The updated material comprises:
- (a) Revised Planning Statement
 - (b) Revised Design and Access Statement
 - (c) Addendum to the Ecological Assessment prepared by RSK Environment Ltd
 - (d) Addendum to the Transport Assessment prepared by Savell Bird and Axon.
 - (e) Environmental Statement, which is a consolidated document formed of information previously submitted in respect of application S/2014/08/O.

LDF Site Specifics Policy DPD

18. The submission Draft January 2006 contained the following relevant policies:

(a) SP/7

“1. Land at Bayer CropScience Plc, Hauxton, is allocated for a sustainable mixed-use development. Development of the 8.7 hectare site will comprise an even balance between jobs in B1 employment development, and numbers of dwellings, as well as open space and community facilities.”

Section 2 sets out a number of matters to be included within the development;

(b) SP/10

“The following sites are allocated for employment development for uses within Class B1 of the Town and Country Planning (Use Classes Amendment) Order 2005 (Offices; Research and Development; and Light Industry):

“c. The former Bayer CropScience site at Hauxton as part of a mixed-use redevelopment.	Total Site Size to be specified following the preparation of a Masterplan or Development Brief.”
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19. The Inspectors who examined the Site Specific Policies DPD issued their report for ‘fact checking’ on 12th August 2009. That report changed the policy for the Bayer CropScience site to propose a high density residential-led development and the supporting text has also been changed to indicate that the development is expected to provide around 380 dwellings.

20. The DPD which was submitted to the Secretary of State in January 2006 proposed the redevelopment of the Bayer CropScience site to provide a mixed housing/employment development comprising an even balance between the number of jobs created and the number of houses. The supporting text indicated that the policy would provide around 250 dwellings.

21. Agents acting on behalf of Bayer CropScience objected to the DPD. The land was subsequently acquired by Harrow Estates who submitted this planning application for a residential-led mixed use redevelopment which proposed a lower amount of employment development and a correspondingly higher number of dwellings.

22. The objection to the Site Specific Policies DPD was heard by the Inspectors on 5th December 2007 when they had before them the objectors proposals for the scheme for 380 dwellings considered by the Planning Committee. Officers advised the Inspectors of the resolution to grant planning permission to the scheme subject to the resolution of a number of detailed issues.

23. Having considered all the evidence, the Inspectors 12th August 2009 ‘fact check’ Report amended the policy for the Bayer CropScience site to increase the housing content of the policy as follows (net changes underlined):

24. Consequently Part 1 of Policy SP/7 will read:

“1. Land at Bayer CropScience Plc, Hauxton, is allocated for a sustainable **high density, residential led** mixed-use development. Development of the 8.7 hectare site will comprise housing and B1 employment development as well as open space

and community facilities. **Development will be required to provide appropriate contributions to local services and facilities and the provision of a high quality bus service and cycle links to Cambridge (including long-term financial support if necessary).**

25. The supporting text at Paragraph 2.14 will read:

“2.14 The Bayer CropScience site near Hauxton offers a specific opportunity where a brownfield site is to come available for redevelopment, located near to the edge of Cambridge. The site comprises an intensively developed industrial site, including manufacturing and warehousing. Appropriate redevelopment will comprise a mix of uses, to maximise sustainability. It is anticipated that it will provide around 380 dwellings. **The Council’s Planning Committee has resolved to grant planning permission subject to the resolution of a number of issues. A revised application that addresses these issues was submitted in November 2008.** it will enable visual improvement of this prominent site, improving a major approach into Cambridge. It will need to be sensitively designed to take account of its position surrounded by Green Belt. It is capable of being developed with good links to the Trumpington West development, and the Trumpington Park and Ride, as well as the village of Hauxton itself. The site also offers opportunities for improved access to the River Cam. Part of the site lies within the medium risk flood zone, and appropriate mitigation measures will be required. Proposals for **the** redevelopment of the recreation buildings and waste water treatment facility on the western side of the A10 will be considered in the context of proposals for appropriate development within the Green Belt. **As a planning objective it would be highly desirable to secure the removal of the incongruous industrial structures on the site. Particular consideration should be given to proposals that remove these structures and improve the visual appearance of the site.**”

26. Finally the Inspector states:

“The Council will need to correct the drafting error on the Proposals Map to exclude from the Green Belt the section of the site which is covered by hardstanding within the perimeter wall.”

27. The revised text inserted by the Inspectors states that this policy is anticipated to provide around 380 dwellings. On the basis of the October 2007 resolution of the Committee, the Inspectors were advised in March 2009 that the contribution from this site towards meeting the housing shortfall which the Inspectors had previously asked the Council to address would be 130 dwellings.
28. As part of the recent officer ‘fact check’ the Inspectors were advised that the Planning Committee refused planning permission for the second planning application for development at its August 2009 meeting, that the planning application subject to the October 2007 resolution remains undetermined and that the applicants have asked for that application to be returned to be Committee for determination.
29. The Inspectors final report was received on 28th September 2009 confirming the changes included in their ‘fact check’ report. The Inspectors final report is binding on the Council. The Council cannot therefore make any other changes to the DPD prior to adoption. Technically, any planning application which is not in accord with the DPD which was submitted in January 2006 would be a departure from the development plan until it is adopted by Council and would have to be referred to the Secretary of State. Because the application subject to the October 2007 Committee resolution has already been referred to the Secretary of State who has decided not to intervene, there is no impediment to the Planning Committee approving that application.

Consultations in regard to applicant's submissions

30. If an Environmental Statement is submitted after the submission of a planning application, the applicant is responsible for publicising the statement both in the local press and on the site. This has been done.
31. All consultations in regard to application S/2014/08/O remain relevant (Appendix 1). A number of consultees have responded further.
32. **NHS Cambridgeshire** confirms that agreement was reached that a sum of £168,750 would be made in respect of a Section 106 contribution to fund an extension to Shelford Health Centre. This should be maintained. It also needs 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.
33. **County Council New Communities** has already agreed a contribution (£762,933) to be applied to primary education in Hauxton.
34. **Natural England** has no additional comments to those already provided.
35. **Ramblers Association** would have concerns if the safe passage of walkers were to be impaired.
36. **Environmental Health Protection Team Leader** comments:

"I wish to confirm that I have received a copy of the above application, and the additional material, and have considered the implications of the proposals with respect to land contamination and human health, noise and air quality (including dust). In order to give a comprehensive response, previous comments on consultations concerning these documents have been re-iterated below along with recommended conditions.

The redevelopment of this site cannot take place until the remediation, as agreed in S/2307/06/F, has been completed and validated. Conditions attached to the remediation application S/2307/06/F have been drafted in full consultation with the Environment Agency. The inclusion of residential use within this proposal will ensure that the standard of remediation undertaken is to a higher specification than would be required by enforcement of the Contaminated Land Regulations to remediate the site. A number of conditions relating to land contamination are recommended below. The proposal to include a requirement within the S106 agreement for a consultative committee to be set up is fully supported by this department. This will enable a means of communication between all parties potentially affected by these proposals.

The air quality assessment has concluded that there will not be a significant impact from emissions arising from this development. However, with any large development we would encourage a low emission strategy approach to reduce the impact of vehicle emissions arising from the development. The applicant has embraced this concept with the provision of a new bus service embodied within a S106 Agreement.

Dust arising from redevelopment has the potential to impact on adjacent land and residential properties. In order to mitigate any impact, the measures detailed in the document 'Environmental Statement - Main Report' August 2009, Section 8.54: 'Construction Impacts' should be in place prior to commencement of works, see condition 1 below. Best practice is detailed in the Building Research Establishment (BRE) document titled 'Controlling dust from construction sites' (2003).

Spectrum Acoustic Consultants, in their report: Noise Impact Assessment on proposed development at Former Bayer CropScience Site, Cambridge Road, Hauxton, Ref NDD2217/NDT/26116, concluded that the site immediately adjacent the A10 was in category NEC C whilst the majority of the site lies in NEC B. This means that conditions will be needed in some properties to ensure an adequate level of protection from traffic noise, see condition 2 below.”

The above-mentioned conditions are included in my recommendation below. (conditions 32 and 33).

37. **Highways Agency** has no objections subject to the imposition of a condition to ensure the highway improvements at M11 J11 have been implemented before any part of the Bayer Site development is brought into use.
38. **County Highways Authority** has no objections. It notes that:
 - (a) The A10 junction “shows a left in/left out on the western minor arm with no signal control. With this layout and the existing low flows the lack of signal control on this arm is acceptable. However, the Highway Authority would bring to the attention of the developers that there is very limited potential with the proposed layout for upgrading to accommodate a signalised fourth arm that would carry any significant flow without compromising the capacity of the major road and the junction with the M11 to the north-east. This may have implications for their future aspirations at the site to the west of Hauxton Road and prejudice its future development.
 - (b) Please ensure that all of the Highway Authority’s comments have been taken on board and implemented within the submitted document.
 - (c) 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.
 - (d) Please condition that the submitted indicative drawing submitted with this outline application does not include sufficient information in respect to any Reserved Matters application that maybe submitted to the future.
39. **Anglian Water** has no objections. It has provided advice to the applicant as informatives. It states that foul drainage will be treated at Haslingfield Sewage Treatment Works that at present has available capacity for these flows.
40. **County Council Definitive Map Officer** broadly approves of the proposed treatment of the three public footpaths within the planned development. However, he has a number of specific comments about the detail of the proposals and some concerns regarding the need to properly integrate the new community within an enhanced local public access network. The applicants are recommended to meet the Countryside Access Team to discuss the protection and enhancement of the existing network, a desire to establish a public right of way along the River Granta to Great Shelford, for which an estimated sum of £30,000 would be necessary and an upgrading of the shared use foot/cycle path running along the west side of the A10 into Cambridge.

Representations

41. The owner of The Little Manor and land adjoining to the east of the site does not believe that this application should proceed further, given that an identical application has been refused and previously outstanding points on the original application have failed to be resolved for nearly two years. Nevertheless the following objections (summarised) are repeated:
- (a) The number of dwellings breaches Government guidelines and requires a density of housing and population, which is unsuitable for the location;
 - (b) Lack of affordable housing cannot be compensated for by wardened housing for the elderly, much of which will be sold to wealthy pensioners. This defies Government Policy and is socially divisive;
 - (c) When the houses are constructed, breaching of the 1 metre cover system may endanger human health. It will continue to be a health hazard and to contaminate the adjacent river, particularly if the failing bentonite wall is removed or further breached;
 - (d) The adequacy of the Environmental Impact Assessment is questioned and would be the subject of a further application for judicial review; and
 - (e) The site cannot be made permanently safe for residential development. The Environment Agency should use its powers to make the polluter pay and serve notice on Bayer to clean-up the site.
42. The owner of the nature reserve and woodland nursery on the south side of Church Road comments:
- (a) This application should be refused on the same grounds as application S/2014/08/O;
 - (b) The approval of remedial work is noted. If the site is cleared of chemical contamination, approval for the construction of domestic housing could be given. Should any health risk arise later due to the previous contamination of the site, then SCDC would be legally liable. This could be extremely expensive for ratepayers of the future.
 - (c) The proposal is still that of an urban development by its density, height and appearance of buildings. This is not suitable or appropriate in the rural setting of Hauxton village.
 - (d) Should now or in the future the Planning Committee approve an application it is important that the landscaping established on the North side of Church Road is maintained between Church Road and the nearest buildings erected to the road.
 - (e) Serious consideration must be given to the traffic problem which would be created at the junction of Church Road and the A10.

The writer is not against some development of this site but is concerned with the health issues and the way such a development would fit into the village structure of Hauxton.

43. Cam Valley Forum (CVF) has asked that its previous objections on both redevelopment applications be taken into account. These are summarised as follows:
- (a) The size and density of the proposed development will inevitably lead to an unsightly urban intrusion into the landscape of the Cam River valley, entirely contrary to the stated environmental policy of South Cambridgeshire District Council to enhance and protect this area from exactly this kind of development;
 - (b) The lack of affordable housing and the nature and size of the development will mean that it will overshadow Hauxton village and bring little benefit to those in need of local housing;
 - (c) There is a lack of care for either the present condition or future use of the listed buildings on the site. Recent damage to the river-wall of the Mill House, and the unsatisfactory explanation put forward for the cause of this is noted.
 - (d) The application that has been 'resurrected' lacks the few concessions and improvements that were made in the recently refused application. The suggestion of phased development is opposed and the environmental information added here to the old application is so fragmentary as to be almost meaningless. It is essential that the whole of this site is remediated to a condition that makes it suitable for housing before any development takes place on any part of the site.

CVF does not feel that this is the proper way to push through redevelopment of the site in opposition to the concerns expressed, and the decision made, at the Planning Committee on 5 August 2009.

Representations by the applicant

44. In response to the decision to refuse application S/2014/08/O the applicant has commented further on the specific grounds in the Amended Planning Statement.
45. On the matter of density it is stated that:
- (a) The density is in accordance with the provisions of the Inspector's Report into the emerging Site Specific Policies DPD (subject to fact checking) and specifically Policy SP/7.
 - (b) "For an essentially sub-urban site on a transport corridor, proposed to accommodate predominantly terraced houses and flats such as the former Bayer CropScience Ltd site, the Urban Design Compendium (September 2007) states that an average net density range of 50-80 dwellings per hectare is common. However, even if it were to be argued that the site should be described as a 'currently remote site' in a 'sub-urban' setting the Urban Design Compendium suggests a scheme with predominantly detached and linked houses would have a density range of 30 to 65 dwellings per hectare. The net density proposed of 54 dwellings per hectare therefore sits comfortably within either of these density parameters and demonstrates that there is a range of design solutions available to inform the final scheme design through the submission of reserved matters."
 - (c) "This density is also generally in line with Policy HG/1 of the Development Control Policies DPD which states that higher net densities of at least 40

dwellings per hectare should be achieved in sustainable locations where there is a good range of services and where there is potential for good local public transport services. The provision of improved local services and public transport services in conjunction with the development will make the site a sustainable location.”

- (d) “The density of the site accords with the objectives and guidance of PPS3. The significant improvements to the local public transport accessibility, the need to use land efficiently, the need for housing in the District and sub-region and the opportunity to promote high quality design make the site suitable for the level of development proposed in accordance with PPS3.”
- (e) “It should be recognised that the measurement of density is however only a crude indicator of levels of development on a site. The urban Design Compendium 2 (September 2007) provides an important example of this crudeness explaining that apartments built at 60 dwellings per hectare can have a smaller built volume than larger houses at 30 dwellings per hectare.”
- (f) “At the former Bayer CropScience Ltd site if the levels of 1 and 2 bedroom units required to meet the Council’s prescriptive mix of dwelling sizes set out in Policy HG/2 of the Local Development Framework are provided the density of the site is effectively skewed upwards. The likely compact form of the proposed Extra-Care housing, a feature of this type of housing, will also accentuate the skewed effect. However, if the probable size and form of these 1 and 2 bedroom units are taken into account the appearance of the site would not appear to be overdeveloped.”

46. On the matter of affordable housing it is stated that:

- (a) “The Council has indicated that there is a need for Extra-Care housing including an affordable element. Therefore, the provision is in accordance with Policy HG/2 which requires affordable housing to be of an appropriate mix to respond to identified housing needs at the time of the development.
- (b) It is proposed that 50% of the seventy Extra-Care dwellings will be affordable and be provided by an agreed Registered Social landlord (RSL) either on a shared ownership and/or social rented basis. This will equate to nearly 10% of the overall potential 380 dwellings on site being affordable. The delivery of these units will be ensured through their inclusion as an obligation in the S.106 legal agreement for the redevelopment of the site.”
- (c) Whilst the provision of affordable housing is below the Council’s target of 40% of dwellings being affordable, paragraph 3 of Policy HG/3 of the adopted Local Development Framework provides for negotiation on the proportion of affordable housing to take account of any particular costs.

47. Harrow Estates has prepared and submitted to the Council detailed housing viability appraisals on a private and confidential basis which demonstrate that the redevelopment of the site cannot afford to provide a greater level of affordable housing than currently proposed without compromising the deliverability of the redevelopment proposals. The current S.106 infrastructure provisions have been maintained from the levels agreed in 2007 despite the precipitous decline in the housing market in the interim period. If more affordable housing is required than currently proposed then the infrastructure provisions will have to be reduced and the proposals critically affected.

Planning Comments

48. Applications S/2308/06/O and S/2014/08/O propose the same amount of development and same mix of uses on this brownfield site. In October 2007 Planning Committee resolved to approve the former application, subject to resolution of outstanding matters. Yet in August 2009 it resolved to refuse the latter application.
49. Since October 2007 the outstanding issues have been substantially resolved and all the necessary contributions and infrastructure requirements have been incorporated in the draft Section 106 Agreement which is close to completion.

Density

50. Following the issue of the decision on application S/2014/08/O, the Inspector's Report on the examination into the Site Specific Policies DPD has been received. Not only does it confirm the allocation of the site for a high density, residential led mixed-use development, but it also specifies that the development will provide around 380 dwellings. This overcomes reason No. 1 of the decision upon application S/2014/08/O. Moreover, it accords with Government Policy within Planning Policy Statement (PPS) 3, Housing, which states at paragraph 40 that 'a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed' and, at paragraph 45, 'Using land efficiently is a key consideration in planning for housing.'
51. Moreover, in deciding planning applications, Local Planning Authorities should have regard to achieving high quality housing (paragraph 69, PPS3), a variety of housing, particularly in terms of tenure and price and a mix of different households (paragraph 20, PPS3) and a variety of high quality market housing (paragraph 25, PPS3).
52. This proposal achieves the efficient and effective use of land. High quality housing is not necessarily synonymous with low density. PPS3 states at paragraph 50 that 'if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. The quality of the housing development will be an important consideration when any application for the submission of reserved matters is received.
53. Although the net density is 54 dwellings per hectare and accords with adopted Policy HG/1 of the Local Development Framework 2007, it must be remembered that the intended mix of 50% one and two bedroom dwellings, 25% three bedroom and 25% four or more bedroom dwellings fully accords with the provisions of Adopted Policy HG/2 of the Local Development Framework 2007.

Affordable Housing

54. The applicant has previously 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.

55. In response to reason No. 2 of the decision upon application S/2014/08/O, the applicant has carried out two further viability appraisals utilising the Housing Corporation Appraisal model to assess potential affordable housing models. These appraisals include agreed S.106 education, infrastructure/public transport, community facilities, primary care trust and other costs (including open space). One scenario assumes provision of the 70 Extra-Care homes, of which 50% would be affordable; the other assumes provision for 20% affordable housing with no grant funding. The former demonstrates the Section 106 payments are a considerable burden upon development, whilst the latter appears to be an uneconomic option.

56. The provision of a mix of housing, both market and affordable, is an important objective of Government Policy. However, it is recognised that development may not be able to meet all requirements set out in policies and still be economically viable. Circular 05/2005, Planning Obligations, states at paragraph B10:

"In some instances, perhaps arising from different regional or site-specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported, for example, by local or central taxation. If, for example, a local authority wishes to encourage development, it may wish to provide the necessary infrastructure itself, in order to enable development to be acceptable in planning terms and therefore proceed, thereby contributing to the sustainability of the local area. In such cases, decisions on the level of contributions should be based on negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place."

57. Policy HG/3 of the LDF Development Control Policies, adopted July 2007, reflects the Government approach in this regard. Paragraph 3 of the Policy states;

"Within individual developments, the proportion and type of affordable housing will be the subject of negotiation with applicants. Account will be taken of any particular costs associated with the development (e.g. site remediation, infrastructure provision) and other viability considerations, whether there are other planning objectives which need to be given priority, and the need to ensure balanced and sustainable communities."

Conclusion

58. 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 final Inspector's binding report on the public examination of the Site Specific Policies DPD has been received. Adopted SPDs of particular relevance are Open Space in New Developments (January 2009), Public Art (January 2009) and Biodiversity (July 2009).

59. The site is allocated for a high density, residential led, mixed-use development under Policy SP/7 Bayer CropScience within the Site Specific Policies DPD. This is to provide around 380 dwellings, which will contribute towards the Council's housing provision for the District. It will also correct a drafting error to exclude a small part of the site from the Green Belt.

60. 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, a grant of planning permission will deliver a sustainable development, which will visually improve this prominent site. 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.
61. 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 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 and to the strict conditions to be imposed on the permission for the remediation of the site.
62. 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. A reduced level of affordable housing provision is considered justified in the light of the costs of remediation and the extent of other negotiated obligations achieved in accordance with adopted Policy HG/3.

Recommendation

63. Subject to the prior completion of the S.106 Agreement, it is recommended that the application be approved, subject to the following conditions, substantially in those terms but subject to any revisions considered necessary to secure completion of, and to accord with, the S.106 Agreement.
64. 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.)
32. No development of any building, phase or sub-phase shall commence until measures to mitigate potential dust arising from operations on site are in place as detailed in Section 8.54 'Environmental Statement - Main Report' August 2009.
(Reason - To ensure that dust arising from operations on site does not lead to deterioration in air quality or a nuisance.)
33. No development of the residential units hereby permitted shall take place until a noise attenuation/insulation scheme (having regard to the building fabric, glazing and ventilation) for the residential units in order to protect occupants from A10 traffic noise have been submitted to and approved in writing by the Local Planning Authority. The noise insulation scheme shall demonstrate that external and internal noise levels recommended in British Standard

8233:1999 'Sound Insulation and noise reduction for buildings - Code of Practice' shall be achieved, having particular regard to rapid/purging ventilation requirements should achieving acceptable internal noise levels rely on keeping openable windows closed. The noise insulation scheme as approved shall be fully implemented and a residential noise insulation scheme performance completion report shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any residential unit. The approved noise insulation scheme shall thereafter be retained and maintained in strict accordance with the approved details in perpetuity and shall not be altered without the prior written approval of the Local Planning Authority.

(Reason - To ensure that sufficient noise attenuation is provided to all residential properties to protect the residents from the impact of A10 traffic noise and safeguard the amenity and health of future occupiers in accordance with Planning Policy Guidance Note 24, 'Planning and Noise' and South Cambridgeshire Local Development Framework Development Control Policies 2007, Policy NE/15.)

Plus Informatives as required from the Highway Authority, Anglian Water, Environment Agency and Environmental Health Officer.

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.
- Local Development Framework Core Strategy and Development Control Policies 2007.
- Site Specific Policies DPD (Submission Draft 2006) and Inspector's Final Report.
- 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, S/2014/08/O and S/2307/06/F.

Contact Officer: David Rush – Development Control Manager
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0547/09/F- LONGSTANTON
Change of Use to Builders Merchants, Erection of Workshop with
Ancillary Parking and Landscaping
At Land to the East of 'Lyndhurst', Station Road for Aspinalls Builders Merchants Ltd

Recommendation: Refusal

Date for Determination: 10th June 2009

Members will visit the site on Wednesday 7th October 2009.

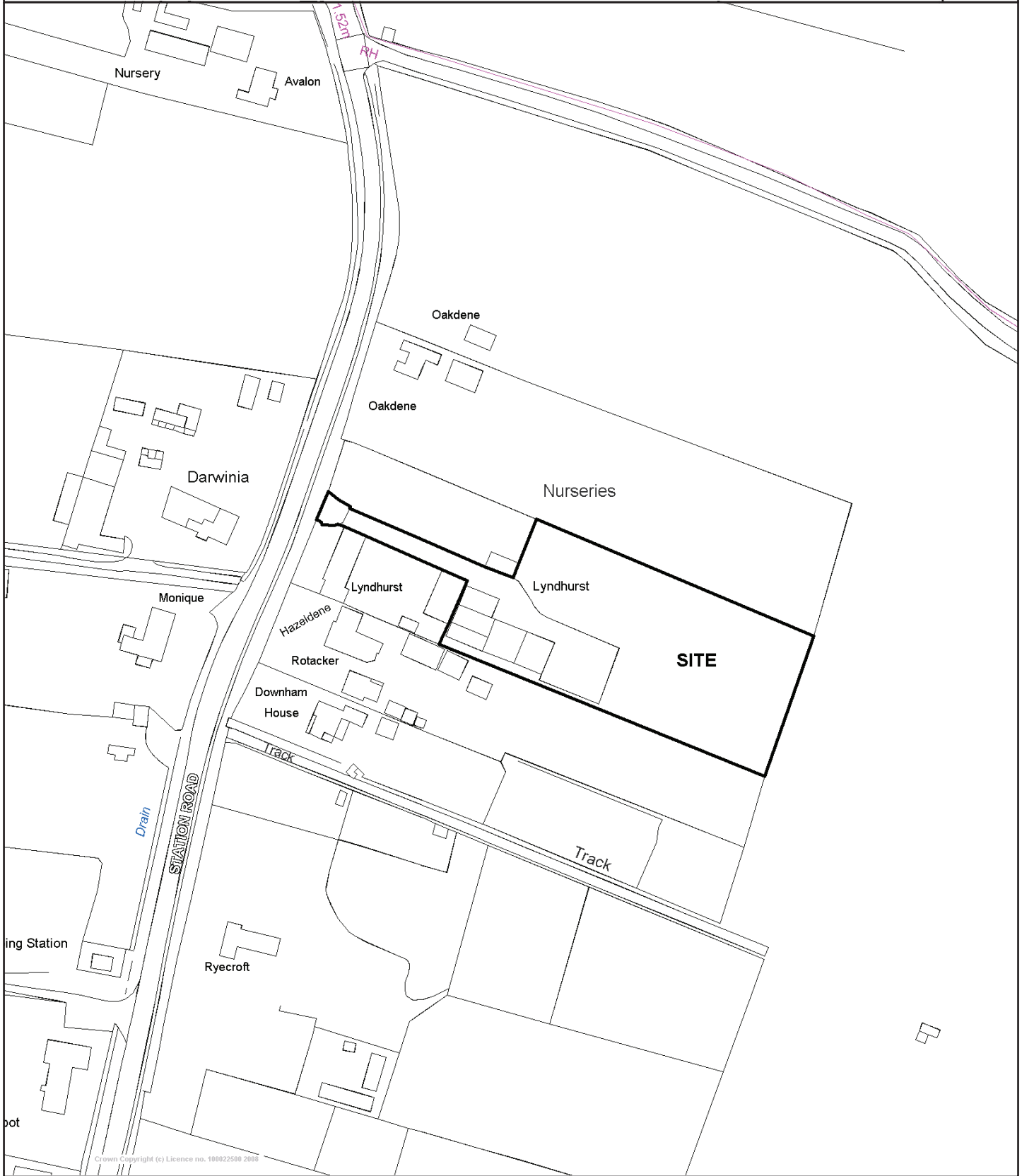
Notes:

This Application has been reported to the Planning Committee for determination because it is a Departure from the Development Plan.

Site and Proposal

1. The application site is 0.5 hectares in size and located outside the village framework for both Longstanton and Willingham. The site is located closer to Willingham but in the Parish of Longstanton, approximately 0.7 kilometres south of the Willingham village framework boundary.
2. The site is located to the rear of the dwelling house named Lyndhurst (owned by the applicants) and sited on the B1050 road running between Longstanton and Willingham. The buildings on site currently have a footprint of approximately 230m². The units are single storey and located close to the southern boundary of the site to the rear of Lyndhurst and the neighbouring property Hazeldene. To the north of the site runs a thick band of leylandii screening, the neighbouring property called Oakdene and views of the surrounding countryside. To the east of the site, furthest from the road, the area is currently used for growing Christmas trees. This area is to be replaced with an area of hard standing for the storage of building materials and parking of vehicles. A brick wall with railings and piers defines the west boundary of the site. The site is accessed from this boundary via a large entrance gate and tegula paved hard standing.
3. The site is partly used for horticultural purposes and the ancillary retailing of Christmas trees. There are storage buildings on site also. Neighbouring properties are loosely arranged to the north and south on large plots (ribbon development).
4. The full application received 15th April 2009 and amended 16th July and 3rd September 2009 seeks consent for the change of use to Builders Merchants with erection of a 13m x 8m (104 sq.m) workshop with ancillary parking (28 car spaces) and landscaping. The workshop is for a separate company called Universal Fencing that operates under Aspinalls Builders Merchants. The application is accompanied by:
 - (a) Design and Access Statement
 - (b) Planning Statement

S-0547-09-F Longstanton



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Scale 1/1711 Date 17/9/2009

Centre = 540029 E 268626 N

October 2009 Planning Committee

5. The application seeks the relocation of the applicant's yard from their existing site on Over Road, Willingham. Existing employees (8 full-time and 3 part-time) will be retained with an opportunity to expand employment numbers.

Planning History

6. **C/0404/67/D** – Erection of Glasshouse and Boiler Houses - Approved.
7. **S/2383/88/F** – Extension - Approved.
8. **S/1465/91/F** – Front Wall and Piers – Approved.
9. **S/1071/91/F** – Storage Building – Approved.
10. **S/0051/02/F** – Agricultural Dwelling – Withdrawn.
11. **S/0429/07/F** – Storage Building following Demolition of Existing – Approved (net increase 192 sq.m. floor space).
12. **S/01703/08/F** – Change of Use to Builders Merchants – Withdrawn

Planning Policy

Planning Policy Statements:

13. **PPS1** (Delivering Sustainable Development)
14. **PPS 7** (Sustainable Development in Rural Areas)
15. **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.

South Cambridgeshire Local Development Framework Development Control Policies 2007

16. **DP/1** (Sustainable Development)
17. **DP/3** (Development Criteria)
18. **DP/7** (Development Frameworks)
19. **ET/5** (Development for the Expansion of Firms)
20. **NE/9** (Water and Drainage Infrastructure)
21. **TR/1** (Planning for More Sustainable Travel)
22. **TR/2** (Car and Cycle Parking Standards Consultation)

Consultations

23. **Longstanton Parish Council** – Makes no recommendation, in regard to amended details of the proposed storage unit, but originally recommended refusal for the following reasons:
 - (a) Detrimental impact on neighbouring residents.
 - (b) Altering the character of the residential area.
 - (c) Increase noise levels from parking vehicles, commercial vehicles, turnover of tradesman, retail customers and workshop site equipment will reduce the peace and privacy for residents.

- (d) Neighbouring gardens flooded in 2000 and 2001 therefore potential increase in flooding risk due to additional concrete areas.
- (e) Manoeuvring of vehicles causing an adverse effect on the safety and free flow of traffic, bus route schedules and cyclists using new cycle path adjoining the public highway.

The Design and Access Statement:

- (a) B7 refers to the area being outside the defined settlement boundary. There is no defined designation of a settlement boundary.
- (b) The statement that the private owners have occupied the housing since 1999 is incorrect; there is a great deal of houses in the village under private ownership well before 1999.
- (c) B26 referenced to the traffic congestion, we disagree that the new site will be any better than the existing site, as it is sited on a busy bus route road (B1050) and will cause inconvenience to neighbouring residents and motorists. It is unlikely that relocating to an extended site will be less of a nuisance.
- (d) B.1 we question the designation of the site as being Brownfield as it is currently used for an agricultural purpose of growing Christmas trees.

24. **Local Highway Authority**

A letter received 27th July 2009 from the Local Highway Authority informs that the dimensions on drawing PO3 E for the car parking spaces, associated manoeuvring space and the turning area for a 38 tonne articulated vehicle are acceptable.

The proposed visibility splay to the south falls outside the requirements of the Design Manual for Roads and Bridges. However, the shortfall within the context of the overall splays is acceptable and the Highway Authority has no significant concerns relating to this matter.

Two 2.0 x 2.0 metres visibility splays shall be provided and shown on the drawings. The splays are to be included within the curtilage of the application site. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

- 25. **County Archaeological Unit** – Recommends that any planning permission be subject to a negative condition requiring a scheme of archaeological work in advance of development.
- 26. **Corporate Manager (Health and Environmental Services)** – has raised no objection though has recommended conditions regarding external flood lighting, hours of work and pile foundations.
- 27. **Environment Agency** – The site is not in a medium or high-risk flood area. Localised flooding is mentioned as a concern through neighbour objections though this could be alleviated through appropriate hard standing materials so as not to increase surface water run off.

Representations

- 28. Since the amendments (16th July and 3rd September 2009) there have been 5 further representations from neighbouring properties in addition to the 5 original letters of objection. The majority of these are from those who made representations to the earlier scheme. It has been reiterated that they wish their new correspondence to be

read in addition to their earlier objections. A new objection has been received from the occupier of Rotacker located to the west of Lyndhurst

29. Representations have been received from Stanton Farm directly opposite; Hazeldene located to the south of the site; Oakdene to the north of the site; Downham House, neighbour south of Hazeldene; and Monique located opposite south west of the proposal site.

Objections are as follows:

- (a) Noise and disturbance from traffic.
- (b) Noise and disturbance from workshop.
- (c) Possibility that vehicles will have to wait on road as there are no passing areas.
- (d) Increase in traffic.
- (e) Traffic hazard.
- (f) Concern about cycle lane across the front of the site.
- (g) Large slow moving vehicles cause disturbance during specific time of the year.
- (h) Already refused scheme for Berrycroft Stores to relocate along this stretch of road – traffic has increased so what has changed?
- (i) The development of Northstowe will increase traffic.
- (j) Development of the guided busway proposes a stop along Station Road
- (k) High level of parking.
- (l) Inappropriate development in the countryside.
- (m) Not in accordance with Government Policy PPS7.
- (n) Alternative use should be sought on business parks where there are plenty of open and empty units.
- (o) Trees die and the trees to the south are not in the applicants' control.
- (p) Other sites are referred to as B8 storage uses and are actually agricultural land and private residential.
- (q) The proposed workshop will be development on Greenfield land not Brownfield.
- (r) Change from nursery with ancillary storage into a large scale Brownfield site will increase traffic flow and retail for a non-rural use.
- (s) Retail all year round at a high level.
- (t) Introduction of a workshop is not B8 storage.
- (u) If minded to approve, restrict trading hours, deliveries, hours of use of workshop, noise attenuation, sufficient landscaping and no more than 10% of the overall turnover being retail – retail being defined as any purchase by a person who does not derive their principal income from the building trade.
- (v) When the A14 is congested many vehicles use this route.
- (w) Sewerage removal by private contractors will mean more lorries.
- (x) Limited site in Willingham does not mean a bigger site in Longstanton, as this will increase movement more so.
- (y) Soundproofing needed.
- (z) Previous refusal for building, horticultural merchants refused along this stretch of road in 1989.

30. New objections are as follows

- (a) Attract a large number of car borne visitors to a residential and retired community adversely affecting way of life.
- (b) Noise levels – cars in /out of the site, reversing lorries, forklift truck operation, woodwork machines for the fencing company.

- (c) Best located in an area designated for industrial and commercial development and not predominately residential.
 - (d) The land at the rear of Lyndhurst is not industrial, manufacturing or retail.
 - (e) Still unclear as to where the retail premises is to be sited.
 - (f) The use of the site as B8 storage and distribution is totally wrong.
 - (g) The site/storage unit has never been retail, never been a manufacturing site and never a business site (only market gardening for one family).
 - (h) Perishable goods were stored on site and sold off site at markets and the site never used for retail.
31. There has also been an email representation received that indicates the application fails to include the level of deliveries that Universal Fencing may propose, that they already have early morning deliveries at their current site and large lorries are regularly used. It is also pointed out that there is an alternative site in the village the applicants could use, though its location is not specified.
32. A letter from the agent dated 4th September includes the residential locations of the existing employees working at the Willingham Builders Yard site. These are Bar Hill, Longstanton, Willingham, Arrington and Cambridge. The point is made that the relocation of the yard would not have an adverse impact on the distance or sustainability of the proposed location on its existing employees.
33. A letter received from the agents includes correspondence from Mr Andrew Coe, who presently runs Coe's Produce and Christmas Tress 4U from the site. It includes information regarding the level of the existing use and current operations on the site.

These are shown below:

- (a) The business is a fruit and vegetable retailer and wholesaler operating from the storage and distribution premises.
- (b) Site is used for the preparation of goods for sale before retailing at local markets.
- (c) Growing/retailing of Christmas trees (site is heavily used seasonally)
- (d) Highlights delivery movements (approximately 15 suppliers during the day/night).
- (e) 6 full and part time employees in addition to Mr and Mrs Coe.
- (f) Currently operates 2 x HGV, 4 x smaller vehicles and forklifts.
- (g) Scope to expand business if need arises.

Planning Comments – Key Issues

34. The amendments received 16th July and 3rd September 2009 involved a revised car parking layout, all trees along the northern boundary shown within the application boundary line, correct dimensions of the proposed new storage unit with consent (not part of this application), dimensions of car parking shown and turning area for 38 tonne articulated vehicle shown.
35. The key issues to consider in determining this application are Principle of Development, Design and Layout, Neighbour amenity, Drainage, Access, Car Parking, Landscaping and Archaeology.
36. ***Principle of Development*** – It is said that the site is partly 'Brownfield'. However, in light of the existing use of land and buildings, which is primarily for the purposes of growing Christmas trees, I am of the opinion this does not entirely accord with the definition of 'previously-developed land' in Planning Policy Statement 3, Housing,

which excludes land that is or has been occupied by agricultural and forestry buildings. The use of the site as existing is seasonal and low key for the majority of the year. It is referred to in past applications as a 'horticultural holding'. The erection of the storage building under planning reference S/0429/07/F saw the applicant refer to a replacement building at the time for 'storage/fruit and veg'. The site is not an agricultural holding but has a storage use on site that was linked to the horticultural element of the land use. The storage use of this building was not limited to what it could store and therefore could be seen as having a B8 use class, albeit on a much smaller scale than that proposed. It is understood that the Christmas tree business will still operate on an area at the front of the site.

37. The applicant has requested this application be read alongside planning reference S/1702/08/F for the erection of 10 dwellings as part of the justification for a departure to policy. This site is seen by the applicant as a positive way to move an existing business that has outgrown its site to a more suitable location with better access, manoeuvrability and less disturbance to its neighbouring occupiers due to lower density development. In addition to this the short distance the business is relocated, albeit outside of the village framework, would not have an adverse impact on employment as the business is not closing and a village service is still being provided.
38. The applicant suggests that because a B8 use as a nursery and the sale and distribution of Christmas trees is already located on the Longstanton site, the relocation of the builder's merchant to this site from the centre of Willingham would be an improvement to the existing relationship, particularly as this site already has a commercial element to it.
39. There is some merit in that argument and in that context Policy ET/5 of the adopted Local Development Framework does permit expansion of firms but only, in this context, in village frameworks or previously developed sites next to or very close to village frameworks. This site does not comply with that criterion.
40. This must be weighed up against policy that does not support development of this kind in the countryside and question whether the applicant has provided enough evidence for the Committee to allow a departure from Development Control Policies.
41. The application is essentially for a change of use to Builders merchants and involves the erection of an additional workshop (for Universal Fencing) This type of change of use in this countryside location is not supported anywhere in the Local Development Framework Policies. Policy DP7 limits development in the countryside to agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside.
42. The development around the site consists of loose ribbon of residential properties with properties in large plots either side and opposite rather than on all boundaries and in very close cramped proximity, as on the existing site in Willingham. Essentially the surrounding environment is much more rural in its character. The proposed commercial development, particularly extensive areas of hard standing and store will detract from that character.
43. **Design and Layout** – The design and layout involves changes, which will have a major impact visually on the site. The removal of the plantation trees to the rear of the site and replacement with hard-standing will change the visual impact of this site on its wider setting, The retention of boundary planting is important in protecting the wider setting of the countryside and acting as a buffer between neighbouring properties, all of which are residential. The applicant intends to retain these trees

minimising views into the site from the wider countryside. This should help reduce the detrimental impact it would have otherwise. These boundary trees must be retained and in areas further planting required to ensure the site remains enclosed.

44. The buildings proposed are in keeping with their surroundings and do not cause any concern with regard to potential harm. Additionally a workshop is proposed to the rear of the site. More details regarding the need and elevations are required.
45. **Neighbour Amenity** – Corporate Manager (Health and Environmental Services) has raised no concern regarding the relocation of the use on grounds of potential noise pollution based upon the few complaints received from neighbouring residents in Willingham. The main bulk of the development is to the rear of the application site and this may benefit the immediate neighbours. However I am of the view that relocation will still have an adverse impact on neighbour amenity, by reason of disturbance likely to be caused by manoeuvring of vehicles, movement of equipment and goods on the site by vehicles and fork lift trucks and the inevitable need for lighting.
46. **Drainage** – The site is not in a medium or high-risk flood area. Localised flooding is mentioned as a concern through neighbour objections though this could be alleviated through appropriate hard standing materials so as not to increase surface water run off.
47. **Access and Car Parking** – Access is to remain the same. The Local Highway Authority has accepted the splays and the access as being acceptable. Parking facilities are provided towards the centre of the site for 28 vehicles. Given the footprint of the existing and proposed buildings on site the proposed parking spaces would equate to a maximum of 4 for a B8 use and 8 for a light industrial use. A further 7 for every 10 employees is required and 5% of which should be for disabled parking. Application drawing P03 E shows that the entire area to the rear is to be hard standing. This will allow for vehicles on site to be able to enter and leave in forward gear. The provision for parking for 28 spaces is considerably over the provision required, though that has to be balanced with the need to ensure that vehicles do not obstruct the flow of traffic on the B1050.
48. **Landscaping** – Some landscaping is proposed on the west edge of the hardstanding and this should reduce the visual impact of the proposed when viewing from the entrance of the site.
49. **Archaeology** – The site is in an area of high archaeological interest, which requires a programme of archaeological investigation to be undertaken. This is a matter that can be resolved by a condition on any consent.

Recommendation

50. Refuse as amended by drawing numbers PO3 F and P04 B franked 3rd September 2009.
 1. Policy ET/5 of the South Cambridgeshire Local Development Framework Development Control Policies (SCLDFDCP) adopted 2007 supports the expansion of existing firms within village frameworks or on previously developed sites next to or very close to village frameworks. The application site is not previously developed land and is neither within a village framework or located very close to one. It is located within the countryside, where Policy DP/7 of the SCLDFDCP restricts development to agriculture, horticulture, forestry, outdoor recreation or other uses which need to be located in the countryside.

2. The extent and nature of the proposed commercial use adjoining residential properties would cause disturbance to the occupiers of these properties, by reason of lighting and the movement of vehicles and equipment, particularly fork lift trucks, around the extensive area of open storage in a location where residents would otherwise expect to enjoy a quiet environment. The proposal is therefore contrary to Policy DP/3 of the SCLDFDCP 2007 which states that permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.

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

- Circular 11/95: The Use of Conditions in Planning Permissions
- Local Development Framework, Development Control Policies 2007.
- Planning Files Ref: S/0547/09/F, S/1702/08/F and applications referred to in Paragraphs 6-12 of this report.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th October 2009

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1702/08/F- WILLINGHAM

**Erection of 10 Dwellings Following Demolition of Existing Buildings
At Aspinalls Builders Yard, 2 Station Road, for Aspinalls Builders Merchants Ltd**

Recommendation: Refusal

Date for Determination: 15th October 2009 (Major Application)

Notes:

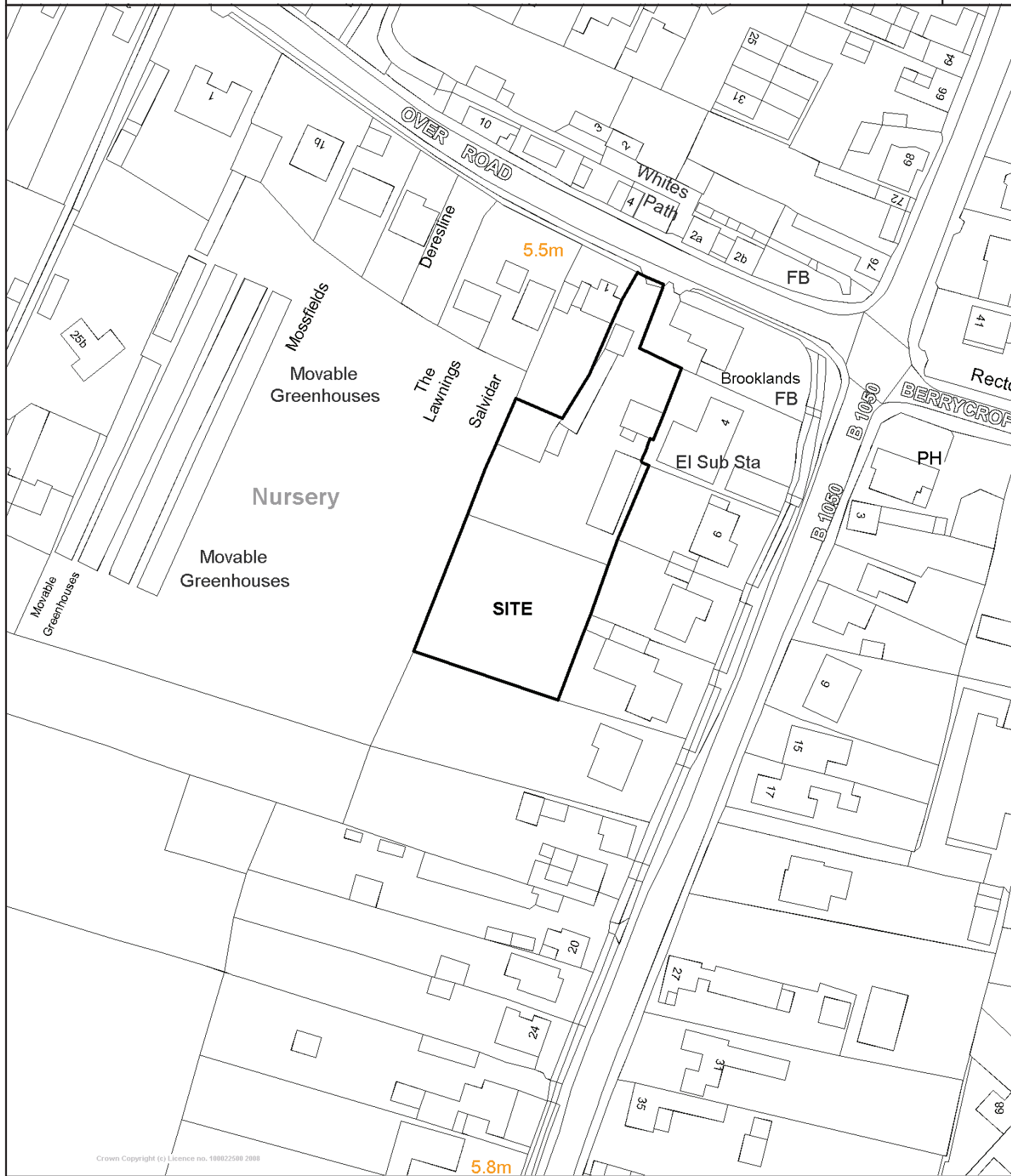
This Application has been reported to the Planning Committee for determination because it is a Major application and a Departure from the Development Plan.

Site and Proposal

1. The application site is 0.28 hectares in size located partly within the village framework. It is approximately 3.5 kilometres from Longstanton, 2.9 kilometres from Rampton, 2 kilometres from Over and 2.3 kilometres from the proposed Northstowe site.
2. The site, which is located on the west side of the B1050 through road, comprises of a group of commercial buildings. The buildings on site have a footprint of approximately 456 m.sq. The units are predominately single storey though there is a taller timber building approximately 6/7 metres in height to the ridge and used for storage and retail. To the rear of the site is a thick band of leylandii screening the neighbouring properties to the southeast. To the west are open fields, to the east residential bungalows and to the north the site is accessed from Over Road. After closing it is enclosed with 2 metre wire fencing and double gates.
3. The site is currently used as builders' merchants and is surrounded by residential properties to the north, east and west located on Over Road and the B1050.
4. The full application received 20th January 2009 and amended 16th July 2009 and 8th September 2009, seeks consent for the erection of 10 dwellings following the demolition of the existing buildings. The application is accompanied by:
 - (a) Design and Access Statement
 - (b) Flood Risk Assessment
 - (c) Biodiversity Survey Report
 - (d) Planning Heads of Term
 - (e) Affordable Housing Statement
 - (f) Daylight and Sunlight Assessment (amended version received 5th June 2009)
 - (g) Utilities Statement
 - (h) Environmental Survey Report

Details of their content are explored further in the report under the relevant subheadings.

S-1702-08-F Willingham



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Scale 1/1250 Date 17/9/2009

Centre = 540095 E 269966 N

October 2009 Planning Committee

5. The scheme comprises 4 affordable units comprising 2 x1 bedroom flats, 1 x 3 bedroom flat and 1 x 2 bedroom flat. The scheme also proposes 5 x terrace dwellings and 1 detached comprising 2 x 2 bedroom, 2 x 3 bedroom and 2 x 4 bedroom. 16 car parking spaces are proposed for the new units and 4 spaces are provided for the existing units Brooklands House and No. 4 Station Road. A bike shed would provide six spaces for the flats and bike and bin stores for the dwellings.

Planning History

6. **C/0519/56** – Residential development – approved (Included units facing the B1050, Brooklands House, No. 4, 6, 8, and 10 Station Road).
7. **S/1293/74/F** – Siting of a caravan – approved.
8. **S/1104/89/F** – Amendment of condition to permit sales of building and plant equipment – approved.
9. **S/0807/04/F** – Change of Use from Garden land to open storage for builders plant and materials – Refused by LPA, allowed at Appeal.
10. **S/1017/99/F** – (Retrospective) Extension to concrete apron and erection of replacement storage and aggregate storage bins – approved.
11. **S/0277/07/F** – Erection of 10 dwellings - withdrawn.

Planning Policy

Planning Policy Statements:

12. **PPS1** (Delivering Sustainable Development)
13. **PPS3** (Housing)
14. **PPS 7** (Sustainable Development in Rural Areas)
15. **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.
16. **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 to the proposed development and reasonable in all other respect.

South Cambridgeshire Core Strategy 2007

17. **ST/5 Minor Rural Centres** includes Willingham. Development or re-development up to a maximum scheme size of thirty dwellings is allowed within frameworks.

South Cambridgeshire Development Control Policies 2007

18. **DP/1 Sustainable Development** only permits development where it is demonstrated that it is consistent with the principles of sustainable development. The policy lists the main considerations in assessing whether development meets this requirement.

19. **DP/2 Design of New Development** requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.
20. **DP/3 Development Criteria** sets out what all new development should provide, as appropriate to its nature, scale and economic viability and clearly sets out circumstances where development will not be granted on grounds of an unacceptable adverse impact e.g. residential amenity and traffic generation.
21. **DP/4 Infrastructure and New Developments** requires that development proposals should include suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. It identifies circumstances where contributions may be required e.g. affordable housing and education.
22. **DP/7 Development Frameworks** permits development within village frameworks provided that retention of the site in its present state does not form an essential part of the local character; it would be sensitive to the character of the location, local features of landscape, ecological or historic importance, and the amenities of neighbours; there is the necessary infrastructure capacity to support the development; and it would not result in the loss of local employment, or a local service or facility.
23. **HG/1 Housing Density** is set at a minimum of 30 dph unless there are exceptional local circumstances that require a different treatment in order to make best use of land. Higher densities of 40 dph will be sought in the most sustainable locations.
24. **HG/2 Housing Mix** - accommodation should provide a range of types, sizes and affordability to meet local needs. In developments of more than 10 dwellings a mix of units will be sought providing a range of accommodation, including one and two bedroom dwellings.
25. **HG/3 Affordable Housing** at a level of 40% of all new dwellings on developments on two or more units is required to meet housing need. The exact proportion, type and mix will be subject to the individual location and the subject of negotiation. Affordable housing should be distributed in small groups or clusters. Financial contributions will be accepted in exceptional circumstances, although this will not be appropriate for major developments.
26. **ET/6 Loss of Rural Employment to Non-Employment** states in part that the conversion, change of use or re-development of existing employment sites to non employment uses within village frameworks should be resisted unless certain criterion are met.
27. **SF/1 Protection of Village Services and Facilities**, aims to refuse proposals, which would result in the loss of a village service.
28. **SF/6 Public Art and New Development** states in determining planning applications the District Council will encourage the provision of publicly accessible art, craft and design works. The policy will apply to residential developments comprising 10 or more dwellings.
29. **SF/10 Outdoor Play Space, Informal Open Space and New Development** requires that all new residential development contribute towards outdoor space. Only family dwellings of two or more bedrooms will be requested to contribute to the provision of

Children's Play Space. Contributions to off-site provision and maintenance of other types of open space will be expected in addition to this.

30. **SF/11 Open Space Standards** sets out minimum space requirements as follows:
2.8ha per 1000 people comprising
 1. 1.6ha per 1000 people outdoor sport;
 2. 0.8ha per 1000 people children's play space; and
 3. 0.4ha per 1000 people informal open space.
31. **NE/1 Energy Efficiency** requires development to demonstrate that it would achieve a high degree of measures to increase the energy efficiency of new and converted buildings. Developers are encouraged to reduce the amount of CO₂m³ / year emitted by 10%.
32. **NE/6 Biodiversity** - New developments should aim to maintain, enhance, restore or add to biodiversity.
33. **NE/9 Water and Drainage Infrastructure** indicates that planning permission will not be granted where there are inadequate water supply, sewerage or land drainage systems to meet the demands of the development unless there is an agreed phasing agreement between the developer and the relevant service provider to ensure the provision of necessary infrastructure.
34. **TR/1 Planning for More Sustainable Travel** states that planning permission will not be granted for developments likely to give rise to a material increase in travel demands unless the site has (or will attain) a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel mode(s). Opportunities to increase integration of travel modes and accessibility to non-motorised modes by appropriate measures will be taken into consideration. The Local Transport Plan road user hierarchy will also be taken into account in the determination of planning applications to ensure adequate emphasis has been placed on the relevant modes, although no modes should be promoted to the exclusion of others.
35. **TR/2 Car and Cycle Parking Standards** identifies maximum parking standards to reduce over-reliance of the car and to promote more sustainable forms of transport. Cycle parking should be provided in accordance with minimum standards.
36. **TR/3 Mitigating Travel Impact** requires applications for major residential development to be accompanied by a Transport Assessment
37. **TR/4 Non Motorised Modes** states that the District Council will use its planning powers by ensuring that all new developments are designed at the outset to facilitate and encourage short distance trips between home, work, schools and leisure.
38. **Adopted Supplementary Planning Documents (January 2009), Open Space in New Developments and Public Art** provide details on how relevant Local Development Framework Policies will be implemented.

Consultation

Following the amendment many of the Consultees have not changed their views on the development proposed. Where details have not been forthcoming

following the amendment I have included the comments received in regard to the original application.

39. **Willingham Parish Council** – recommends approval.
40. **Local Highway Authority** – did not object in principle. Further comments will be presented verbally.
41. **County Finance Officer** – with regards to the S106 primary school contributions it is calculated that a sum of £16,800 is requested.
42. **County Archaeological Unit** – recommends that any planning permission be subject to a negative condition requiring a scheme of archaeological work in advance of development.
43. **Cambridgeshire Fire and Rescue Service** – has no comments.
44. **Anglian Water** – no objections. The foul sewerage network system has adequate capacity as does Over Sewage Treatment Works.
45. **Corporate Manager (Health and Environmental Services)** – Contaminated Land – has requested the site be investigated for contamination and has recommended a condition requiring this prior to development commencing.
Noise - no objection though has included conditions regarding external flood lighting, hours of work and pile foundations. Additionally it has also suggested an informative regarding the requirement of a Demolition Notice.
46. **Ecology Officer** – raises no objection.
47. **Housing Development and Enabling Manager** - is aware that the scheme has been reduced in numbers and is happy with the proposed affordable housing mix.
48. **Urban Design Surgery** - will be reported verbally at Committee.
49. **Trees and Landscape Officer** – no objections.
50. **Landscape Design Officer** – comments to be presented verbally.
51. **Environment Agency** – comments to be presented verbally.
52. **Awards Drain Manager** - no objections.

Representations

53. A copy of registered complaints regarding nuisance at the application site has been submitted by the agents as supporting evidence that the site is problematic under its existing use and therefore more suitable for residential development.
54. There have been 7 complaints in total about the site from 2001 regarding noise, atmospheric pollution, odours and light pollution. The reports from the EHO inform all matters were resolved and no further complaints have been received since February 2008. The incidences are briefly listed below:
 - (a) Atmospheric 17/09/2001 – Fumes and Gases
 - (b) Atmospheric – 17/01/2002 – Bonfires

- (c) Noise – 24/03/2001
- (d) Noise – 24/09/2003
- (e) Atmospheric – 26/02/2004 – Bonfires
- (f) Odour – 23/11/2004
- (g) Light Pollution 06/02/2008

55. In addition to the evidence of complaints the agents have also included copies of 6 letters from suppliers and purchasers of goods from the site that have had problems with accessing the site, including a letter from the applicant who also experiences problems due to the increase in the size of delivery vehicles. Problems include, waiting vehicles on the road, reversing lorries and a danger to the health and safety of those present on site.
56. Four letters of objection have been received from occupiers of surrounding properties, namely 8 and 10 Station Road and “Salvidar” and “The Lawnings” on Over Road. The objections are summarised below:
- (a) Concern as to why an application for 10 was withdrawn and an application for 12 dwelling submitted.
 - (b) Loss of trees to the rear of the site that afford good screening.
 - (c) Overdevelopment of the site.
 - (d) Not enough parking for residents let alone visitors.
 - (e) 3 storey units out of character with this part of the village.
 - (f) Flooding concerns.
 - (g) Loss of builders’ merchants in the village.
 - (h) School is at full capacity and reiterated in planning documents.
 - (i) Road safety concerns.
 - (j) Sunlight/daylight document shows considerable overshadowing to the rear of “Salvidar” on Over Road.
 - (k) Overlooking concerns regardless of frosted glass as properties are close together.
 - (l) Road safety on Over Road as fear that lack of parking on site will spill out on to busy main road and very close to traffic light junction.
 - (m) Large percentage of future village development requirements presented on one site alone.
 - (n) Too squashed.
 - (o) High density.
 - (p) Design, height and balconies not in keeping with the area.
 - (q) Surface water run off concern.
 - (r) New development in Willingham has already caused flooding problems to the recreation ground. This development will exacerbate the problem.
 - (s) Parking not sufficient.
 - (t) Noise and disturbance would be generated by amount of dwellings and cars both day and night.
 - (u) Over Road already very busy, new units would make this worse.
 - (v) Swallows and bats roost and nest in the barns on the building site and removal of these buildings would affect ecological habitats.
 - (w) Northstowe is proposing 10000 new dwellings half a mile away. 12 houses here are not needed.
 - (x) If approved density should be reduced.
 - (y) Serious affect on the lives of the neighbouring occupiers if granted approval.

Planning Comments – Key Issues

57. The key issues to consider in determining this application are Density and Principle of Development, Housing Mix, Affordable Housing, Design and Layout, Neighbour Amenity, Public Open Space, Drainage, Access, Car parking, Public Art, Biodiversity and Landscaping, Energy Efficiency and Renewable Energy Provision
58. **Density and Principle of Development** – The site is well related to the centre of the village and within easy reach of local services in the village. Although the scale of development accords with Policy ST/5 of the adopted Core Strategy, approximately 0.18 hectares of the site lies outside the village framework, albeit that approximately 50% of that land is presently in commercial use. Notwithstanding Policy DP/7 (Development Frameworks), I consider that part of this site is suitable for residential development of some kind. The application has been submitted alongside planning application reference S/0457/09/F that proposes a change of use to a site in Longstanton to Builders merchants and therefore relocating rather than losing a local business.
59. It is the view of officers that, though the applicants have provided evidence to suggest the existing use is no longer suitable for the site, it does not indicate why this site is not suitable for a further employment use. The evidence provided to date shows sporadic complaints from neighbouring properties over a course of years and access difficulties for the suppliers that visit the site. There is no evidence from local residents that would indicate the existing use is a major problem. The agent confirms this is through the better management of the site and in turn proves that the two neighbouring uses can indeed work together.
60. The relocation of the builders yard is predominately based around the need for the business to be able to expand. As the business has grown it has required higher levels of supplies to meet the demand and therefore larger vehicles having to visit the site. This is unlikely to change if the use is relocated. It merely makes it easier for the users and provides space for future growth. Whilst officers are not entirely against the idea of using this site for residential purposes the site should be explored as an employment site first and foremost.
61. **Housing Mix and Affordable Housing** – The mix proposes 2 x 1 bed, 1 x 3 bed and 1 x 2 bed units for affordable housing, alongside 6 market dwelling comprising 2 x 2 bed, 2 x 3 bed and 2 x 4 bed units. The mix of units reflects the wording of the policies HG/2 and HG/3 in meeting local needs for affordable housing and the Housing Enabling Officer supports the tenure mix and the proposed affordable units. The applicant has indicated that it is willing to enter into an agreement regarding affordable housing.
62. **Design and Layout** – The original scheme of 12 dwellings has changed considerably since its original submission in April 2009 and the agents have worked with officers to address the concerns raised, hence the number of amendments and the reduction in the number of dwellings proposed to that of 10. Original comments from the Urban Design Panel recommended significant changes, the majority of which were taken on board.
63. Manoeuvrability on site looks constrained but the dimensions for parking and road width are acceptable.
64. Officers did agree the principle of gardens extending beyond the village framework during pre-application discussions.

65. **Neighbour Amenity** – I consider there are various areas where neighbour amenity would be negatively impacted. It does not seem that the proposal has adequately addressed all of the concerns raised and there is further scope to negotiate a lesser impact on neighbour amenity if residential development is approved here.
66. Though considerable changes have been made to the scheme it is the view of officers that there is still an element of overlooking between the proposed flats and No. 4, 6 and 8 Station Road. The proximity of the flats to Brooklands House is also an area of concern with regard to this. Proposed Unit 6 has been altered to address overlooking of No. 1 Over Road.
67. **Public Open Space** – No provision has been made on site for Childrens Play Space “Due to the viability of the proposal”. The applicant is willing to enter into an agreement regarding off site contributions as required by SF/10 of the Development Control Policies. It has not been demonstrated that this required space couldn't be provided on site. The scheme proposals do not allow for any space to be considered on site and it is unlikely to be achieved due to the density of the site.
68. **Drainage** – The site is in high and medium Flood Risk zones 2 and 3 and residents around the site raise surface water flooding as a major concern. The Environment Agency comments have not yet been received. These comments will be reported verbally to Committee and are of high importance. A revised Flood Risk Assessment is still awaited from the agents.
69. A Water Conservation Strategy is included in the submissions. This states that due to the nature of the application it is not possible to set out in any detail exactly what measures will be incorporated into the development. It does however propose dual flush toilets and consideration will be given to aerated taps and shower fittings. Water efficient appliances will be installed in the new flats if possible. Where possible it is proposed water butts will be provided on the rear elevations of the new dwellings. Foul water sewerage would be connected to the mains drainage system.
70. **Access and Car Parking** – The access is seen as acceptable to the Local Highway Authority. Further information received 5th June 2009 suggests the movement survey carried out clearly shows a high level of vehicular movement associated with the Builders Merchants use and there would be a reduction in traffic flow from the site if it were to be residential. The data collection provides information regarding traffic movement for the yard including staff, deliveries and visitors over a period of 1 week. It doesn't indicate at what level of residential occupation it was being assessed against and it can be only be assumed to be supportive of the 10 dwellings proposed.
71. The scheme provides an average 1.5 spaces per unit in line with the requirements of the Development Control Policies Parking Standards. Parking space No 8 could cause problems of conflict between users in the way it is positioned.
72. **Public Art** – No reference is made in the application to the provision of public art. C24 and C25 of the Heads of Term document states that no planning obligations are anticipated. The Policy is not obligatory.
73. **Biodiversity and Landscaping** – Comments are awaited in relation to Landscaping. With reference to Biodiversity the scheme is acceptable.
74. **Energy Efficiency and Renewable Energy Production** – Since the reduction in dwelling number this requirement is no longer compulsory. The renewable energy

statement in paragraph C2 states that due to the limited nature of the development it is not possible to state in any detail what the predicted energy requirements of the proposed development will be or how the 10% energy saving could be achieved. However it does include principles on which detailed assessment could be later agreed. It does not propose any within the scheme submitted, although the agent is not adverse to including and agreeing them at a later date.

75. Section C70 of the Sustainability report does run through the options of Renewable Energy technologies for the scheme. Out of the 6 discussed, solar hot water (SHW) and photovoltaic panels (PVP) are considered feasible subject to their impact on the roof appearance, viability assessment (given their long payback period) and effectiveness on 3 storey dwellings.

Recommendation

Refuse

1. The development proposes a significant element of new build outside of the village framework. Whilst it is agreed in principle that rear gardens could extend beyond the framework on this site, this scheme proposes 6 new units in the countryside and is therefore contrary to the aims of Policy DP/7 of the South Cambridgeshire Local Development Framework Development Control Policies (SC LDFDCP) adopted 2007 that restricts development in the countryside for the purposes of agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside.
2. The proposed development, by reason of its scale, siting and position of windows would give rise to harm neighbour amenity through undue overlooking and overbearing impact. This is with particular reference to overlooking between the proposed flats (units 7-10) and No. 4, 6 and 8 Station Road, all of which are single storey dwellings with shallow gardens, and from the proximity of the proposed units 7-10 to No. 4 and No.6 Station Road and the proposed Unit 1 to the rear of No. 8 Station Road. The application is therefore contrary to Policy DP/3 of the SC LDFDCP 2007, which aims to safeguard reasonable amenity in new development.
3. The proposal comprises the residential development of an existing employment site within the village framework that is not supported under Policy ET/6. The use, though relocating to a neighbouring village is proposing the loss of a site that has not been subject to a demonstration that one of the three criteria of Policy ET/6 can be met. It is therefore contrary to the requirements of Policy ET/6 of the SCLDFDCP 2007 that aims to resist development that would result in the loss of an employment site.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007) and Development Control Policies (adopted July 2007)
- Planning File Ref: S/1702/08/F and applications referred to in this report

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0745/09/F - LONGSTANTON**Erection of Convenience Store and 3 Retail Units with 6 Flats Above,
Erection of 4 New Dwellings with Associated Stores, Garages and Parking Areas
and Formation of Access, Land to North of Nelson Crescent, High Street, Longstanton,
for CPP (Stortford) Ltd****Recommendation: Delegated Approval****Date for Determination: 16th October 2009****Notes:**

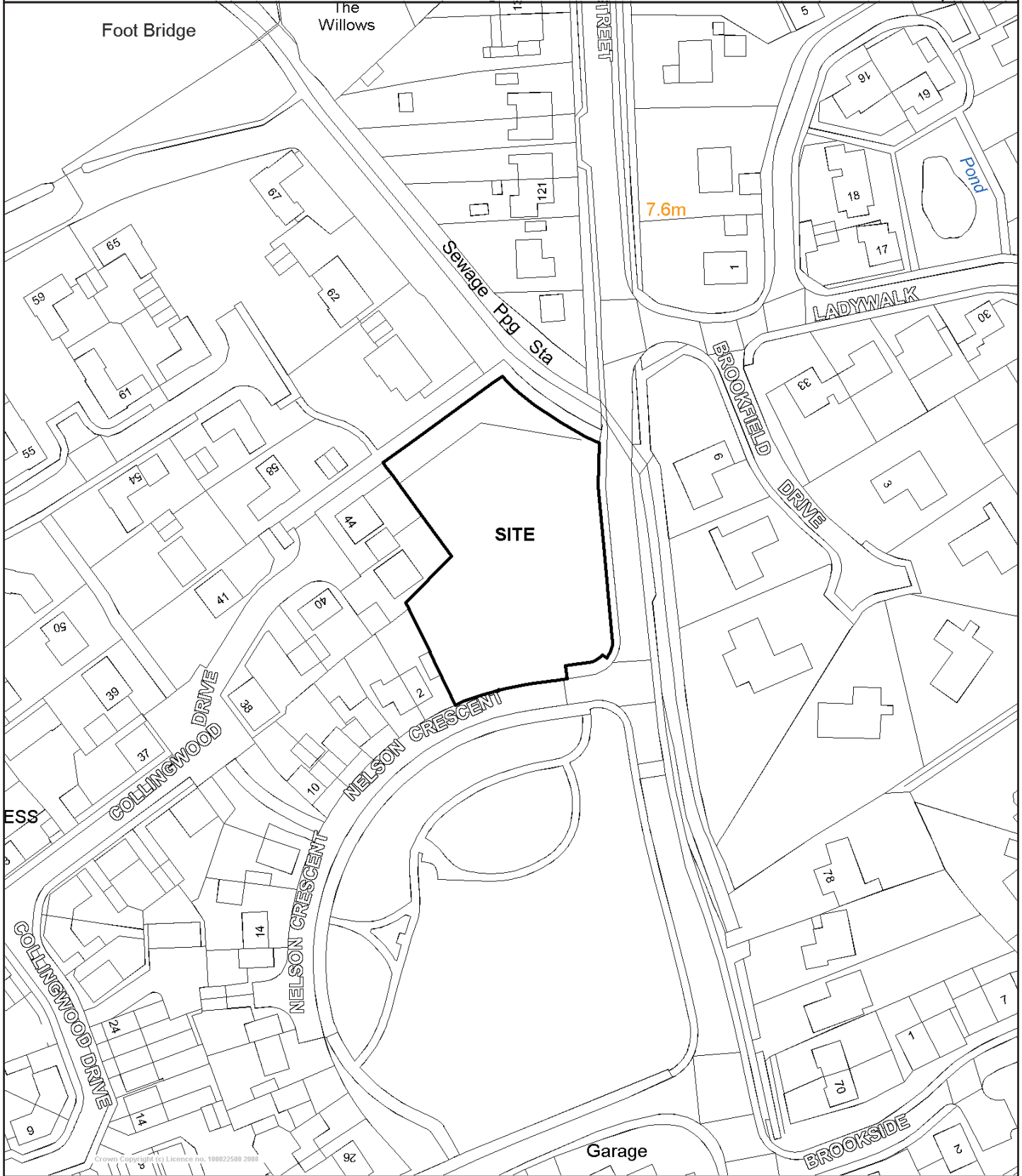
This Application has been reported to the Planning Committee for determination the officer recommendation is contrary to that of Longstanton Parish Council and local residents

Members will visit this site on Wednesday 7th October

Major Development**Departure Application****Site and Proposal**

1. This full application, received on 17th July 2009, proposes the erection of a convenience store and three retail units with six flats above, the erection of 4 new dwellings with associated stores, garages and parking areas, and the formation of an access, on a 0.265ha area of disused grassland to the west of High Street, Longstanton, immediately to the north of Nelson Crescent.
2. To the west of the site are the side and rear gardens of existing houses in Nelson Crescent and Collingwood Drive. To the north the site abuts a surfaced public footpath, which links High Street to the Home Farm development to the west, beyond which are the gardens of houses in Collingwood Drive and High Street, and a pumping station. To the south of the site, on the other side of the entrance to Nelson Crescent, is a large area of public open space, provided as part of the Home Farm development. To the east of the site, on the other side of High Street, is a planted boundary which forms the rear gardens of properties in Brookfield Road.
3. The development comprises a 267m² convenience store on the corner of High Street and Nelson Crescent, with smaller retail units, each with a floor area of 72m² fronting High Street linked to the convenience store but in a staggered form, tapering back from High Street, allowing for the provision of a car parking area for 8 cars, including one space for disabled use, in front of the units, which will be accessed direct from High Street. A total of 8 cycle parking spaces are provided at the front of the site.

S-0745-09-F Longstanton



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Scale 1/1250 Date 17/9/2009

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4. 6 flats are provided above the commercial floorspace, 5 of which will be two bedroom units and the other a three bedroom unit. The building has a maximum ridge height of 11.3m.
5. A new access roadway will be formed to the rear of the commercial units from Nelson Crescent. This roadway will provide access to the rear of the units and the car parking area for the flats. A total of 9 car parking spaces are provided for the flats. 3 solar panels are provided in the roof of this building.
6. The application also proposes a pair of two and a half storey, 4 bedroom houses adjacent the end of the line of existing houses in Nelson Crescent. A pair of garages, with parking spaces in front, is provided to the rear of the dwellings, and is accessed from the new roadway to the rear of the commercial units. These dwellings have a ridge height of 10.5m. Solar panels are provided in the south facing roofs fronting Nelson Crescent.
7. In addition, the application also proposes two detached 4 bedroom houses to the north of the commercial units, fronting the footpath which leads from High Street to the Home Farm development. Pedestrian access to these properties will be from the footpath, with garages (including a storage area over), provided at the rear, accessed by the new roadway to the rear of the commercial units. These dwellings have a ridge height of 10.5m. Solar panels are provided in the rear facing roofs of these dwellings.
8. The applicant is seeking a mixture of uses for the commercial space which would fall within classes A1, A2, A3, A5 or D1 of the Use Classes Order 1987, as amended.
9. No affordable housing is provided under Policy HG/3, and the applicant has commented that the development would not be viable if affordable housing is included in the scheme. A detailed appraisal has been submitted to support this case.
10. The site is within the village framework. The density of the housing scheme is 37dph.
11. The site is within Flood Zones 2 and 3.
12. The application is accompanied by a Design and Access Statement, Flood Risk Assessment, Energy Statement, Lighting Assessment, Utilities Assessment, Drainage Disposal Statement, Water Conservation Statement, and an Affordable Housing Statement

Planning History

13. Outline planning consent was granted on 16th October 2000 for a 'Comprehensive phased development to provide B1050 Bypass for Longstanton and related road works together with housing (21ha), Business Park (6.3ha), extension to village recreation area (2.8ha), village green including land for local shop and surgery, open space, landscaping and related infrastructure, on land described as being to the west of Longstanton.
14. Condition 29 of that consent requires that 'for a period of 10 years from the commencement of development on any part of the site the Community Site specified on drawing no. E0459/1/K shall not be used or developed for any purpose other than uses falling within classes A1, A3 or D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to those Classes

in any Statutory Instrument revoking or re-enacting that order.’ The reason for the condition was ‘to safeguard land in the centre of the village for essential village services and to reduce the number of journeys out of the village’.

15. Applications for reserved matters were to be submitted within 7 years of the date of approval (October 2000). That period has now lapsed.
16. The current application relates to the ‘Community Site’.

Planning Policy

17. **South Cambridgeshire Local Development Framework – Core Strategy – adopted January 2007:**

ST/6 – Group Villages

18. **South Cambridgeshire District Council – Development Control Policies – adopted July 2007:**

DP/1 – Sustainable Development

DP/2 – Design of New Development

DP/3 – Development Criteria

DP/4 – Infrastructure and New Development

DP/7 – Development Frameworks

HG/1 – Housing Density

HG/3 – Affordable Housing

ET/4 – New Employment Development in Villages

SF/2 – Applications for New Retail Development

SF/4 – Retailing in Villages

SF/6 – Public Art in New Development

SF/10 – Outdoor Playspace, Informal Open Space, and New Developments

SF/11 – Open Space Standards

NE/1 – Energy Efficiency

NE/2 – Renewable Energy

NE/6 – Biodiversity

NE/9 – Water and Drainage Infrastructure

NE/14 – Lighting Proposals

NE/15 – Noise Pollution

NE/16 – Emissions

Appendix 1 – Car Parking

Consultation

19. **Longstanton Parish Council** recommends refusal.

“Context within the Home Farm development

The land is designated as a ‘Community Site’. It has also been referred to subsequently as the Amenity Use Area’. The outline application called for this land to be used for ‘Local Shop and Surgery’ (see paragraph one of the Outline Consent). Section 29 of the outline consent of 16 October 2000 required that this land be used for solely for class A1, A3 and D1 development for 10 years from the commencement of development on any part of the site (which was roughly 2004, not 2000). These classes cover shops, cafes, and non-residential institutions. They do not include

residences. The reason for this clause was to ensure that there was sufficient infrastructure to support the additional homes.

The application therefore is manifestly contrary to the outline consent, making the lack of engagement with the Parish Council even more perplexing. In order to justify the deviation from the plan, there must be a compelling benefit to the community. It is reasonable that any 'extra' space on the site is put to good use, and it is therefore reasonable to consider flats atop commercial units. These will provide greater security for the area, as noted in the application.

It is much harder to justify the two detached and two semi-detached dwellings. Design and Access Statement section 2.0 indicates that the use classes may be extended to include A2 and A5 (professional services and take-aways). The basis of this statement from SCDC is unclear, given the very explicit designations in the outline consent. Certainly professional services would need to be examined carefully. The purpose was to provide an amenity to the village, not to provide employment or to provide amenity to the larger surrounding area. Estate agents and the like would provide none of the amenity that is required in the village. Take-aways, while amenities, have their own concerns and would need to be agreed rather than imposed upon the village given the clear outline consent limitations. Take-aways would create a nuisance not conducive to the quiet enjoyment of the surrounding residences.

We therefore object to broadening of the classification beyond that in the Outline Consent.

In this same section, there is reference to providing residences to make the site 'viable'. The entity of Home Farm must be considered in viability; the fact that it has been sold in parcels rather than developed as one unit is not of material consideration to planning. While it may well be true that earlier involvement of the Urban Design Team may have sped the process, it is a curious complaint for an application on which the Parish Council was never consulted.

In fact, based purely on what is written in section 3.1, it would appear that the initial application had more amenity facilities and therefore may have had more advantages, with SCDC concerns possibly being overcome with means other than discarding the initial Outline Consent. We cannot, for example, see any justification for a mandate for more houses to 'continue the development line along Nelson Crescent.' That is completely contrary to the outline consent.

We do not support the principle that any dwellings are justified for viability or aesthetic reasons.

Village Status

Longstanton is classified as a Rural Growth village, which generally restricts new development to infill not exceeding 8 dwellings. The current application calls for 10 dwellings contrary to the village classification. Again early engagement with the village would have helped uncover concerns in this area.

We do not support 10 dwellings on this site regardless for this reason alone, aside from any factors favouring or disfavouring residences at all.

Parking and Access

It is reasonable to assume that many people visiting the shops will do so on foot. However, elderly residents may be expected to drive and it is quite possible that workers might drive as well. Eight parking spaces, therefore, seem to be too few. The result will be parking along existing residences in Nelson Crescent and along the High Street, blocking the pavement. Vehicles parking along Nelson Crescent will not be able to turn without encroaching on private property due to the narrowness of the road.

There is not any meaningful 'alternative transport' as suggested in section 4.1 of the Design and Access Statement. Therefore, while it may be true more people might walk to this area than would if it were a commercial unit many miles from any residence, a) very few people will be able to use public transport to the site and b) it is not clear to us if the suggested 30 spaces applied to rural settings or was an average accounting for city and town environments as well (in which case reducing below 30 would be double counting).

The garages for the semi-detached units will not house cars due to their size and the lack of storage space within the dwellings. It is clear that the drive for those units is too small to support the two cars per unit that 4-bed units are likely to have. The result, again, will be more parking along Nelson Crescent. Ample empirical evidence at Home Farm backs up this statement. On Nelson Crescent, 9 of the 13 homes have two cars and none of them use the garages. (This is less an issue for the detached homes' garages, since they are wider and there is additional storage above them).

Delivery areas are likely to be at the rear of the shops, adjacent to the play area. Given that the flats have no gardens, it is likely that children will frequently be crossing from the proposed dwellings to the play area. Coupled with the narrowness of the road, there is a significant safety issue for the delivery of goods.

More parking is required and any goods access must be from High Street (with building design not facilitating or encouraging delivery at the rear).

Affect on Village Life

A new convenience store will certainly affect the viability of the existing shop in Longstanton. While the Parish Council cannot consider competition as a negative thing in the village, it can consider the adverse effect that any new units may have on the post office. The Post Office acts as a cohesive element in any community and a lifeline for the many elderly residents that live in close proximity to it. Any development that would put its viability at risk must be considered in that light.

The village is certainly in need of more amenities such as cafés, pubs, and the like. The current application does not provide the scope for such amenities. On the contrary, it precludes them by using the last space specifically designated for such purposes for units unsuitable for cafés and pubs due to their size.

There has been concern from nearby residents that an off licence (or sales from the convenience store) would encourage loitering, noise, and littering later in the evening. We would expect that any licence would have restrictions against the sale of alcohol into the evening. However the Parish Council would submit specific comments and suggested remedies in light of particular applications for the use of the commercial units.

Finally, there is concern that there will be too much noise from extractors and air conditioning units at the rear of the commercial units, affecting both existing and proposed residences.

There is insufficient space for the types of amenities needed in the village. There must be some form of restriction that will ensure that Longstanton is not left without a post office.

Affordable Housing

It appears that there is currently no specific statement on the amount of affordable housing that will be present. In particular, the applicant's letter of 15 July indicates that they are unhappy to proceed with 40% affordable housing. Since the amount of affordable housing may have an effect on the optimal design for the site, it indicates that the application may be somewhat premature.

Style

On the whole, the style of the units appears complementary to the local amenity, with one exception: The porches and dormer windows have flat roofs, which would not be in keeping with the pitched roofs of the existing housing in Nelson Crescent. Given that any new housing would be at the very entrance to the road, it is important that their design is in keeping with the existing dwellings. That said the new units benefit from solar panels that would be difficult to fit in with pitched dormers.

The current detached house design affords views into the gardens and windows of several homes in Stevensons Road (Nos 60, 62, 64).

The solar panel benefit outweighs any detriment with flat dormer roofs, but pitched front porches should be provided. The orientation of the dwellings must not be such as to provide direct views into existing gardens and windows. There is also concern that the shop is abutted right against the High Street pavement, which makes its aspect out of keeping with existing residences and other commercial properties in the village.

Drainage

Anglian Water has recently written to the Parish Council to state that they can (and will) do nothing to remedy the existing sewage flooding. They state that they cannot cope with high volumes of surface water entering the drains, and offered no plans for remedy. Any further impervious surfaces will only exacerbate the problem. Current year-on-year evidence is that current sewage flooding is intolerable let alone any further increase.

The Drainage Disposal Statement seems to have been written without any knowledge of the continuing sewage problems in the village as noted above. *It is completely unacceptable to drain further surface water into the sewage system as proposed, especially given Anglian Waters' clear statement that they could do nothing to prevent future flooding from surface drainage.*

No construction can be permitted until Anglian Water has improved the infrastructure to cater for the surface run-off that the sewers receive.

Site/Setting and Environmental Considerations

We assume that the applicant intends to provide a suitable walkway along the stream encouraging people walking to the site from within Home farm. This should be made more explicit.

The lighting statement needs sharpening. Wording that no adverse lighting “is currently planned” leave open the possibility for such lighting later. Use of solar panels is welcome.

Timing

All commercial space must be constructed first. Reason: to ensure that it is completed in a timely manner rather than being held hostage to the fortunes of the housing market.

Conclusion

Being contrary to section 29 of the Outline Consent for the Home Farm development and being contrary to the infill guidelines for Rural Growth villages, the applicant must provide added benefit. The current application provides insufficient scope for the types of amenities needed within the village. The additional housing is therefore not justified, *and the Parish Council recommends refusal.*

The Parish Council welcomes a revised application that is developed through a meaningful consultation with the village.

20. The **Local Highway Authority** comments that although it is not the parking authority it would not accept the proposed 13-14 car parking spaces due to the inclusion of the on street parking. It confirms that on street parking in the vicinity of the proposed site would not be objected to as it is publicly maintainable highway and therefore the Highway Authority cannot prevent vehicles from parking upon it. The application site will therefore only provide 8 customer parking spaces for the development, which is substantially below the Local Planning Authority’s standards, not the County Council standards as stated in the Design and Access Statement.

It requests that the applicant submits, as part of the application, data to justify the use of Manual for Streets at this location. This information has previously been provided to the Highway Authority.

Dimensions for car parking and reversing spaces should be shown on the submitted drawing.

Conditions should be attached to any consent ensuring that, prior to the first use of the site, the access is laid out to County Council construction specification where it crosses the public highway; that the access is constructed with adequate drainage measures to prevent surface water run-off onto the public highway in accordance with an approved scheme and; preventing the use of unbound material in the surface finish of the driveway within 6 metres of the highway boundary.

Informatives should be attached to any consent pointing out that any development requiring work to the public highway will require the prior approval of the County Council and that if public utility apparatus is affected the appropriate utility service should be approached by the applicant.

21. The **Housing Development and Enabling Manager** comments that a financial appraisal has been submitted, which demonstrates that with the provision of 4 affordable dwellings there is a negative land value for the developer. A further financial appraisal has been requested on the basis of providing a lesser number of affordable units.
22. The **Corporate Manager (Health and Environmental Services)** notes that the proposals may include uses within Classes A1, A2, A3, A5 and D1, which may include food premises such as a takeaway and or restaurant, and that the proposed development will be in close proximity to existing residential property. On balance there is no objection in principle to the application but there are a number of environmental health issues which need to be carefully considered and appropriately controlled to protect the amenity and health of the proposed and existing residential units and other premises.

It is therefore recommended that a series of conditions are attached to any consent controlling noise and dust during the construction phase; noise impact of retail/commercial premises on proposed and existing residential premises; operational odour generation and impact and; artificial lighting.

It is suggested that a number of informatives are attached to any consent giving guidance on what will be required to satisfy the various conditions.

In respect of comments raised by Anglian Water in respect of the proximity of its pumping station to the new development (see below), it is noted that there are existing residential properties as close or closer than the proposed development and there are no records of any complaints. It is felt that the pumping station is unlikely to have an impact on amenity and/or cause statutory nuisance in terms of odour and noise.

23. **Anglian Water** comments that the site is within an area where there are no public foul sewers within the vicinity of the development. However there is a private foul sewer currently under a Section 104 adoption agreement that may be able to accommodate the foul flows from the development. The owners therefore need to be approached for comments on available capacity.

The foul drainage from the development will be treated at Over Sewage Treatment Works that at present has available capacity for these flows.

It points out that the development site is within the 15 metre cordon sanitaire of a pumping station. Whilst it takes all reasonable practicable steps to prevent any nuisance arising from the site, it is nevertheless prudent that there should be no new development within 15 metres if the development is potentially sensitive to odour or other nuisance, or which might give rise to complaints from the occupiers regarding the location of the pumping station.

24. The **Environment Agency** comments that it has been previously consulted with the submitted Flood Risk Assessment at the pre-application stage and found it to be acceptable and therefore has no objection to the proposed development subject to a number of conditions and informatives being included in any consent.
25. The **Urban Design Team** comments that whilst the proposed layout largely complies with the illustrative layout suggested by the Urban Design Team there are a number of minor issues which should be resolved before the application can be deemed acceptable in design terms.

Planting area D should be incorporated into the garden of Unit No.9 with an appropriate boundary treatment created along the boundary with the retail parking area. Planting could be introduced to this boundary to soften the edge and create a more robust boundary. The proposed trees should be relocated to the area next to cycle stands closest to Unit No.9 to more effectively 'green' the frontage and break up the massing of the proposals. At present there are considerable areas of hard landscaping on the frontage of the development due to the car park and retail unit thresholds. The paving adjacent to the proposed houses on this frontage could be reduced with additional planting and grass verges incorporated to soften the frontage and integrate it better with the village character.

Railings of the 'estate fence' type or similar appropriate to a more rural village setting combined with planting could be used to more effectively to demarcate the front boundaries of Units No.9 & 10.

In respect of the proposed bin stores, no clear details of the bin stores appear to have been provided with the application and there are some apparent discrepancies between the plans and elevations. It is recommended that gates are introduced to better secure the bin enclosure. In addition the commercial and domestic waste streams should be separated and more clearly identified on the drawing. It would appear that the extent of the bin enclosure could be reduced significantly from that shown on Drawing 57 and an area of planting introduced at the western end to help soften and green the mews area. The height of the wall around the bin store should be increased to more effectively screen the bins within and provide improved security to these areas.

Throughout the scheme, proposed boundary fences seem to be too low to create an effective and robust boundary to ensure the privacy of occupants. Rear boundary fences should be increased to 1.8m in height from the 1.65m indicated on the drawings. The screen wall to the eastern boundary of Plot No.2 should be increased to 1.8m for the garden but left at 1.125m adjacent to the house. 'Greening' the walls and fences through introducing climbing plants, particularly on Plot No. 2, should be incorporated to again help soften the character of the mews.

During the pre-application process the Urban Design Team commented about the proposed elevations and particularly those on the proposed houses. The concerns were that they were poorly composed and unbalanced. To this end detailed sketches were provided illustrating some suggested amendments. The submitted scheme has attempted to better balance some of the elevation and composition of the retail units. For example, the corner of the convenience store on the scheme is now symmetrical with the first floor aligning with the ground floor aperture, which creates a better-resolved corner treatment.

The Urban Design Team is of the view however that the houses are less successful. It was previously suggested that the design of the houses fronting onto Nelson Crescent needed to match the design of the existing dwellings to complete the street scene in a co-ordinated and rhythmical way. Unfortunately, the scheme has not chosen to pick up on the detailing of the existing dwellings resulting in the rhythm of the existing crescent being diminished. Whilst a condition placed on any approval, could ensure that the materials are the same as the existing dwellings, and this would go some way to help tie the proposed and existing developments together, the arrangement of the window apertures and the design of the dormer windows would still mean that these dwellings would read separately from the existing.

It is therefore suggested that the ground floor window be made into a more conventional 'bay' and that the first floor windows to 'Bedroom 1' be combined to form a single void aligned centrally to the bay below and to the dormer above. These suggestions were made at the pre-application stage but have not been incorporated into the submitted scheme. Similarly the front elevation of the detached house would benefit from the better composition of the first floor 'Bedroom 4' windows to achieve a single void centrally aligned on the aperture below.

These comments have been forwarded to the applicant.

26. The **Landscapes Officer** comments that the development requires some additional planting to help to integrate it into its surroundings. Comments are made on the details submitted with the application and various revisions have been suggested. These comments have been forwarded to the applicant.
27. The **Ecology Officer** has no objection to the application and has agreed that a Biodiversity Assessment is not required in this case.
28. The **Architectural Liaison Officer, Cambridgeshire Constabulary** has made detailed comments on the layout of the scheme, which have been forwarded to the applicant.
29. The comments of **Cambridge Water Company**, and the **Environment and Operations Manager**, will be reported at the meeting.

Representations

30. 18 letters have been received from 15 households in Nelson Crescent, Collingwood Drive and Stevensons Road, objecting/commenting on the proposal as follows:
 - (a) Two letters welcome the development in principle but believe that the two houses in Nelson Crescent should be built to match the design of the existing houses in order to maintain the visual harmony that is currently so attractive. Restrictions should be placed on delivery times. There is a lack of continuity.
 - (b) Over development of the site at an excessive density which would be out of character with the surrounding area. The position, size, design and external appearance would be intrusive development, out of scale with surrounding development in the locality and harmful to the appearance of the surrounding street scene.
 - (c) Insufficient provision has been made for quality amenity space on the site and this would be detrimental to the quality of open space enjoyed.
 - (d) The development proposed is inappropriate for this site with unacceptable consequences on the local infrastructure i.e. character, noise, traffic, pollution, open space, loss of light, wildlife, safety, transport, loss of privacy and, parking.
 - (e) Insufficient car parking spaces have been provided for new residents and potential shoppers and staff which will mean cars will be obstructing the man road which is used by many children from the surrounding area to catch buses for secondary school and others that use this route to the primary school. The use of the nearby school crossing will become dangerous.

- (f) The entrance to Nelson Crescent will be blighted by traffic making it both unsafe and unpleasant.
- (g) There are existing examples in the new development in Longstanton where lack of parking causes a problem.
- (h) The recently opened bypass has meant that the village is much quieter with considerably less through traffic. The proposed development will result in more traffic which defeats having the bypass.
- (i) Noise pollution is a concern. It is not known what will be in the units and opening times could result in late closing and delivery lorries at all times.
- (j) Insufficient space has been provided for delivery lorries. Without the residential development this would be more easy to provide and the retail units could have their own access from High Street with sufficient space for all vehicles visiting the site, which would help minimise the risks that could be associated with commercial traffic in what is currently a part residential area and partly an area specifically designed to provide leisure for families.
- (k) It is understood that the site cannot be used for residential development for a period of 10 years. Has this expired?
- (l) It is understood that the village green was to include a play area near the entrance to Nelson Crescent – the place where all the traffic will be generated.
- (m) Willingham has one Co-operative convenience store, which has 29 off road parking spaces and at times, particularly over the weekend, the spaces are fully utilised. It is therefore incomprehensible that there are only 8 spaces provided here. As a result parking will take place on the High Street and Nelson Crescent reducing visibility at the junction. The only way for vehicles to exit Nelson Crescent would be by reversing onto High Street or turning round in a residents driveway.
- (n) It is most likely that the occupiers of the smaller units will be a hairdresser, a takeaway food establishment and a pharmacy. Longstanton already has a hair and beauty salon, and a takeaway less than 100 yards from the site. The former uses two car parking spaces and the takeaway frequently has three or more customers at a time. A pharmacy would use the other three spaces available.
- (o) The new commercial units may ruin the business of existing enterprises in the village.
- (p) Late night noise, smells and litter pollution from the takeaway would be a probable disturbance to existing residents in this quiet area.
- (q) Although flats above the commercial units seem sensible parking is limited and therefore two larger flats might be more appropriate.
- (r) Concern that an off licence or sales from the convenience store would encourage loitering, disruptive behaviour, noise and littering late in the evening, especially around the Nelson Crescent play area. This may lead to an increase in public use of the private 'maintenance strip' that runs along the

back of Nos 60, 62 and 67 Stevensons Road, which runs within 3 feet of houses.

- (s) The need for any additional convenience store or retail units is questioned given that there is already a store in the village that has stood disused for many years. There is a large superstore in Bar Hill as well as a Co-operative store in Willingham, and there is concern that the new units will become disused and neglected in the years to come. Empty retail premises have existed in all 3 surrounding villages for a number of years. It is hard to believe that anyone will be interested in the smaller units.
- (t) Any new development will potentially exacerbate the existing flooding problems.
- (u) There is concern that there has been insufficient consultation with local residents and the Parish Council.
- (v) This application should be refused and a revised one submitted which takes onboard consultation with both local residents and the Parish Council.
- (w) The existing bedroom of 44 Collingwood Drive will be overlooked accessing the stores, which is inappropriate. In general the proposed houses and flats will overlook the property and affect privacy, especially when eating in the garden.
- (x) The occupiers of 62 and 63 Stevensons Road are concerned that there will be overlooking from the detached houses. The occupier of 60 Stevensons Road is concerned about loss of light or overshadowing due to the proximity of the proposed buildings.
- (y) The sewerage system is not coping with the extra properties which have already been built. The proposal will only make this worse.
- (z) The garages for the semi-detached houses will not accommodate cars due to their size and lack of storage space within the dwellings. The drive for these houses is too small to support the two cars which these dwellings are likely to have, resulting in more parking in Nelson Crescent.
- (aa) There is likely to be too much noise from extractors and air conditioning units at the rear of the commercial units, which will affect both existing and proposed residences.
- (bb) The design of the shops is out of character with existing houses and other commercial properties in the village, which are typically set back from the road and pavements.
- (cc) May result in adverse lighting.
- (dd) The land was specified for use as an amenity area. It is not understood how 6 flats and 4 dwellings can be classed as an amenity that will bring benefits to the occupiers of nearby dwellings.
- (ee) No visitor parking provided.

- (ff) Impact of use of Nelson Crescent by delivery vehicles and on the safe use of the adjacent area of open space by children.
- (gg) Loss of value to existing houses.
- (hh) There is a covenant on the houses in Nelson Crescent which prohibits the parking of any commercial vehicle, caravan or boat on the properties on the estate roads. It would be sensible to include this covenant on the new development.

Planning Comments – Key Issues Planning Comments – Key Issues

- 31. The outline planning consent for the Home Farm development, granted in 2000, accepted that this area of land would be developed for the uses specified in Condition 29 of that consent. In assessing the current application the key issues for Members to consider are land use; scale of development; visual impact on the character of the area; access and car parking; affordable housing; neighbour amenity; drainage and; open space.

Land Use

- 32. This application is submitted as a full application and should be considered on its merits. As a full application it is not bound by the conditions attached to the outline consent. Whilst the time limit to submit reserved matters has expired, Condition 29 of the outline consent restricting the uses on the site remains extant, however the condition is only effective for a period of 10 years from the commencement of any part of the development on the whole site. From information supplied by the Building Control Section it would appear that work on Stage 1 of the Home Farm development commenced in July 2005.
- 33. The application contends that in order to provide a viable scheme for the commercial development of the site the provision of residential accommodation is required. A financial appraisal of the development has been supplied to officers to support this position.
- 34. There is no requirement within the existing outline planning consent for the community site to be developed, and there is therefore a possibility that the site could remain in its current undeveloped state, if a viable scheme for development is not supported. After the expiry of the 10 year period, which officers accept is not imminent, any future application for development of the site would have to be judged against relevant policy at that time, but would not be necessarily obliged to provide any of the uses for which the land was reserved in the outline consent.
- 35. I am therefore of the view that if the introduction of some residential development on the site will help to bring forward a viable scheme, which will include some, or all of the uses originally envisaged, it should be considered as an appropriate way forward.
- 36. There has been local concern about the possibility of a takeaway being introduced into the commercial units (Class A5). Members should note however that when outline planning consent was granted in 2000 the definition of an A3 use at that time, permitted as one of the possible uses, was 'the sale of food or drink for consumption on the premises or of hot food for consumption off the premises'. A separate use class for takeaways was introduced when the Use Classes Order was amended in 2005. As such the potential for a takeaway use was accepted at the time of granting the original outline consent. The introduction of an A2 use is new and I have written

to the applicant pointing out the Parish Councils' concern that such uses may be of limited direct benefit to the village.

Scale of Development

37. The application proposes the erection of ten dwellings as part of the mixed use scheme. Policy ST/5 of the Local Development Framework Core Strategy identifies Longstanton as a Group Village which states that within village frameworks schemes for residential developments up to an indicative maximum size of 8 dwellings may be permitted, although exceptionally development of up to about 15 dwellings may be permitted, where this would make best use of a single brownfield site.
38. The site cannot be considered as brownfield and therefore the application has been advertised as a departure from the Development Plan. The applicant argues that the number of dwellings proposed is required in order to bring forward a viable mixed-use development, and given the potential benefits to the village in bringing forward the proposed commercial element of the scheme I do not object to the additional two dwellings as a matter of principle. I am of the view that the application would not need to be referred to Go-East.

Visual Impact on the Character of the Area

39. The design of the submitted scheme has been influenced by the input from the Council's Urban Design Team. The general form of the development proposed will sit well in the street scene, although the height of the buildings, which rise to just over 11m for a section of the buildings fronting High Street will be above that of the existing development in the surrounding residential developments.
40. I have passed on the local comments received in respect of the design of the two new houses adjacent to the existing development in Nelson Crescent in particular to the applicant, along with the detailed comments of the Urban Design Team and the Architectural Liaison Officer. Although the Urban Design Team has not objected to the two new houses adjacent to the existing properties Nelson Crescent, requesting only minor revisions to the front elevation, I recognise the concerns expressed by local residents and whilst I have no objection to the principle of a pair of dwellings in this location it is important that the design and scale is sympathetic to the existing dwellings. I have suggested that a street elevation is provided so this relationship can be assessed in more detail.

Access and Car Parking

41. The Local Highway Authority has not objected to the application, although it has pointed out that only the number of car parking spaces that can be provided within the site itself should be included as part of the formal parking provision, and therefore it does not accept the figure of 13-14 spaces supplied by the applicant as parking provision for the commercial units, as that figure includes on-street parking spaces. It is not however saying that on-street parking is unacceptable in highway safety terms in this case. The fact that the High Street now caters for a lower number of traffic movements since the opening of the Bypass is a material consideration.
42. The Councils' adopted car parking standards would indicate that the maximum level of car parking that should be provided on the site to serve the commercial uses proposed is 34 (based on all units being food shops). The amount of parking available on site for parking for the commercial uses is 8 spaces and is therefore significantly below the maximum requirement.

43. In negotiations over the design and scale of the scheme the Urban Design Team has sought to reduce the number of car parking spaces provided within the site, in an attempt to avoid a layout which would otherwise be potentially visually dominated by such provision.
44. The applicant has argued that the commercial uses envisaged for the site will predominately serve the immediate community and therefore many people will be able to walk or cycle to the site, thereby reducing the need for on-site parking provision. 8 cycle parking spaces are provided on the site to encourage people to travel to the site by methods other than the car.
45. In my view the level of car parking provided is at the absolute minimum that should be considered, however it is difficult to see how additional on-site parking could be provided without a reduction in the amount of commercial floorspace provided, or a reduction in the number of residential units, both of which may affect the viability of the scheme as a whole.
46. I have asked the applicant to comment on the issue of staff parking provision.
47. There is concern that the lack of parking will lead to additional parking in Nelson Crescent, and that delivery vehicles will cause traffic problems in Nelson Crescent and be a potential danger to children using the adjacent open space.
48. There is no formal area for turning within Nelson Crescent however the applicant has provided a drawing to the Local Highway Authority demonstrating that a delivery vehicle using the parking area provided within the new development will be able to turn out of the site into Nelson Crescent and leave in forward gear. A condition can be attached to any consent restricting the hours of deliveries.
49. The application envisages that only deliveries to the convenience store will be via the rear access and that these should probably be no more than two a week.

Affordable Housing

50. Policy HG/3 seeks to secure 40% or more of the total number of dwellings provided as affordable housing, although it states that within individual developments the proportion and type of affordable housing will be the subject of negotiation with applicants and that account will be taken of any particular costs associated with the development and other viability considerations. In this case the applicant has stated that the scheme is not viable if the scheme provides the 4 affordable units as required under Policy HG/3, and a detailed financial appraisal has been submitted to support this claim.
51. The Councils' Housing Development and Enabling Manager has accepted that the provision of 4 affordable units will result in a negative land value for the developer and has asked for a further appraisal to be submitted for a scheme providing a reduced percentage of affordable dwellings on the site. The further findings will be reported at the meeting.
52. The text of Policy HG/3 indicates that it would not be appropriate to look for a financial contribution towards affordable housing in lieu of built provision in major developments.

Neighbour Amenity

53. The issues of the impact of the development on neighbour impact should be assessed both in terms of the impact from the residential development and commercial units.
54. In terms of the impact of the residential elements of the scheme concern has been expressed about the potential overlooking of properties in Collinwood Drive and Stevensons Road and their gardens. The proposed flats above the commercial units are between 13m and 20m from the rear boundary of the gardens with Nos 42 and 44 Collingwood Drive, with a distance of between 21m and 30m from building to building.
55. The first floor windows in the rear elevation of Flat 8, which look towards the rear of the houses in Collingwood Drive, serve a kitchen and bedroom. These windows are a minimum of 16m from the boundary.
56. The first floor windows in Flat 7 which look towards the rear of the houses in Collingwood Drive, also serve a kitchen and bedroom. The kitchen window is one of two serving that room and be required to be obscure glazed by condition. The bedroom window will be 14m from the boundary.
57. A landing window in the access stairway which serves Flats 8 and 9 may have the potential to overlook the rear of the properties in Collingwood Close, but this window can be obscured glazed by condition.
58. I am of the view that the distance from the rear first floor windows of the proposed detached house on Plot 10 (15m) to the gardens of houses in Stevensons Close, and the relative positions of the dwellings, is sufficient to prevent any unreasonable loss of amenity to the occupiers of these properties from overlooking.
59. I do not consider that the proposed development will have an unreasonable impact on light to adjacent properties.
60. Regarding the impact of the commercial units I have commented earlier on the possible use of one of the units as a takeaway and that such a use would have been permitted under the terms of the original outline consent. The Corporate Manager (Health and Environmental Services) does not object to such a use in principle but requires conditions to be included in any consent to secure odour and noise control. Conditions controlling opening hours and delivery hours are also suggested, and should be included in any consent.

Drainage

61. The Environment Agency has agreed the Flood Risk Assessment submitted by the applicant. As conditions of any consent it suggests minimum finished floor levels and I have asked the applicant to confirm that the finished floor levels shown on the submitted drawing comply with the requirement of the Environment Agency. I have also requested that a drawing is submitted showing existing ground levels across the site.
62. Anglian Water has not objected to the application, commenting that there is sufficient capacity at the Over Sewage Treatment Works. I have passed on its comment that the site currently lies in an area where there are no public foul sewers available to the applicant and will report the response.

63. Conditions can be attached to any consent requiring the submission of a scheme for foul and surface water drainage for approval.

Open Space

64. An area of informal space in has not been provided within the site, however given the mixed nature of the development and its location immediately to the north of an existing area of open space, I am of the view that a contribution towards off-site provision is appropriate in this case. The applicant has indicated the willingness to provide a contribution towards open space.

Other Matters

65. The impact of the proposed development on the viability of existing commercial enterprises in the vicinity is not a material planning consideration in considering a development of the scale proposed.
66. The applicant has submitted an Energy Statement, which concludes that a scheme for solar water heating can best meet the objectives of Policy NE/3 in this case. Details of the scheme can be secured by condition.
67. The Ecology Officer does not require a biodiversity assessment in this case.
68. I agree with the Parish Councils comment that a condition should be included in any consent regarding the timing of development to ensure that the commercial units are brought forward at the same time as the residential development.
69. I will update Members at the meeting on the response of the applicant to the points raised and any amended drawings received. I will also report the further findings of the Housing Development and Enabling Manager in respect of the justification for not including an element of affordable housing as part of the scheme.
70. If the above matters can be satisfactorily resolved I will seek delegated powers of approval.

Recommendation

71. That delegated powers of approval be granted subject to the receipt of satisfactory amended plans and safeguarding conditions including the following

Time limit
Detail of materials
Landscaping scheme
Surface and foul water drainage schemes
Hours of construction work
Noise levels and sound insulation
Restriction on opening hours, hours of delivery, and hours for commercial refuse/recyclates collection
Details of equipment for extraction of fumes/odours
Scheme for lighting
Highway requirements
Renewable energy scheme
Timing/phasing of development
Open space contribution.
Obscure glazing to specified openings

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)
- Planning File Ref: S/0745/09/F and S/0682/95/O

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0574/09/F – OVER**Extensions and Two Garages, 2 Willingham Road for Mr Steve Dunn****Recommendation: Approval****Date for Determination: 13th October 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.

Members of Committee will visit this site on 7th October 2009.

Site and Proposal

1. Number 2 Willingham Road is a two-storey detached property, constructed in the late 19th/early 20th century. The site is located in Over Conservation Area, with the recreation ground to the northwest, a detached two-storey house of similar age to the northeast, a detached bungalow to the southwest and a private access road to the southeast. The plot is defined by a hedge to the northwest boundary, and part close-boarded fencing and part hedging to the northeast and southwest boundaries; the southeast boundary is relatively open except for an existing flat roof garage and a neighbouring outbuilding. The site does not fall within a medium or high risk flood risk area.
2. The planning application, registered on 12th May 2009, and amended by drawings and Design and Access Statement franked 30th July 2009, seeks approval to extend the existing dwellinghouse with the addition of two single-storey elements positioned either side of the existing building and extending beyond its front wall by 4.9 metres. The proposal also involves two detached single garages located to the front of the plot. The extensions would be brickwork under slate roofs. The garages would be clad with featheredge cedar boarding and have slate roofs.

Planning History

3. The existing property has been extended with a two-storey double gable on the southeast side of the building (approved under **S/0321/91/F**).
4. The current proposal follows two previous schemes submitted in planning applications **S/0936/08/F** and **S/1789/08/F**. The first of these applications involved two single storey wings either side of the existing dwelling, with a mono-pitched roof design. The design, scale and form of the development was not considered sympathetic to the traditional scale and form of the building and was subsequently

refused on 22nd July 2008, as it failed to preserve or enhance the special character and appearance of the Conservation Area.

5. The second submitted scheme (**S/1789/08/F**) repeated the mono-pitch roof over the main length of the extensions but revised the roof design at its west elevation to include hip ends to each wing. This application was withdrawn due to concern that the roof design would be discordant with the existing simple form and design of the dwelling, and would have a negative visual impact on the skyline and Conservation Area.

Planning Policy

6. **Local Development Framework Development Control Policies (Adopted July 2007):**

DP/1 (Sustainable Development), **DP/2** (Design of New Development), **DP/3** (Development Criteria), **DP/7** (Development Frameworks), **CH/5** (Conservation Areas), **NE/9** (Water and Drainage Infrastructure)

Consultation

7. **Over Parish Council** recommends refusal on grounds that the proposed extension would have a significant impact on the Conservation Area, as the hedge to the west of the site has been cut to a height of 5 foot and it is intended that this height be maintained in the future by the Parish Council. The extensions would result in significant increase in run-off water, as the footprint still appears to involve an increase of over 100%, as with the previous application (S/0936/08/F). Such an extension would also be out of character with the neighbouring dwelling. The Heritage Statement which accompanies the application is also incorrect as there is no longer a 'tall boundary hedge'.
8. **Conservation Officer** recommended refusal of the original application due to the design, scale and form of the proposed extensions which would be harmful to the scale, form and symmetry of this positive building and its setting in the Conservation Area, contrary to CH/5.

Pre-application discussion has taken place regarding the design of the extension to the house, following the previous refusal, which included design, scale and form as reasons. The design is improved, although the hipped roofs and the fenestration of the northwest elevation emphasise the contrast of length and scale of the proposed extensions at odds with the symmetrical design of the original house. The hipped roofs are also contrary to the gabled design of the existing house and the development in this part of the Conservation Area.

By lowering the hedge further, more of the single storey wings (especially the roofs) would be prominent over the lowered hedge and would contrast with the original building. By attracting attention to themselves by means of their design, they would emphasise the spread of the house across its site at odds with its neighbours.

9. Comments of the Conservation Officer and Parish Council in relation to the submitted amended plans (franked 30th July 2009) are as follows: (Conservation Officer) – the submission generally follows discussions and advice between the agent and the Conservation Team. The recommendation is subsequently for approval, subject to conditions for materials and details of roof junctions of the proposed extensions.

(Parish Council) – recommend refusal for the same reasons outlined in paragraph 7 above.

Representations

10. Owner/Occupier of 18 High Street – Concern with regard to increase in the footprint of 2 Willingham Road and its impact on drainage at the Village Green. Historically the area between the front of 2 Willingham Road and the tree line on the Village Green has often been waterlogged and may be subject to surface run-off water from the development and surrounding properties. In order to help minimise the problems, the drainage outlets could be removed from adjacent to the Green and relocated to the rear of the property with the addition of an attenuation scheme.

Planning Comments – Key Issues

11. The key issues to be judged in the determination of the application are the impact on the existing dwelling, the Conservation Area, and residential amenity.

Impact upon the existing dwelling

12. The existing dwelling is characterised by a traditional, symmetrical form. The proposal aims to extend the width of the dwelling from 10.5 metres to 17.45 within the width of the plot, which increases from 18.4 metres to 23.6 metres at the south east end. The footprint of the development would therefore occupy a large proportion of the plot's width but this in itself is not considered to result in harm to the character of the dwelling; moreover, the key issue is the resulting form and design.
13. The proposed south east elevation shows two single storey wings at 4.5 metres in width and both with a pitched roof that would reflect the symmetry of the existing double-gabled extension, unlike the previous submitted designs. Both wings would have a length greater than the existing dwellinghouse but, individually, this aspect of the proposal is not considered to harm the character of the building due to the low form of the development (4m to ridge) and the length of the plot.
14. Original plans submitted in the application raised concern due to the hip roof design on the side elevations of each wing. This design was considered to emphasise the contrast in the width and scale of the proposed extensions, at odds with the symmetry and character of the original house. The proposed utility room window also appeared disproportionate to the existing fenestration.
15. Subsequent amended plans were received on 30th July 2009 (drawings 006c, 008c, 007c) following the suggestions of the Conservation Officer to show gable ends to each wing and to reduce the size of the utility room window. Although views of the northwest elevation show differing widths to each extension, they are the same height and the form and design of the resulting development is considered to preserve the original character of the dwelling.

Impact upon the Over Conservation Area

16. The existing dwelling is considered to have a positive contribution to Over Conservation Area, with immediate views of the north west side of the building available from the recreation ground. The development would be visible within the Conservation Area, particularly with the lowered hedge to the north west boundary; however, the amended design of the extensions is considered to be compatible with the original style and appearance of the dwelling and in this respect would help to

preserve the character of the Conservation Area, subject to appropriate materials. The extensions would have an impact on the open spaces that are visible between the neighbouring properties from the recreation ground but the height and form of the development would limit this impact.

17. The form of the proposed two single garages in the southeast corner of the site would be unorthodox but the siting and appearance would not result in harm to the Conservation Area and together both garages are considered acceptable, subject to suitable materials.

Impact upon residential amenity

18. The siting and low height of both the proposed extensions and garages would limit the impact of the development on the immediate neighbours. Existing boundary treatment on either side of the application site would also help to mitigate the impact of the development on the adjoining neighbours.

Other Matters

19. Surface water drainage has been raised as a concern due to the size of the proposed development and the increase in run-off water from the site. Although the site does not fall within a flood risk area, the local concern regarding flooding can be addressed by a suitable drainage condition.

Recommendation

20. That the application, as amended by drawings 006C, 007C and 008C franked 30th July 2009, be approved, subject to the following conditions:
 1. SC1 (Time Limit)
 2. No development to the extensions, hereby permitted, shall take place until the following details 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) Samples of the materials to be used in the construction of the external surfaces of the extensions.
 - b) Precise details of the proposed roof junctions between the extensions and the existing dwellinghouse.
(Reason - To ensure the appearance of the development preserves or enhances the Conservation Area in accordance with Policy CH/5 of the Local Development Framework Development Control Policies adopted 2007.)
 3. No development to the garages, hereby permitted, shall take place until samples of the materials to be used in the construction of the external surfaces of the garages 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 preserves or enhances the Conservation Area in accordance with Policy CH/5 of the Local Development Framework Development Control Policies adopted 2007.)

4. 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/9 of the adopted Local Development Framework 2007.)

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

- Circular 11/95 – Use of Conditions in Planning Permissions
- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007.
- Planning File Refs: S/0321/91/F, S/0936/08/F, S/1789/08/F and S/0574/09/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S0809/09/F – FEN DRAYTON**Erection of Wall and Fence at 10 College Farm Court for Mrs Alexander Surfleet****Recommendation: Approval****Date for Determination: 13th August 2009****Notes:**

This Application has been reported to the Planning Committee for determination because the Parish Council has recommended refusal and the site is located within the Conservation Area.

Conservation Area**Site and Proposal**

1. No.10 College Farm Court is located within the village framework, flood zone two and three and the Fen Drayton Conservation Area. The property forms part of a residential development, which was granted consent in 1984 for 10 starter units and 8 Houses.
2. No.10 College Farm Court is a linked-detached two-storey dwelling with a modest residential curtilage. The rear boundary (west) of the application site backs onto the High Street and consists of a dense hedge measuring 13.5m in length. The south elevation consists of a brick wall, part of this wall is visible from the High Street and this wall matches the other wall, which is located at the rear of 9 and 8 College Farm Court. There is a fencing panel located between the end of the hedge and the end gable of Brookside Cottage, which is north of the application site.
3. The full application, received 8th June 2009, proposed to remove the existing 2.5m high hedge which measures almost 1.5m deep and replacing this with timber posts and vertical feather-edged boarding between and a small section of wall next to the existing fencing panel belonging to Brookside Cottage. The replacement wall and fence would measure 2m in height. The application is accompanied by a Design and Access Statement.

Planning History

4. **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-0809-09-F Fen Drayton



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October 2009 Planning Committee

Planning Policy

5. 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/5** – Conservation Area

Consultation

6. **Fen Drayton Parish Council** recommends refusal.

It is felt that a fence would be out of keeping and would look rather stark and sterile in this area and that perhaps a more appropriate and tame type of hedging could be planted in this already extremely hard landscaped area.

7. **Conservation Officer** - "In principle the replacement of the leylandii hedge with a fence or a wall is acceptable, but the proposal is too complex (using sections of both materials in the setting of much simpler boundaries) and the details of the fence are unsympathetic to the setting.

A wall to match the existing walls around College Farm would be acceptable. Alternatively, I suggest a timber fence with vertical featheredge boards similar to the existing fence this boundary abuts, or a timber post and vertical boarded fence.

If minded to approve, I recommend the following conditions:

SC13 add sample of bricks to match existing and SC14 no concrete posts are to be visible from the highway."

8. 15th September 2009 - Conservation Officer comments following receipt of amendment:

Verbally confirmed that the amendment date stamped 15 September 2009 was acceptable however, would like details of the colour finish and the base and capping details.

Representations

9. None received

Planning Comments – Key Issues

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

Impact on Conservation Area and Street Scene

11. There is a mixture of boundary treatments within the street scene and Conservation Area at this end of the High Street, consisting of soft landscaping such as hedging, trees, and shrubs; hard landscaping including brick walls, picket fencing and metal railings.
12. The proposed removal of this hedge would result in a sizeable loss of soft landscaping to be replaced by timber vertical fence and timber posts only (as amended). There is a

change in levels, which will be addressed by using timber gravel boards at the base of the fence to maintain a continuous top fence-line. It is also the intention to enable climbers to grow up the fence on the garden side and to overhang the fence and wall.

13. The applicant has agreed to a fence as the preferred boundary treatment with the timber posts not visible within the street scene/Conservation Area. The posts would be placed on the back of the fence facing into the garden; this would have the appearance of a solid fence from the High Street. The fence would be left to weather naturally or stain finished.
14. The amendments, received 7th September 2009, address the comments received from the Conservation Officer, therefore the amended proposal is considered to be acceptable in terms of its impact on the street scene and the Conservation Area. I therefore recommend this proposal for approval.

Recommendation

15. Recommend approval (as amended by drawing no. CFC/FD/001/Rev A. date stamped 15 September 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 commence until details of the colour finish of the fence and details of the base and capping to be used, 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 use of appropriate materials in the Conservation Area.)

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

- South Cambridgeshire Local Development Framework, Development Control Policies 2007
- Circular 11/1995 – The use of conditions in planning permissions

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1177/09/F - WILLINGHAM**Erection of 8 Affordable Dwellings, Provision of Car Parking and Alterations to Existing Access, Land North of Westfield for Mr C Handley****Recommendation: Refusal****Date for Determination: 7th October 2009****Notes:**

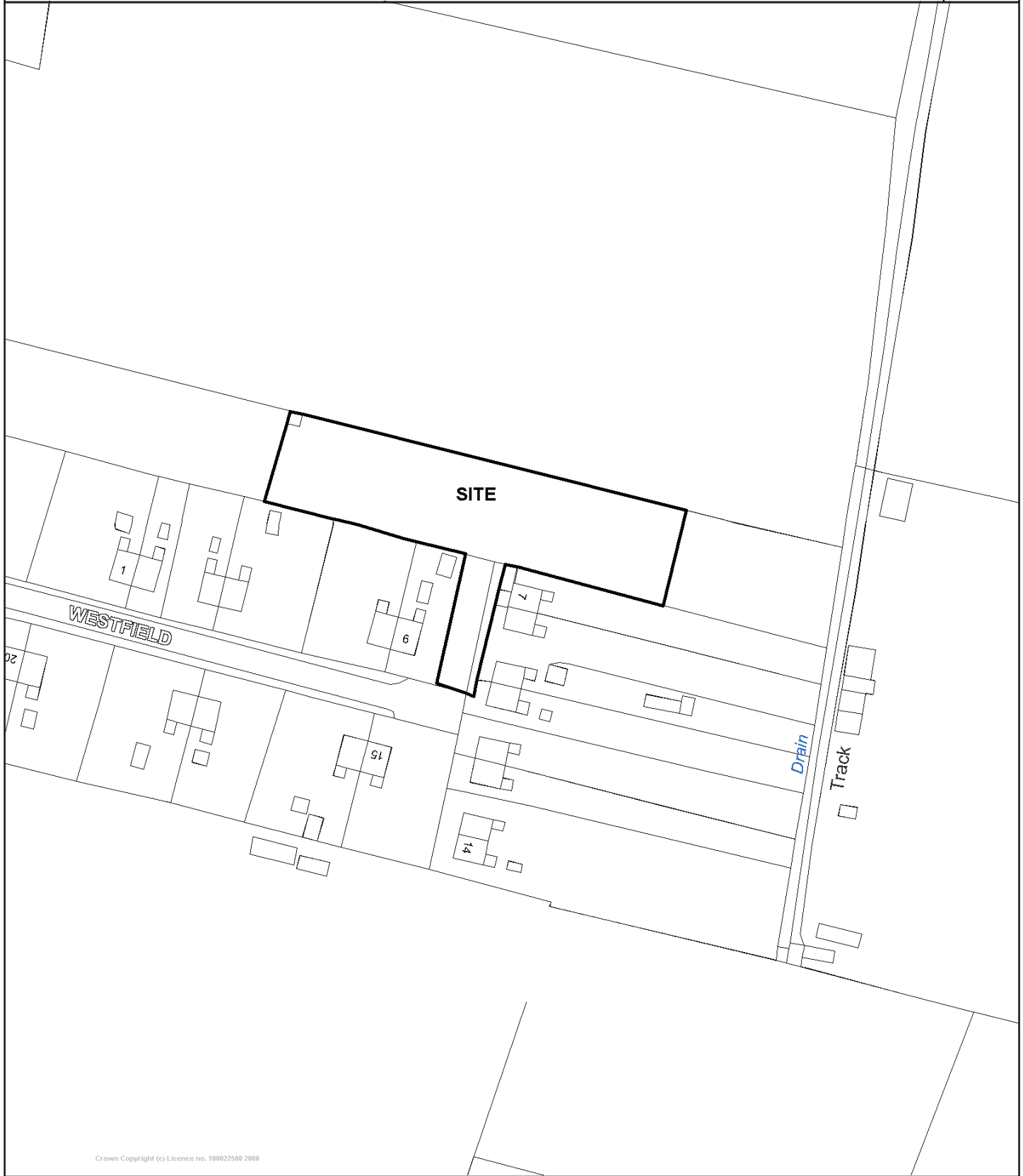
This Application has been reported to the Planning Committee for determination as it relates to an exception site for affordable housing

Members will visit this site on Wednesday 7th October

Site and Proposal

1. This full application, registered on 12 August 2009, proposes the erection of 8 affordable dwellings on a 0.2 ha area of overgrown grassland to the north of Westfield, a development of local authority housing to the east of Station Road, which connects Willingham to Longstanton.
2. The application site is part of a larger area of land. To the north, east and west is agricultural land, and these boundaries are currently open. There is fencing and planting on the southern boundary of the site with Westfield
3. The application proposes 4 pairs of semi-detached houses, comprising 2 two-bedroom and 6 three-bedroom dwellings. The units are affordable dwellings for rent.
4. Access to the site would be from Westfield from a spur off the main access road, which currently serves Nos 7, 8 and 9 Westfield, and comprises a 4m wide roadway with paved parking spaces in front of the houses, and a small turning area at the northern end, beyond which is a 1.8m high fence. The roadway would be widened to provide a 4.8m wide carriageway with a 1.5m wide footpath in front of the existing houses in Westfield. The existing parking spaces will be lost.
5. The existing road from Westfield will be extended into the application site to provide a parking area for 13 vehicles to serve the new development, including one disabled space, and a turning area.
6. The proposal also indicates the provision of an improved visibility splay, where the widened roadway meets the main Westfield road, across part of the current garden of No6 Westfield, which will require the removal of a Yew tree and part of an existing front boundary hedge. This area is not currently included in the red edged application site and is not within the control of the applicant.

S/1177/09/F Willingham



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October 2009 Planning Committee

7. The proposed houses will have ridge heights of 8m. External materials of the dwellings are to be agreed. No formal area for open space is annotated on the submitted plan.
8. The density of the scheme is 40 dph.
9. The site is located approximately 550 metres to the south of the village framework.
10. The application is accompanied by a Design and Access Statement, and an Access Appraisal.

Planning History

11. There is no relevant planning history relating to the site itself, however an application for the erection of affordable housing on the west side of Station Road, opposite Westfield was refused in October 2007. One of the four reasons for refusal of that application was that the site was neither within or adjacent to the village of Willingham, being approximately 550m outside the village framework, and was not well related to the built-up area of the village or facilities and services within the village. The application had not advanced adequate justification to overturn those objections and was therefore considered to be in an unsustainable location contrary to policies of the Local Development Framework 2007.

Planning Policy

12. South Cambridgeshire Local Development Framework – Core Strategy – adopted January 2007:

ST/5 – Minor Rural Centres

13. South Cambridgeshire District Council – Development Control Policies – adopted July 2007

DP/1 – Sustainable Development

DP/2 – Design of New Development

DP/3 – Development Criteria

DP/4 – Infrastructure and New Development

DP/7 – Development Frameworks

HG/1 – Housing Density

HG/3 – Affordable Housing

HG/5 – Exceptions Sites for Affordable Housing

SF/10 – Outdoor Playspace, Informal Open Space, and New Developments

SF/11 – Open Space Standards

NE/1 – Energy Efficiency

NE/2 – Renewable Energy

NE/4 – Landscape Character Areas

NE/6 – Biodiversity

NE/9 – Water and Drainage Infrastructure

NE/17 – Protecting High Quality Agricultural Land

Consultation

14. **Willingham Parish Council** recommends refusal. It states ‘the proposed development is out of keeping with adjacent properties. It is out of place. It is outside the village envelope.’

15. The **Local Highway Authority** comments that the visibility splay of 2.4m x 25m to the west along Westfield as shown is acceptable to the Highway Authority. This splay crosses third party land, which will need to be negotiated by the developer prior to the application being granted.

Given the design of the proposed development the Highway Authority would not seek to adopt the road due to the substandard design and layout. The Highway Authority will not adopt anything with less than a 5m carriageway and with 1.8m footways.

16. The **Housing Development and Enabling Manager** comments that 'the application provides for 8 affordable housing units on an exception site, that would, if successful at Planning Committee, remain affordable in perpetuity for the local people of Willingham. As the applicant states within the content of the Design and Access Statement there is a very large demand for affordable housing in Willingham, however whilst the housing is required I am not satisfied that the applicant has made sufficient enquiries with our Housing Management team regarding their proposed access to the site.

Firstly the access road currently serves existing homes in Westfield and you will see from the attached plan that has been prepared (attached as an electronic appendix) there are several areas of communal parking which have been provided specifically for the residents who live at the end of this road. The advice that I have received from colleagues in Housing Management is that they would not wish to lose this facility. It is unclear from the proposal whether there is an intention to improve the access and what steps have been taken to either re-provide parking elsewhere, or any other offers, such as on plot parking. It is also unclear what if any consultation has been undertaken with the residents that are likely to be affected by the proposal.

The access and the ransom strip are in the ownership of SCDC, and unless planning permission is granted and we are satisfied that the residents are fully aware and in support of the proposals we will not support any request from the applicant to utilise this area. If planning permission were granted we would also expect the developer to share a reasonable proportion of the future maintenance of the access as the ownership currently belongs to SCDC.'

As at April 2009 there were 99 applicants identified on the Councils' Housing Register with a local connection to Willingham.

17. The **Councils' Lands Officer** is concerned about the loss of the parking area that appears to be proposed with the alterations to the access road. An easement over this Council owned land would not be agreed on this basis.
18. The **Affordable Housing Panel** does not support the application. Of particular concern was the loss of existing parking provision in Westfield and loss of amenity to existing residents.
19. **Anglian Water** comments that the foul flows from the development can be accommodated within the foul sewerage network system that at present has adequate capacity. It points out that the site lies within an area where there are no public surface water sewers within the locality. As a result the applicant will either need to construct its own surface water sewers and submit those for adoption by Anglian Water or requisition the provision of a public surface water sewer for the locality under Section 98 of the Water Industry Act 1991. Alternatively, the applicant will have to find an alternative method of surface water drainage, which will then need

to be agreed with the Local Planning Authority following consultation with the Environment Agency.

The foul drainage from this development will be treated at Over Sewage Treatment Works that at present has available capacity for these flows.

20. **Cambridgeshire County Council**, as Education Authority, originally commented that Willingham Primary has no spare capacity and a primary education contribution should be sought. It is expected that 8 dwellings will generate 2 primary school places at a cost of £8,400 a place. A contribution of £16,800 was therefore sought. It has since confirmed however that it would not seek a contribution provided that the application is for 100% affordable housing, which is its normal policy in such cases.
21. The **Ecology Officer** has no objection to the scheme and comments that the site appears to be an area of grassland that has been left unmanaged for several years as such there are a few small areas of low bramble growth. There are no significant hedges on the site, or water features. There was an owl or kestrel box mounted on a post in the distance and it is possible that owls/kestrels could use this site for foraging however there would appear to be similar habitats in the nearby locality. A suitable landscaping boundary feature would help to retain some rough grassland habitat. No further biodiversity information is required. However a condition should be attached to any consent to secure some form of ecological enhancement.
22. The comments of the **Corporate Manager (Health and Environmental Services)**, the **Trees Officer**, the **Architectural Liaison Officer, Cambridgeshire Constabulary**, and the **Environment and Operations Manager**, will be reported at the meeting.

Representations

23. 20 individual letters have been received from occupiers of properties in Westfield and Station Road, along with a letter on behalf of Westfield Working Together signed by 21 persons, and including a petition signed by 73 persons, objecting to the application on the following grounds:
 - (a) Proposed dwellings would be overbearing and cut daylight into the living room, kitchen and hallway of 7 Westfield and the rear gardens of 4 and 5 Westfield. Development would therefore be contrary to Policy DP3 2j.
 - (b) The proposed rear windows of Plot 8 would overlook the garden and living room of 7 Westfield and the rear and landing window of plot 1 would overlook the gardens of 4 and 5 Westfield and lead to an exceptional loss of privacy. Development would therefore be contrary to Policy DP3 2j.
 - (c) The proposed access to the site currently serves three dwellings and would lead to disruption, inconvenience and increase in on-road parking. Who will maintain the new roadway and who will have right of access over it, if it is not to be a public highway.
 - (d) Currently children play games at the end of Westfield in the car parking area so converting this to a road and not providing more parking areas for Nos 7, 8 and 9 will mean more cars are parked on the road and cars will go quickly around the corner leading to accidents as children play between parked cars.

- (e) The proposed improvements to the access from Westfield will result in the cutting down of a hedge in front of 5 Westfield which means a great deal of privacy will be lost. A Yew tree will also be lost. This will alter the character of the road. The access visibility splay required would significantly change the entrance to Westfield.
- (f) The B1050 is already a busy road and any increase in traffic through the village should be avoided. The junction with Station Road is already hazardous. Development would be contrary to Policy DP/3 1b.
- (g) The manoeuvring, use and parking of vehicles likely to be generated by the proposed development and their visitors (who have no allocated spaces) would have an adverse effect on the safety and free flow of traffic for the adjacent houses (6-15 Westfield).
- (h) Parking area in front of 7-9 Westfield is not wide enough to be used to park cars and allow a free flow of traffic to the site. There will be nowhere for visitors to these existing houses to park.
- (i) Increase in traffic outside existing houses at the end of Westfield will lead to excessive noise and lights flashing leading to a loss of amenity. The Access Appraisal submitted with the application indicates that there could be an additional 48 vehicle movements a day.
- (j) No 6 previously gave up part of its garden to ease parking problems but this benefit will be lost if the present scheme goes ahead.
- (k) The occupiers of 6 Westfield object to visibility splay being provided across the front garden of that property.
- (l) Junction of Westfield and Station Road is very busy. It can take 10 minutes to pull out at peak times. More houses in Westfield will increase the number of vehicles making the junction even more hazardous. Westfield is often used for parking by visitors to houses in Station Road as parking on Station Road can be hazardous.
- (m) There will be little or no vision when using the drive to No. 6 Westfield, which will be dangerous.
- (n) The proposed dwellings are 700m from the village framework and in reality will require the use of a car to access village amenities and so increase traffic from the road by at least 40%.
- (o) Village amenities and facilities such as the school and doctors are struggling to cope with the substantial increase in development over the past couple of years.
- (p) Affordable housing needs will be met by the new communities planned such as Northstowe and Cambourne where sustainable growth can occur – developments such as the one proposed are not sustainable in the long term.
- (q) The Local Development Framework states that development will be permitted in the minor rural centre of Willingham only within the village framework. This development is outside the village framework and no additional resources will

be allocated to provide additional services, which are already stretched. The development is therefore contrary to Policy DP/7.

- (r) The development does not accord with Policy HG/5. No firm evidence of a commitment from a housing society is provided; the development is not appropriate to the strict extent of the appropriate need as the application proposes 75% of dwellings with 3 or 4 bedrooms and only 25% with 2 bedrooms; the proposal is not well related to the built-up area of the village; the site is not well related to facilities and services within the village and; development will damage the character of the village
- (s) This type of development will lead to a general sprawl of the village into countryside between Willingham and Longstanton, which would not be in keeping with the semi-rural character and appearance of the area and would spoil the local area as well as not being in keeping with the Green Infrastructure Strategy. Development would be contrary to Policy DP/2.
- (t) Loss of view from the rear of existing houses in Westfield.
- (u) Parking area in front of 7-9 Westfield is not wide enough to be used to park cars and allow a free flow of traffic to the site. There will be nowhere for visitors to these existing houses to park.
- (v) Increase in traffic outside existing houses at the end of Westfield will lead to excessive noise and lights flashing leading to a loss of amenity. The Access Appraisal submitted with the application indicates that there could be an additional 48 vehicle movements a day.
- (w) Out of keeping with the village. The scale of the proposed houses, in terms of their spacing apart, is of a totally different density to the adjoining properties in Westfield and would be out of keeping.
- (x) Poor quality design, offering cramped accommodation when compared to the existing housing in Westfield.
- (y) Character of the street will completely change. The existing houses, erected in 1927, are quite unique in their construction and the new dwellings will not be comparable and will appear to have been stuck in a field, with no thought to the detriment of the surrounding area. The proposal would be visible from Westfield and Station Road and would appear out of keeping with the existing pattern of development.
- (z) With cars parked on either side of the Westfield it is only just possible to drive a standard size family car through the gap hence larger vehicles such as the emergency services would be unable to get access.
- (aa) The already over-burdened sewage system will not cope. There have been problems in the past and a 40% increase in usage will result in problems for the future.
- (bb) The site is a long way from the village recreational area and children currently socialise in gardens or the street. A potential additional 16 children will impact on existing privacy. There will not be sufficient play area and the new dwellings will have gardens that are considerably smaller than the existing gardens.

- (cc) Will set a precedent for further development in the vicinity, including building on the gardens of existing properties in Westfield.
- (dd) Policy DP/1 of the Development Control Policies DPD (DCP) requires that priority be given to brownfield sites but there is no evidence that such sites have been considered and found unsuitable prior to lodging this application.
- (ee) National Planning Policy Guidance 13: Transport refers to walking as the most important mode of travel at the local level, offering the greatest potential to replace short car trips, particularly those under 2 kilometres. While much of the village centre falls within a 2km walking limit many of the facilities are at the edge of that limit. Key walking distances include post office 1.6km; Co-op supermarket 1.8km; doctors surgery 1.9km; primary school 1.6km and library 2.25km. As a matter of practicality most residents will chose to drive rather than walk to the village centre, as is common practice among existing Westfield residents. This will particularly be the case in adverse weather conditions. The location is therefore not sustainable and contrary to DCP Policy DP/1, which requires that developments should minimise the need to travel and reduce car dependency. The development is not sustainable and therefore contrary too Policy DP/1
- (ff) The bus service is too slow and infrequent to realistically meet the needs of commuters and others travelling beyond the village.
- (gg) The occupiers of 7 Westfield are concerned that the development is very close to the boundary and will cut the amount of daylight entering the kitchen. In addition there will be a loss of privacy both to the side and front of the house with passing cars and increased use of the footpath by pedestrians.
- (hh) An application on the opposite side of Station Road was refused in 2008 on the grounds that it was not well related to the amenities in Willingham. The same should apply to the current application.
- (ii) Not enough car parking is provided.
- (jj) Willingham already has two areas of relatively new development, one in particular has its quota of affordable housing that are more central to the community and its facilities.
- (kk) It is believed that the demand for affordable housing can be adequately met via windfall sites within the existing village framework and no evidence is presented to justify a breach of the established development boundary. There are plenty of opportunities for infilling to occur within the existing framework without resorting to the use of the exceptions policy. If the development boundary is to be breached it should be as a consequence of the Local Planning Authority strategically allocating suitable sites.
- (ll) The proposed site is neither 'within' or 'adjoining' the existing development framework.
- (mm) Construction traffic will be a danger.
- (nn) Although the applicant claims that the facilities of Northstowe will be usable by the residents of the new development the construction of Northstowe has

been delayed for some considerable time and even when completed travel by car would still be required.

- (oo) There are few, if any, employment opportunities in Willingham and none within walking distance. This would mean travel by car and as a result the occupiers of the new development are likely to need two cars per dwelling. The guided busway, when completed, will only access certain parts of Cambridge and not everyone will be able to make use of it. The stop at Longstanton will be more than twice the desirable walking distance of 400m.
- (pp) The scale of the proposed houses, in terms of their spacing apart, is of a totally different density to the adjoining properties in Westfield and would be out of keeping.
- (qq) Poor quality design, offering cramped accommodation when compared to the existing housing in Westfield.
- (rr) Plot is currently unspoilt grass meadow, which provides a valuable habitat for wildlife.
- (ss) The proposed development would irreversibly spoil the rural landscape, ruining the character and open aspect of many of the surrounding properties.
- (tt) Contrary to Policy NE/17 as development would lead to the irreversible loss of an area of Grade 1 agricultural land and set a precedent for the loss of further such land.
- (uu) In the Willingham Parish Plan it states that 90% of Willingham residents are concerned about the level of traffic on the B1050, which would be increased by this development. The plan states that affordable housing should be within the existing village framework and that 81% of residents would like to see the village protected by a Green Belt to prevent a further loss of village identity. The development would be contrary to this.
- (vv) The application does not demonstrate how Section 1 e,f,g,j and n of Policy DP/1 of the Local development Framework have been met.
- (ww) The proposal does not make any reference to improving the boundary fence between No7 Westfield and the development site. The existing fence is suitable for agriculture but not to a residential area.
- (xx) It is not stated whether the proposed houses are for rent or shared ownership.
- (yy) The report submitted by Savills is factually incorrect in respect of the ability of the occupiers of No8 Westfield to park motor vehicles on their plot. No7 has space to park one vehicle but there is no such facility within the garden of No8 and therefore the parking bays provided by the Council are used for this purpose.
- (zz) One letter points out a number of errors and inconsistencies in the application and its accompanying documents. Particular reference is made to the Access Appraisal and the Design and Access Statement.

Planning Comments – Key Issues

24. The key issues are:

Need
Location and Sustainability
Highway Safety and Parking
Neighbour Amenity
Visual Impact and Character
Infrastructure

Need

25. The Housing Development and Enabling Manager has indicated that there is a significant need for affordable housing in Willingham, and is satisfied with the size, mix and tenure of the dwellings proposed, which are all to be for rent. The applicant has indicated that the houses will be provided as affordable dwellings in perpetuity and this can be secured through a legal agreement in the usual way. In this respect the proposal accords with the first two criteria in Policy HG/5.
26. Whilst local representation refer to the need or affordable housing being met on sites within the village framework or within Northstowe and Cambourne such schemes would not be able to give priority of allocation to qualifying persons from Willingham and would therefore not necessarily meet the identified local housing need.

Location and Sustainability

27. The site is some 550m outside the village framework and in my view is neither within or adjoining the village as required by Policy HG/5. In my view it is not well related to the built up area of the settlement and not well related to facilities and services within the village. As such it is located in an unsustainable location and development here would therefore not comply with the requirements set out in Policy HG/5, as well as other policies aimed at resisting unsustainable developments.
28. In coming to this conclusion I have had regard to the information submitted by the applicant, including the location of a permitted exception site at the northern end of the village at Spong Drove/Rockmill End, which adjoins the village framework, and an appeal which was allowed for an exception site on land adjacent to St Georges Court, Impington. Again this site was adjacent to the village framework.
29. In assessing the sustainability of a site on the opposite side of Station Road for affordable housing in 2007, under the current Local Development Framework policies, it was concluded that the proposal did not accord with the requirements of Policy HG/5 and the recommendation on this application will be consistent with that earlier scheme, as it is likely that, given the distances involved to access most services, it will necessitate in the need to travel by car.

Highway Safety and Parking

30. The Local Highway Authority has not objected to the application. The application has demonstrated that the required visibility splays can be provided at the junction of Westfield with Station Road, which is subject to a 40mph restriction. Given the local concern about the safety of this junction and the volume of traffic on the B1050, making exiting difficult at peak times, I have asked the Local Highway Authority for a further view on this point, however I do not expect an objection to be forthcoming.

31. The main roadway in Westfield is of sufficient width to accommodate the additional traffic, which is likely to be generated by 8 new dwellings.
32. The improvements proposed to the roadway leading into the application site will result in the loss of parking facilities that currently serve Nos 7,8 and 9 Westfield. The application makes no alternative provision for this loss of parking and as a result these properties will be left without adequate parking provision, which will lead to additional pressure for parking on Westfield itself, which is likely to be detrimental to the amenity of the occupiers of existing houses. I have asked the applicant to investigate the possibility of providing additional parking for the existing dwellings.
33. The application provides 13 parking spaces for the new dwellings proposed, including one for disabled use and therefore satisfies the average parking requirement of 1.5 spaces per dwelling. Provision has not been made for visitor parking.
34. This part of the roadway is owned by the District Council. I note the comments of the Lands Officer that an easement would not be granted given the loss of parking which would result.
35. The Local Highway Authority's acceptance of the access arrangements is based on the provision of an improved visibility splay which involves utilising part of the existing front garden of No6 Westfield. This land is not currently included in the application site and is not within the control of the applicant. The applicant has been requested to submit a revised drawing showing this area of land within the site. Notice has already been served on the District Council as owner of part of the roadway within the application site. From the comment received from the Lands Officer it appears unlikely that consent to provide the splay will be forthcoming, although this matter could be addressed by a planning condition.
36. The provision of the splay will require the removal of a section of hedge and yew tree and this is addressed later in the report.

Neighbour Amenity

37. The location of the new dwelling on Plot 8 is to the rear of the existing dwelling No7 Westfield and is within 1m of the common boundary. In my view it will dominate part of the rear garden of that property and be visually overbearing. The house on Plot 8 will be to the north of 7 Westfield and therefore any loss of light is not likely to be significant however officers will arrange to view the site from that property to assess the potential impact in more detail given the concerns expressed by the occupiers.
38. In my view, given the location of the new dwelling on Plot 1, it will not result in an unreasonable degree of overlooking of the rear gardens of Nos 5 and 6 Westfield. However I am more concerned about the possibility of overlooking of the rear garden of No 4 Westfield and will ask the applicant to look at the layout of this part of the site again. A condition could be included in any consent to ensure that the landing window in the side elevation of Plot 1 is obscure glazed and fixed, however as that is not indicated on the submitted drawing it should form part of any reason for refusal as it will result in an unreasonable degree of overlooking if not treated in that way.
39. The proposed dwellings are to the north of the gardens of 4 and 5 Westfield, and as these gardens are 20m deep I do not consider that there will be an unreasonable loss of light.

40. Concern has been expressed about the loss of amenity to existing houses as a result of noise, disturbance and pollution resulting from the additional traffic that will be generated by the proposed development, which will pass to the front of Nos 7-10 Westfield and to the side of the house and garden of No 6 Westfield. Whilst the amount of traffic using this section of the roadway will increase significantly as a result of the proposed development I am of the view that this would not warrant refusal of the application.
41. Appropriate boundary treatment between proposed and existing dwellings could be agreed by condition.

Visual Impact and Character

42. Concern has been expressed about the loss of outlook from existing dwellings that will result from this development. Whilst this is not a material consideration in its own right I have commented about the potential overbearing impact of Plot 8 above.
43. The proposed new development will form a visual extension into what is currently open land to the north of Westfield and will add to the existing development in depth off Station Road, which is not a common feature on the east side of the road. In its current form the application does not include any significant soft boundary treatment and as a result in my view the proposed development will appear incongruous. The current layout shows dwellings within 1m of the northern boundary, which will not afford adequate space for additional planting.
44. Whilst the proposed houses do not necessarily mirror the existing houses in Westfield I am of the view that the design is acceptable. The use of appropriate materials can be required by condition.

Infrastructure

45. Anglian Water has indicated that it has no objection to the application and that adequate capacity exists to accommodate the additional foul sewerage that will be generated.
46. A condition can be attached to any consent requiring the submission of a scheme for surface water drainage to be submitted for approval
47. Although Cambridgeshire County Council has pointed out there is currently no spare capacity at Willingham Primary School, its policy is not to request education contributions in respect of schemes for 100% affordable housing on exception sites. A planning application is currently under consideration for the addition of three additional classrooms at the Primary School.

Other Matters

48. I will report the comments of the Trees Officer on the potential loss of the Yew tree and part of the front boundary hedge to No 6 Westfield to provide the improved visibility splay. Whilst it may be possible to plant a new hedge outside the visibility splay the loss of the existing planting will be to the detriment of the street scene.
49. The Ecology Officer does not consider that the development will result in an unacceptable loss of existing habitat.

50. The scheme does not provide for the provision of open space within the site, as required by Policy SF/10. There is no open space provision within the existing Westfield development and the site is a significant distance from existing recreational provision. The scheme should provide an area of 72m² within the site as informal open space, along with an off-site contribution. I have asked the applicant to consider the inclusion of an area of open space.
51. The site is currently identified as Grade 1 agricultural land. Policy NE/17 of the LDF states that the District Council should not grant permission for development that would lead to the irreversible loss of such land, unless the land is allocated for development or sustainability considerations or the need for the development are sufficient to override the need to protect the agricultural value of the land. Willingham is surrounded by Grade 1 agricultural land and it is not likely to be possible to find a site outside the village framework for affordable housing, which does not have the same classification. If all aspects of the scheme were satisfactory I am of the view the identified need to provide affordable housing for local people would outweigh the loss of this 0.2ha site in terms of its agricultural value.

Summary

52. Whilst I recognise that there is an unmet need for affordable housing in Willingham, I cannot support the development of this particular piece of land for that purpose.

Recommendation

53. That the application is refused.
1. The site lies neither within or adjacent to the village framework of Willingham but is approximately 550m outside of the village framework, as defined in the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007. The site is not well related to the built-up area of the settlement and is not well related to facilities and services within the village. The application fails to demonstrate adequate justification to overturn these objections. As such the proposal lies in an unsustainable location and is therefore contrary to the aims of Policy DP/1, DPP/2, DP/3 and HG/5 of the adopted Local Development Framework Development Control Policies DPD 2007
 2. The application is unacceptable as the proposed dwelling on plot 8 will, by reason of its siting and proximity to the boundary of No 7 Westfield, be overbearing when viewed from the rear of that property and its garden area. In addition the landing window in the south facing side elevation and bedroom window in the rear elevation will result in an unreasonable degree of overlooking of the gardens of Nos 5 and 6 Westfield respectively. As a result there will be a material loss of amenity to the occupiers of those properties, contrary to the aims of Policy DPP/3 of the adopted Local Development Framework Development Control Policies DPD 2007.
 3. The loss of the existing parking spaces at the front of Nos 7 to 9 Westfield Road will result in adequate off-street parking facilities being available to those properties which is likely to result in increased car parking on Westfield to the detriment of the amenity of existing residents, contrary to the aims of Policy DP/3 of the adopted Local Development Framework Development Control Policies DPD 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 Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/1177/09/F and S/1350/07/F

Case Officer: Paul Sexton – Principal Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1073/09/F - WILLINGHAM**Change of Use to One Gypsy Pitch for Siting of Mobile Home, One Touring Caravan, Utility Building, W.C. and Associated Car Parking (Retrospective Application)
At Long Acre, Meadow Road for Mr A Brown****Recommendation: Delegated Approval for 3 year temporary consent****Date for Determination: 23rd October 2009****Notes:**

This Application has been reported to the Planning Committee for determination following a recommendation of refusal by the Parish Council that does not accord with the officer recommendation.

Site and Proposal

1. The site is a rectangle parcel of land measuring approximately 27m by 19m, located on the south side of Meadow Road. The site is outside of the Willingham village framework as identified within the South Cambridgeshire Local Development Framework 2007. Access is achieved via a single track lane from Meadow Road.
2. The land to the north and south is divided into plots of similar shapes and sizes, again accessed from Meadow Road, and these plots all appear occupied. The northern boundary of the site is a 1.8m high fence with some planting along it, and the southern boundary is a post and rail fence. To the east is a further plot, subject to current application S/1191/09/F, and the shared boundary is a 1.8m high fence with planting against it. To the west, beyond the access, further pitches are located, the boundary being a 1.8m high fence.
3. This full retrospective application, submitted on 28th August 2009, seeks consent to change the use of the site to allow for the siting of the mobile home, a touring caravan and associated facilities. All structures currently are situated on the land. The application contains a Design and Access Statement.

Planning History

4. The site has a long planning history of traveller applications, the last being in 1995. Applications have been both approved and refused on the site, with approvals temporary and with personal consents for the then occupier.
5. Members should be aware of a recent appeal decision relating to a site at 3 Cadwin Field, Willingham (**S/1919/08/F**). An application for temporary consent was refused by Members at the February Planning Committee, but allowed at appeal. The Inspector noted the need for sites in the District and stated that planning permission should only be for a temporary consent to enable a proper evaluation of all potential sites identified through the Development Plan Document process.

S/1073/09/F Willingham



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Scale 1/1250 Date 17/9/2009

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October 2009 Planning Committee

Planning Policy

6. **ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)** intends to create and support sustainable, respectful and inclusive communities where Gypsies and Travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work. It advises that where there is an unmet need and no alternative gypsy provision, but there is a reasonable expectation that sites will become available within a given time scale to meet that need, Local Planning authorities should consider granting a temporary permission for proposed sites. It does not say that temporary permission should only be considered where the site is already occupied.
7. Advice on the use of temporary permissions is contained in paragraphs 108-113 of **Circular 11/95, The Use of Conditions in Planning Permissions**. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no alternative Gypsy and Traveller site provision in an area, but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, Local Planning Authorities should give consideration to granting a temporary permission. Such circumstances may arise, for example, in a case where a Local Planning Authority is preparing its site allocations DPD. In such circumstances Local Planning Authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.
8. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land. In some cases, it may be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.
9. The **South Cambridgeshire District Council Gypsy and Traveller Development Plan** Document is currently under review. A consultation process is currently running to access 20 potential sites that performed best against the site criteria agreed after consultation in 2006. Given the requirements of the East of England Plan, drawn up by the East of England Regional assembly (EERA), South Cambridgeshire requires at least 88 new permanent pitches by 2021.
10. The site is currently included within the Gypsy and Traveller Site Options and Policies consultation in preparation for the Development Plan Document. The site is number 15 in the consultation, and the consultation document states “the site is already occupied, but does not have planning permission. It is close to Willingham's services and facilities and is already meeting Gypsy and Traveller needs”. The consultation period ends on 9th October.
11. The relevant policies within the **Local Development Framework Development Control Policies 2007** are **DP/1** - Sustainable Development, **DP/2** - Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks and **TR/1** - Planning for More Sustainable Travel.
12. Willingham is defined as a Minor Rural Centre under Policy **ST/5** of the Local Development Framework Core Strategy, adopted January 2007.

Consultation

13. **Willingham Parish Council** recommends refusal of a permanent consent, and states that the current temporary consent should be extended for the period of one year. This (and similar) applications are part of the current gypsy and traveller consultation being carried out by the District Council, and to grant permission for a permanent site would prejudice the consultation process.
14. The **Local Highways Authority** states that no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of planning permission.
15. The **Planning Policy Officer** notes the Gypsy and Traveller DPD is at the Issues and Options stage, the beginning of the plan making process, and can therefore only be given limited weight in planning decisions. The site performed well against the criteria developed to test sites following the consultation in 2006. A recent Inspector report took the view that any planning permission should only be for a temporary period to enable a proper evaluation of all potential sites through the DPD process so the most suitable sites can be allocated to meet the identified need and this would appear a sound approach.
16. Comments have not yet been received from the **Traveller Site Team Leader**. Members will be updated on any comments received at the Committee meeting.

Representations

17. No comments have been received at the time of preparing the report. Members will be updated on any comments received at the Committee meeting.

Planning Comments – Key Issues

18. By virtue of the guidance set out in Circular 01/2006, I consider that the main planning issues to consider in this case are the need to provide residential accommodation on the site relative to the applicants needs, including their status as Gypsies/Travellers, and the visual impact of the site. This should be balanced against the status of the Gypsy and Traveller Development Plan Document.

Need to Provide Residential Accommodation

19. A needs survey was undertaken in September 2009 regarding the applicant. He is a 65 year old man who has been living on the site for the last 7 years. He has suffered from a stroke and is wheelchair bound and requires 24 hour care. Outside carers from Bar Hill call twice a day. His ex-wife Linda Brown lives on the adjoining site and spends time with the applicant, as does his two children who are in their thirties and live away from the site. His ex-wife lives on the adjacent plot, subject to application S/1191/09/F. The touring caravan is used by the children when they stay the night. The Design and Access Statement states the site has been occupied for the last 18 years, although an application for a Certificate of Lawfulness has not been submitted.
20. The application includes a letter from the Willingham Medical Practice where the applicant is registered. It states his condition is going to be a permanent disabling condition and the applicant is going to be permanently dependable on others.
21. The Design and Access Statement states the Gypsy status of the family has been accepted by the District Council and they have local connections. This has been confirmed by the Planning Enforcement Officer. In light of the definition of a Gypsy/Traveller as set out in Circular 01/2006, I consider the applicant is in need of

appropriate gypsy accommodation. The tests set out in the Circular state the Local Planning Authorities are expected to give substantial weight to the unmet need of travellers locally when considering whether a temporary planning permission is justified.

22. As stated, the applicant has been on the site for the last 7 years. His demand on services and infrastructure is therefore existing.
23. The site is located adjacent to other existing plots. It is therefore considered a logical addition if the surrounding sites were allocated. As noted, the site is under consideration for the Gypsy and Traveller Development Plan Document. The site therefore has scored positively in environmental, economic and social tests. Given the comments by the Planning Inspector when allowing application S/1919/08/F and the Council's Planning Policy Officer, I do not consider that a permanent consent could be given at this time. A temporary consent however, would be more appropriate. A three year time period would allow the applicant to remain on site until the Development Plan Document is adopted. At this time, the suitability of the site for a permanent consent will have been assessed, and the applicant can then re-apply as necessary. I note the Parish Council recommends only a one-year temporary consent, but I feel three years is a much more reasonable time frame, to match other temporary consents granted in recent times and the likely timescale for the adoption of the DPD.
24. The agent, in an e-mail dated 14th September 2009 requested that if permanent consent could not be given, then the applicant would accept a personal consent. This is considered unacceptable as it again may conflict with the aims of the Development Plan Document. A further e-mail also dated 14th September 2009 states that if a personal consent were not considered acceptable, then a temporary consent for three years would be acceptable. In this instance, I consider it necessary for a temporary consent to be given.

Visual Impact

25. The plots as a whole are surrounded by developing vegetation, giving good screening, especially from Meadow Road. The amenity blocks are in place and are sensitively located on the site, reducing their impact upon the surrounding countryside. I am of the opinion that the proposal would not represent an unacceptable visual impact upon the character and setting of the countryside. This is especially the case given the surrounding plots.

Other Matters

26. The site is excluded from the High Court injunction dated 20th December 2007. Further conditions would be required relating to prevention of further mobile homes or caravans being positioned on the site, storage of large vehicles, commercial activity and lighting.

Recommendation

27. Delegated approval for 3 year temporary consent, subject to comments from the Traveller Site Team Leader, and other representations that may be received.

Conditions

1. The use, hereby permitted, shall be discontinued and the mobile home, touring caravan, utility buildings and W.C, hereby permitted, shall be removed and the land restored to its former condition on or before 31st October 2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
(Reason – In accordance with the advice in Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites, the Council is preparing a Gypsy and Traveller Development Plan Document, and on a without prejudice basis to a permanent consent on this site, a time limited consent will enable the Local Planning Authority to properly assess the impact of traveller development on Willingham.)
2. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in paragraph 15 of the ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites.
(Reason – The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore the use of the site needs to be limited to qualifying persons.)
3. The residential use, hereby permitted, shall be restricted to the stationing of no more than 1 mobile caravan and 1 touring caravan at any time.
(Reason – To ensure there is no adverse pressure on local infrastructure such as local schools created by further people living on the site.)
4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site
(Reason – In order to limit the impact of the development on the areas rural character and the residential amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. No commercial activities shall take place on the land, including the storage of materials.
(Reason – In order to limit the impact of the development on the areas rural character and the residential amenities of neighbours.)
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 – In order to limit the sites impact on the areas rural character.)

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

- South Cambridgeshire Local Development Framework Core Strategy and Development Control Policies 2007
- ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)
- Circular 11/95: The use of conditions in Planning Permissions
- Gypsy and Traveller Site Consultation document July-October 2009
- Planning Files: S/1073/09/F, S/1191/09/F and S/1919/08/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1191/09/F - WILLINGHAM**Change of Use of Land to a Permanent Gypsy Pitch for Siting of 6 Caravans, Toilet/Shower Block and Use of Existing Building for Domestic Storage (Renewal of Temporary Consent S/2010/04/F) at Beaumont Place, Meadow Road For Mrs Linda Brown****Recommendation: Delegated Approval****Date for Determination: 9th October 2009****Notes:**

This Application has been reported to the Planning Committee for determination following a recommendation of refusal by the Parish Council that does not accord with the officer recommendation.

Site and Proposal

1. The site is set to the side and rear of an old agricultural /industrial building, set outside of the Willingham village framework as identified within the South Cambridgeshire Local Development Framework 2007. The site as a whole is approximately 65m by 70m. Access is achieved through old industrial gates to the front of the site, accessing onto Meadow Road.
2. To the east of the site is open agricultural land, the shared boundary of which is a mature 2m high hedge. To the south is an area of grassland, beyond which is a further 2m high hedge and agricultural land. To the west side are further traveller sites at Longacre. The shared boundary is a 1.8m high fence with planting.
3. The full application, submitted on 14th August 2009, seeks further consent for the siting of six caravans following a previously approved temporary consent. The application includes a Design and Access Statement. At the time of my site visit, not all six caravans were located on the site.

Planning History

4. Application **S/2010/04/F** granted temporary consent for three years for the siting of six gypsy caravans (part retrospective) and the use of the building for storage for personal use. Condition 1 restricted this to occupation by those defined as gypsies, and condition 2 stated the use shall cease on 6th September 2009 with all structures removed within three months.
5. There are various other applications relating to the site, none of which are considered relevant to the determination of this application.

S/1191/09/F Willingham



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October 2009 Planning Committee

6. Members should be aware of a recent appeal decision relating to a site at 3 Cadwin Field, Willingham (**S/1919/08/F**). An application for temporary consent was refused by Members at the February Planning Committee, but allowed at appeal. The Inspector noted the need for sites in the District and stated that planning permission should only be for a temporary consent to enable a proper evaluation of all potential sites identified through the Development Plan Document process.

Planning Policy

7. **ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)** provides guidance on the planning aspects of finding sites for gypsies and travellers and how local authorities can ensure that members of that community are afforded the same rights and responsibilities as every other citizen. It advises that where there is an unmet need and no alternative gypsy provision, but there is a reasonable expectation that sites will become available within a given time scale to meet that need, Local Planning authorities should consider granting a temporary permission for proposed sites. It does not say that temporary permission should only be considered where the site is already occupied.
8. Advice on the use of temporary permissions is contained in paragraphs 108-113 of **Circular 11/95, The Use of Conditions in Planning Permissions**. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no alternative Gypsy and Traveller site provision in an area, but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, Local Planning Authorities should give consideration to granting a temporary permission. Such circumstances may arise, for example, in a case where a Local Planning Authority is preparing its site allocations DPD. In such circumstances Local Planning Authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.
9. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land. In some cases, it may be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.
10. The **South Cambridgeshire District Council Gypsy and Traveller Development Plan Document** is currently under review. A consultation process is currently running to access 20 potential sites that performed best against the site criteria agreed after consultation in 2006. Given the requirements of the East of England Plan, drawn up by the East of England Regional assembly (EERA), South Cambridgeshire requires at least 88 new permanent pitches by 2021.
11. The site is currently included within the Gypsy and Traveller Site Operations and Policies consultation in preparation for the Development Plan Document. The site is number 16 in the consultation, and the consultation document states "this existing temporary site is close to Willingham's services and facilities. Storage buildings are a prominent feature on the site, but the use of adjoining land for a pitch would have limited additional impact. The consultation period ends on 9th October.
12. The relevant policies within the **Local Development Framework Development Control Policies 2007** are **DP/1 - Sustainable Development**, **DP/2 - Design of New**

Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks and **TR/1** - Planning for More Sustainable Travel.

13. Willingham is defined as a Minor Rural Centre under Policy **ST/5** of the Local Development Framework Core Strategy adopted January 2007.

Consultation

14. **Willingham Parish Council** recommends refusal of a permanent consent, and states that the current temporary consent should be extended for the period of one year. This (and similar) applications are part of the current gypsy and traveller consultation being carried out by the District Council, and to grant permission for a permanent site would prejudice the consultation process.
15. The **Old West Internal Drainage Board** states the Boards surface water receiving system has no residual capacity to accept increased rates of surface run-off in connection with new development proposals. Soakaways must be effective in the heavy clay soil. An effective foul water disposal method should also be used. Ditches adjacent to the site shall remain free-flowing.
16. The **Local Highways Authority** recognises the site is not ideal given the single track road and location in a rural area. Virtually all journeys will be by car, and ownership and movements are likely to be high.
17. The **Planning Policy Officer** notes the Gypsy and Traveller DPD is at the Issues and Options stage, the beginning of the plan making process, and can therefore only be given limited weight in planning decisions. The site performed well against the criteria developed to test sites following the consultation in 2006. A recent Inspector report took the view that any planning permission should only be for a temporary period to enable a proper evaluation of all potential sites through the DPD process so the most suitable sites can be allocated to meet the identified need and this would appear a sound approach.
18. Comments have not yet been received from the **Traveller Site Team Leader**. Members will be updated on any comments received at the Committee meeting.

Representations

19. No comments have been received at the time of preparing the report. Members will be updated on any comments received at the Committee meeting.

Planning Comments – Key Issues

20. By virtue of the guidance set out in Circular 01/2006, I consider that the main planning issues to consider in this case are the need to provide residential accommodation on the site relative to the applicants needs, including their status as Gypsies/Travellers, the visual impact of the site, highway safety and drainage. This should be balanced against the status of the Gypsy and Traveller Development Plan Document.

Need to Provide Residential Accommodation

21. The applicant remains the same as when temporary consent was granted for the site in application S/2010/04/F. A needs survey has been carried out. The applicant lives in a mobile home on the site on her own, and has done so for six years. She is separated from her husband who occupies the adjacent plot (subject to application S/1073/09/F).

She is 58 years of age and is registered at Cottenham Doctors Surgery. She is employed in a local care home, and has two children, both in their 30's who live away. Also living on site are Lacey Brown, her husband Jess Brown and their five children. The children are Tia Brown (18) who is employed locally, Lacey Brown (17) who is employed locally, Jess Brown (14) who is tutored privately at home, Jolene Brown (12) who is tutored at privately at home, and Josh Brown who attends Over Primary School. It is intended he will progress from there to Swavesey Village College.

22. The Planning Enforcement Officer has confirmed the Gypsy status of the family has been accepted by the District Council and they have local connections. In light of the definition of a Gypsy/Traveller as set out in Circular 01/2006, I consider the applicant is in need of appropriate gypsy accommodation. The tests set out in the Circular state the Local Planning Authorities are expected to give substantial weight to the unmet need of travellers locally when considering whether a temporary planning permission is justified.
23. The applicant has been on the site since at least 2004. The demand on services and infrastructure is therefore existing. Of the children living on site, the needs assessment states only one child in educated at Over Primary School, whilst two are privately tutored at home.
24. The site is set to the east of existing plots. Given the temporary condition on the site and the consultation regarding the Development Plan Document, the site is considered as an acceptable site for a further temporary consent. I note the applicant has applied for a permanent consent. A three year time period would allow the applicant to remain on site until the Development Plan Document is adopted. At this time, the suitability of the site for a permanent consent will have been assessed, and the applicant can then re-apply as necessary. I note the Parish Council recommends only a one-year temporary consent, but I feel three years is a much more reasonable time frame, to match other temporary consents granted in recent times and the likely timescale for the adoption of the DPD.

Visual Impact

25. There is a very good hedge around the north and east boundary of the site, restricting views from the surrounding countryside. The west boundary adjacent to the other plots has some good planting, further screening the site. It is however visible through the gates at its access. However, I am of the opinion that the proposal would not represent an unacceptable visual impact upon the character and setting of the countryside.

Impact upon Highway safety

25. I note the comments from the Local Highways Authority regarding the scheme. Meadow Road is narrow but does have passing places. Whilst the site is likely to cause reliance on the car, the use of the site to meet demand from the gypsy community is considered to outweigh the potential unsustainable nature of the site in this instance. This is echoed by the Development Plan Document consultation information which notes the site is close to existing facilities in the village.

Drainage

26. The applicant notes that foul sewage would be linked to a septic tank, whilst surface water will be drained through a soakaway. I note the comments from the Old West Internal Drainage Board on this matter. A condition was placed on the 2004 temporary

permission requesting details of schemes showing foul and surface water drainage works. It is necessary for the condition to again be added to the consent.

Other Matters

27. The site is excluded from the High Court injunction dated 20th December 2007. Further conditions would be required relating to prevention of further caravans being positioned on the site, storage of large vehicles, commercial activity and lighting. I do not consider a repeat condition regarding landscaping is now relevant given the screening now enjoyed by the site.

Recommendation

28. Delegated approval for 3 year temporary consent, subject to comments from the Traveller Site Team Leader, and other representations that may be received.

Conditions

1. The use, hereby permitted, shall be discontinued and the six caravans and toilet/shower block, hereby permitted, shall be removed and the land restored to its former condition on or before 31st October 2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. (Reason - In accordance with the advice in Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites, the Council is preparing a Gypsy and Traveller Development Plan Document, and on a without prejudice basis to a permanent consent on this site, a time limited consent will enable the Local Planning Authority to properly assess the impact of traveller development on Willingham.)
2. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in paragraph 15 of the ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. (Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore the use of the site needs to be limited to qualifying persons.)
3. The residential use, hereby permitted, shall be restricted to the stationing of no more than six touring caravans at any time (of which none shall be static caravans or mobile homes). (Reason - To ensure there is no adverse pressure on local infrastructure such as local schools created by further people living on the site.)
4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site. (Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. No commercial activities shall take place on the land, including the storage of materials. (Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours.)

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 - In order to limit the site's impact on the area's rural character.)
7. The use, hereby permitted, shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of any one of the following requirements not being met:
 - i) within 3 months of the date of this decision there shall have been submitted for the written approval of the Local Planning Authority a scheme for the provision of foul and surface water drainage of the site and the said scheme shall include a timetable for its implementation;
 - ii) within 11 months of the date of this decision, the drainage scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority fail to approve such a scheme, or fail to give a decision within the prescribed period, an appeal shall have been lodged and accepted by the First Secretary of State;
 - iii) In the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the submitted drainage scheme shall have been approved by the First Secretary of State;
 - iv) all works comprised in the drainage scheme as approved shall have been implemented, and completed within the timetable set out in the approved scheme.
(Reason - To reduce the risk of pollution to the water environment, to reduce the risk of flooding and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 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 Core Strategy and Development Control Policies 2007
- ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)
- Circular 11/95: The Use of Conditions in Planning Permissions
- Gypsy and Traveller Site Consultation document July-October 2009
- Planning Files: S/1191/09/F, S/1073/09/F, S/1919/08/F and S/2010/04/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th October 2009

AUTHOR/S: Executive Director (Operational Services) / Corporate Manager - Planning and Sustainable Communities

C/6/9/1A

**Discharge of Condition 5 - Lighting
Cambridgeshire Guided Busway**

Recommendation: Approval

Notes:

This submission has been reported to the Planning Committee for determination because the officer recommendation of approval is contrary to objections raised by Parish Councils.

Background

1. On 21st December 2005, the Secretary of State for Transport directed that planning permission be deemed to be granted for the development included in the Cambridgeshire Guided Busway Order. Condition 5 reads:
 - (a) Details of the lighting system and switching arrangements proposed at all stops and along the off-highway sections of the route and to new and replacement footpaths, cycleways and bridleways shall be submitted to and approved in writing by the local planning authority before that part of the development is brought into operation;
 - (b) The works shall be carried out in accordance with the approval given by the local planning authority or, if that authority gives prior written approval to any amendment or alteration, subject to such amendment or alteration.

Reason: in the interests of safety of users and visual and residential amenity.

Site and Proposal

2. The submission, attached to a letter dated 15th June 2009, proposes details of the lighting arrangements at bus stops on the Guided Busway. Technical electrical specifications have been submitted. In addition the following information has been provided:

“Street lighting lamps have lower half clear and upper half solid to ensure light emits downwards only.

Switching is by light sensors (PECU) for night-time illumination only (dusk to dawn).

Bus shelter lighting is switched in the same manner. Fittings are angled to cast light downwards and across platform avoiding upward lighting as much as practicable.

Details of Lighting installed at Bus Stops on the Cambridge Guided Busway:

Swavesey Bus Stop: 2 Lamp Columns.

Oakington Bus Stop: 12 Lamp Columns.

Histon and Impington: 11 Lamp Columns.

Arbury North Bus Stop: 2 Lamp Columns.

Cambridge Regional College Bus Stop: 11 Lamp Columns.

Science Park Bus Stop: 6 Lamp Columns.

Arbury South Bus Stop: 4 Lamp Columns.

There are no Lamp Columns on the proposed Maintenance Track or any Cycleway/Footpath on the Cambridge Guided Busway.”

Consultations

3. The Parish Councils of Milton, Impington, Histon, Oakington and Westwick, Longstanton and Swavesey, the Orchard Park Community Council and the Environmental Health Officer were consulted.

4. **Histon Parish Council** recommends refusal based on:

“Lights should cease operation when buses not operating (currently proposed to be illuminated dusk till dawn). To avoid over-illumination Council suggest provision of solar lighting.

Solar lights along maintenance/cycle track preferable - important it should have **some** lighting.

Plans of siting required and better specifications, including standards of lights to be provided in bus stop.”

5. **Impington Parish Council** recommends refusal based on:

“Lack of detail and specificity e.g. siting details, so difficult to comment on suitability.

Committee question the need for dusk to dawn lighting when service due until Midnight only, although acknowledging may be sensible to leave on at some key sites.

Disappointment that no lights on maintenance/cycle track, cyclists needing illumination support.”

6. No other Parish Council comments have been received.

Representations

7. The Parish Councils have forwarded comments from a resident of 13 Villa Place, Impington. Having experienced the column lights turned on at the St. Ives bound Histon/Impington bus stop for a period at the end of July, he objects to the unacceptable light sources shining into his back bedroom and living room and into his rear garden, causing a privacy and security problem. He requests that the height and number of lamps be reduced and the bulbs are shrouded to stop light escaping far from the platform.
8. In response to the above comments from Histon and Impington Parish Councils, the Project Manager states:
 - “1. The Bus Stop Lighting is to remain on from Dusk to Dawn as a security measure in conjunction with the CCTV System to prevent vandalism to the ticket machines and other equipment.
 2. Solar Lighting at the stops has been investigated but there is currently no Solar Powered Equipment available to meet the operating requirements of the equipment installed at each stop.
 3. All practicable means have been taken in the design of the Bus Stop lighting to counter Light Pollution.
 4. The deemed Planning Condition for the approved scheme does not cover lighting of the cycleway.
 5. The specification supplied with the original submission was an abstract from the Contract Specification.”
9. It has also been pointed out that the County Council’s statement of case to the public inquiry said:

4.80. In order to reduce light pollution particularly in both rural and residential areas, lighting will not be included along the guideway or maintenance track between junctions.”

Therefore it doesn’t form part of the scheme considered at the Public Inquiry and by default is not covered by the planning permission.
10. In response to the comments from the occupier of 13 Villa Place, the County Guided Bus Team agreed that it would check the lighting levels meet the specification and look into providing shielding. The specified levels of lighting are quite high at the stops and are based on Disability Discrimination Act requirements for railway stations.

Planning Comments

11. The details of the design and external appearance of each of the above bus stops have been approved and the relevant condition 3(a) discharged in regard to these stops. The approved details include the number and siting of lamp columns.
12. Lighting within the bus shelters is necessary for safety and security reasons. Each shelter has four lights wired, although only two will be in use and the level of illumination will be reduced from 250 to 120 lux. I do not consider it unreasonable on

security grounds or unacceptable for the shelters to be lit using photo-electric control units outside the hours of bus operation.

13. There is no requirement for the maintenance/cycle track to be lit except at road junctions, where schemes have been approved under condition 3(a). For the most part the Guideway passes through open countryside where lighting would be undesirable and intrusive. However, in the bound section between Park Road, Histon and Milton Road, I have asked the County Council to consider installing solar lights as part of its own surfacing contract for that length of the maintenance track/cycleway.
14. The St. Ives bound bus stop is very close to properties in Villa Place. As a consequence of the problems experienced by one of the residents, who clearly also writes on behalf of nearby residents, I have asked BAM Nuttall Ltd to look again at the lighting proposals at this stop, including installing shields to the lanterns and re-assessing the number and height of the lighting columns.

Recommendation

15. Subject to the resolution of the problems experienced at the St. Ives bound Histon/Impington stop, it is recommended that condition 5 be discharged in regard to the details of the lighting system for all stops in accordance with the details submitted by letters dated 15th June and 3rd August 2009 subject to the use of full cut-off luminaires in accordance with Institution of Lighting Engineers standards. It is also recommended that the County Council be formally requested to consider installing solar lights within the bound section of the maintenance track/cycle way.

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

- Planning File Ref: C/6/9/1A
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th October 2009**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager - Planning and Sustainable Communities

REVIEW OF CHAIRMAN'S DELEGATION MEETING**Purpose**

1. To consider whether Chairman's Delegation Meeting (ChDM) should be retained or abolished.
2. To include the Development Control Team Leaders in the powers and functions delegated to the Executive Director, Corporate Manager and Development Control Manager.

Executive Summary

3. This report summarises the background to ChDM and the reasons why a review is necessary. It has been encouraged by unease expressed by certain Parish Councils, who favour either abolishment or change.
4. A report was presented to the Portfolio Holder's Meeting on 1 September 2009. The Portfolio Holder's response is included under consultations at paragraph 24 in this report.
5. Any change to the delegation system should run for a trial period of twelve months in order to assess whether it has a detrimental impact upon the operation of the current Planning Committee in terms of workload and frequency of meetings, the rate of delegated decisions, the achievement of Government application determination targets and the reaction of Parish Councils, who should be consulted before the end of the review period.

Background

6. The Chairman's Delegation Meeting was introduced in 1999 as an extension to the officer delegation scheme. It allowed officers to consult the Chairman and Vice-Chairman of Committee and local Members before determining a householder application where the officer recommendation was contrary to the comments of the Parish Council.
7. Since then, ChDM has been extended to include advertisement applications, applications for prior notification of Permitted Development (agricultural buildings and works, telecommunications and demolition).
8. In August 2007, Planning Committee agreed to extend the role of ChDM further by including within its remit applications for minor development (fewer than ten dwellings or less than 1,000 square metres of commercial floorspace) where the proposed decision of the officer to approve the application would conflict with or would not substantially satisfy through the imposition of conditions, the written representations of the Parish Council. After a six-month monitoring period, Planning Committee endorsed the changes in February 2008.

Considerations

9. For some years, ChDM operated successfully in establishing a more efficient way of working to maximise the delegation of applications for determination by officers, with only the most complex or controversial applications coming before Planning Committee.
10. It also provided a mechanism to ensure that the less controversial applications, where officer recommendation and Parish Council representation differed, could be determined within government timescales whilst at the same time introducing a District Councillor check/balance in the process.
11. This has contributed to the Authority achieving government targets for determining minor and other applications in the financial years ending March 2007 to 2009 inclusive and hence maximising Planning Delivery Grant.
12. However, over time the delegation system in general has become more complicated. Parish Councils, District Councillors and even Officers find it difficult to understand the system.
13. It is also not clear who is actually taking the decisions or how the process works. It is supposed to be only the officer taking the decision after hearing representations from the Chairman, Vice-Chairman and local Member, but the procedure is ambiguous.
14. Although all representations made on an application, including those of a Parish Council, are considered at the ChDM, the procedure and minutes do not identify the relevance of the quality of representations. However, all delegated reports, which summarise all representations, identify relevant policies and issues and justify the reasons for a decision, are put on to the web site and are therefore readily accessible by the public.
15. There is currently no support from a lawyer or a Democratic Services Officer, which would ensure that relevant advice was given on the declaration of interests under the Code of Conduct and that the meeting was minuted properly with decisions recorded correctly. This was an issue raised by the Standards Committee on 7 May 2009. The panel recommended that the procedures and operating principles of ChDM be reviewed and the review to include the consideration of provision of officer support from either Legal or Democratic Services, or both. It also said that this should be achieved by the establishment by the monitoring officer of an officer-working group, reporting to the Standards Committee at its 9 September meeting. This group has been meeting regularly.

Killian Pretty Review 2008 (KPR)

16. The most recent guidance upon officer delegation is incorporated within the KPR: "Planning Applications: A faster and more responsive system" and the Government's response to it in March 2009.
17. Recommendation 10 of KPR stated:

"That the input of elected Council Members into the planning application process needs to be better targeted on those developments which will make the greatest contribution to the future development of this area."

18. To achieve this one of the actions was:

“Local planning authorities should review and update their local schemes of delegation, so that the resources of planning committees are focused on applications of major importance or wider significance, and that a minimum delegation rate to officers of at least 90 per cent is achieved at all councils before the end of 2009.”

19. In response the Government stated:

”This recommendation is directed at local government, however we would welcome and support steps taken by local government to strengthen the relevance and take up of councillor training, ensure consistency between planning policy and planning application decisions to officers.”

Implications

20. Financial	No significant impact although if ChDM is abolished there would be small savings.
Legal	The Senior Lawyer has advised that only Parish Council attendance/speaking at ChDM would be contrary to natural justice (see paragraph 23).
Staffing	Retention of ChDM would involve additional Legal and/or Democratic Service Officer presence.
Risk Management	Workloads/Officer time is always managed to ensure application determination targets can be achieved.
Equal Opportunities	No impact. The Service promotes equality of access to this Service.

Consultations

21. At Scrutiny Committee on 25 June 2009 Comberton Parish Council, supported by Bourn, Caxton and Hardwick Parish Councils, raised questions. The principal points were:

- (a) A review of ChDM, which was promised at a meeting on 22nd October 2008, has not taken place. It is overdue.
- (b) Village development of up to 10 houses, which would be contrary to adopted Policies in the LDF Development Control Policies DPD July 2007, could be considered at ChDM. This discriminated against smaller villages, where small developments could have a considerable impact. Also any application in a protected area or to a protected property should go before Committee if the Parish Council disagrees with the officer’s recommendation.
- (c) Lack of democracy in delegating 93% of all applications to Planning Officers.
- (d) Inability of Parish Councils to attend, or to speak at ChDM, unlike at Planning Committee. The reliance upon the Local Member to attend ChDM and to represent the Parish Council view is not always well founded particularly if the District Councillor cannot attend a meeting. This lack of village representatives at ChDM is seen as undemocratic and disempowering Parish Councils. Parish Councillors have extensive local knowledge. Also the absence of a Parish Council representative means that ChDM cannot question a Parish Council on representations.

- (e) Feed back from ChDM was opaque. There was no evidence that the Parish Council had any influence on decision-making. Decisions are made behind closed doors with no observers. It needs to be more transparent.
 - (f) There was little point in Parish Councils discussing planning applications if there was no evidence that their comments could influence decisions.
22. Since then comments have also been received from Melbourn, Linton, Barton, Longstowe, Harlton, Bourn, Milton, Whaddon, Heydon, Croydon and Hauxton Parish Councils. These are summarised as follows:
- (a) The present system of ChDM is unsatisfactory and it should be changed or abolished;
 - (b) There is a diminishing role of Parish Councils in the planning process;
 - (c) ChDM are held in closed meetings where Parish Councils are not directly represented. Therefore it is inherently undemocratic.
 - (d) If the SCDC corporate objectives include “listening to and engaging with our local community” and “working more closely with Parish Councils”, it is unjust that, for instance, applications of up to 10 dwellings are determined by ChDM because such applications are of such great relevance to the parishioners of smaller villages which have restricted scope for development. These applications are significant and highly controversial;
 - (e) Parish Councils should have a clearer say in the planning procedure and not just the completion of a consultation form. The place and role of Parish Councils in the planning procedure should be re-established. Parish views should continue to be taken into account in all planning applications in order to protect existing communities.
 - (f) Extensions to houses in the open countryside can be controversial. Such changes could be approved against the advice of the Parish Council without public scrutiny;
 - (g) An officer recommendation in conflict with that of a Parish Council on a controversial application should be referred to Committee. At the very least, a Parish Council representative should be invited to attend as observers or participate in ChDM; and
 - (h) Local knowledge is invaluable when considering applications in small villages. It is not possible for District Councillors to have full knowledge of every factor affecting an application. The input of the Parish Council is vital to local democracy. As the elected representatives of the community affected, it is essential that the Parish Council is seen to be an important part of the process.
23. The Acting Principal Solicitor advises against only giving Parish Councils the opportunity to be represented at ChDM. She states:
- “The process surrounding determination of planning applications is one governed by the rules of natural justice - i.e. that all interested parties should be informed of anything being said by others which could potentially prejudice their case and be given the opportunity to refute and challenge such representations.

Whilst Parish Councils are not statutory consultees in the planning process, the content of their representations are to be given due regard under the provisions of the Town and Country Planning (General Development Procedure) Order 1995. However, to the extent that the same constitute material planning considerations, Parish representations are equivalent to those submitted by members of the public or others with an interest in a particular application.

Consequently, natural justice would dictate that if Parish access to make oral representations to ChDM were allowed then an equivalent facility must be offered to others also interested in a particular application. Anything else would be inherently unfair. Therefore if the Committee was minded to open up the current Chairman's Delegation Meeting to include oral representations from Parish Councils, this invitation would also have to be extended to the public at large, including the applicant and objectors, which invites a logical conclusion that the meeting could become a rehearsal for Planning Committee itself."

24. In response to discussion at the meeting on 1 September 2009, the Planning Portfolio Holder agreed to submit the following consultation response to the Planning Committee:

"Central Government requires that South Cambridgeshire District Council determines a minimum of 90% of planning applications through delegation to officers. The Council introduced the Chairman's Delegation Meeting in an effort to recognise a statutory process but, at the same time, inject an element of local democracy. It is important to make sure that procedures remain effective, relevant and widely accepted. My view is that the contribution made by the Chairman's Delegation Meeting in its present form should be recognised and welcomed, but that, in the interests of transparency, interested parties (applicants, agents, objectors and Parish Councils) should from now on be invited to attend meetings, as observers only without speaking rights, subject to review in October 2010. Some amendments to the current Chairman's Delegation Procedure would be necessary for clarification and an amended procedure should be brought to the November meeting of the Committee."

Effect on Strategic Aims

25.	Commitment to being a listening council, providing first class services accessible to all.
	Some Parish Councils have expressed concern about the present system of ChDM. This has been rehearsed at Scrutiny Committee on 25 June and Planning Portfolio Holder Meeting on 1 September. As a consequence there is a need to consider the future of ChDM.
	Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.
	No effect.
	Commitment to making South Cambridgeshire a place in which residents can feel proud to live.
	To provide an efficient and transparent decision-making process in which people and Parish Councils have confidence.
	Commitment to assisting provision for local jobs for all.
	No effect.
	Commitment to providing a voice for rural life.
	All applications are subject to public consultation. Those more significant and controversial applications will be considered by Planning Committee, at which the public can speak.

Options

26. It is considered that the possible options are:

A. Dispense with ChDM

This would create the most stream-lined system of decision-making either by Planning Committee or officers under delegation.

The delegation scheme is based upon a 'by-exception' model, whereby applications are only considered at Committee if they fall within one of nine exception categories. Over time these exceptions have increased and become more complicated and difficult for officers and Members to understand. A simplified structure would be produced to minimise the number of exception categories (eg. exception affordable housing sites) which would be considered by Committee.

In addition it would:

- (a) Empower a District Council Member to request that an application is made by Planning Committee, providing this request:
 - (i) is within 21 days of the registration of the application;
 - (ii) sets out the planning reasons for the request; and
 - (iii) is in writing; and
- (b) The Corporate Manager (Planning and Sustainable Communities), Development Control Manager or Team Leaders Development Control to have the right to refer to the Committee any application for planning permission or other consent or matter which would otherwise be determined under delegated powers.

In regard to (a) above, it should be borne in mind that Committee should focus on applications of major importance or wider significance. For that reason it is suggested that, if this option is adopted, the District Council Member call in power excludes householder applications outside Conservation Areas, advertisement applications and prior approval notifications (telecommunications, agricultural buildings and works and demolition), where, in the case of prior notification applications, the application cannot be reported to Committee in time for a decision notice to be issued within the strict deadlines imposed by Regulations. In the event that such a written request is made, or if the request is made outside the 21 day period, it is suggested that the request is formally considered by the Corporate Manager/Development Control Manager and the Chair of Planning Committee. The 21 days is suggested to minimise the delay between a request being received and the application being considered at Committee.

B. Revise the type of applications which can be considered by ChDM.

Whilst it is important to ensure that Planning Committee only considers the most complex or controversial proposals, officers recognise that an application for minor development (up to ten houses or up to 1,000 square metres floorspace for other uses) within a village environment can itself be controversial. In this option therefore applications of this nature, which are recommended for approval contrary to an objection raised by the Parish Council, would be reported to Planning Committee. In the 16 ChDMs in 2009

this would have resulted in an additional 22 Committee items spread over nine Planning Committee meetings.

Applications of any description recommended for approval in Conservation Areas contrary to Parish Council objection are already referred to Planning Committee.

There have been no Listed Building applications considered by ChDM so far during 2009. This would suggest that the additional burden on Planning Committee would not be significant if such applications, together with related householder applications, recommended for approval contrary to Parish Council objection were excluded from ChDM.

The effect of this change would be that ChDM would only consider applications that did not propose Major or Minor development, alterations, extensions, demolition or works within the curtilage of Listed Buildings or development within Conservation Areas.

This option would require officer support at ChDM from Legal or Democratic Services or both, placing additional resource burden on those Services.

C. Public speaking or attendance at ChDM

This procedure would effectively create a small sub-committee, albeit that the final decision remains with officers, would be open not just to Parish Councils, but to applicants, objectors and supporters to counter calls of unfairness and injustice and would place significant resource burden on Democratic Services. The Senior Lawyer has advised against Parish Councils alone being represented at ChDM (see paragraph 23).

Officer support from Legal or Democratic Services or both would be required at ChDM. There would also be a need to ensure that all parties were made aware of agendas.

This option could be implemented with or without changes to the type of applications considered at ChDM (see Option B above), although if ChDM is opened up to either public speaking or attendance, it is suggested that, for the trial period, no change is made to the type of applications which may be considered.

D. That no formal decision is made at this Meeting in order to allow a round of consultation with all Parish Councils and District Council Members with a further report being considered at the 2 December 2009 Planning Committee.

Comment

27. No other Cambridgeshire Authority operates a procedure equivalent to ChDM. East Cambridgeshire did introduce a similar arrangement in 2002 but dispensed with it in May 2009. The reasons given were:
- (a) The imminent internet public access to planning applications and the consequent increase in the transparency of consultations, comments, and officer reports;
 - (b) The changes for referral of applications by District Council Members to Planning Committee included in the Constitution; and
 - (c) Concerns about 'legitimacy' in the delegation process.

28. Whatever change is agreed should aim to improve the existing system, provide transparency and shouldn't penalise the Council in achieving Government performance targets in regard to determining applications.
29. There are benefits in discontinuing the ChDM so long as Planning Committee continues to provide public scrutiny and an opportunity for public speaking upon controversial major and minor applications, when an officer recommendation to approve conflicts with objections raised by a Parish Council. It will provide a more streamline process, which will be easier to understand by all parties. That benefit will, in my opinion, outweigh the disadvantages of a small increase in the number of applications considered at Committee.
30. The retention of ChDM would enable the Planning Committee to concentrate on the more significant and controversial applications. Attendance by applicants/agents, parish councils, supporters and objectors without speaking rights would aid transparency. If the ChDM is retained, support from Democratic and/or Legal Services will be required and there will be greater burden on staff in terms of the administration of the Meetings.
31. The officer working group also considers that, if ChDM is retained, the minutes of the Meeting should reflect any comments made by a District Councillor and an officer summarised report be prepared and circulated to the Parish Council and Local Member in advance as part of the agenda.
32. Whatever option is adopted, it is also suggested that Parish Councils might be asked to indicate on an adapted consultation form if they have good reasons for an application to go to Committee. The wording would be something like:

"In the interests of effective processing of business, the Local Planning Authority is minded to determine this application under delegated powers. However, it is possible in exceptional circumstances for the planning officer to refer this application to the Planning Committee if good reasons can be demonstrated for this to happen. Please indicate below if the Parish Council is of the opinion that such reasons exist and outline those reasons in full."
33. On the one hand this will help officers and Members to decide whether an application should be reported to Planning Committee, although it cannot be guaranteed. The decision will rest with Members and Officers only. On the other hand this could raise Parish Council expectations and create consistency problems. The Parish Council may now ask its Local Member(s) to call an application into Committee and that may remain the simplest option, thereby avoiding potential problems.

Recommendation

34.
 - A. That, having regard to comments made by Parish Councils and to simplify the decision-making process, the Officer Working Group recommends the ChDM be abolished and that a revised delegation procedure be considered by Committee on 4 November 2009.
 - B. That, in the event of any change to the present system being adopted, the Parish Councils be invited to comment before the end of the review period.
 - C. To ensure continuity and flexibility of service, it is recommended that DC Team Leaders have the same level of Delegation responsibility as the Corporate Manager and DC Manager.

Background Papers

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

Officer Delegation Procedures: Report to Planning Committee 6 February 2008.
Government Response to the Killian Pretty Review ("Planning Applications: A faster and more responsive system") March 2009

These documents need to be available for public inspection.

Contact Officer: David Rush – Development Control Manager
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Notes:

Major Developments

For dwellings: where 10 or more are to be constructed (or if number not given, area is more than 0.5 hectares).

For all other uses: where the floorspace will be 1000 sq.metres or more (or site is 1 hectare or more).

Minor Developments is development which does not meet the criteria for Major Development or the definitions of Change of Use, or Householder Development.

Other Developments comprise:

Change of Use (*if it does not concern a major development and no building or engineering work is involved*):

Householder development

Advertisements

Listed Building Consents

Conservation Area Consents

Certificates of Lawfulness

Other decisions including certificates of appropriate alternative development and notifications under Circular 14/90.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 7 October 2009
AUTHOR/S: Executive Director (Operational Services) / 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 and Mrs K Esplin – Erection of house and garage(revised details including pool house, screen fencing and front boundary treatment – 43 Fowlmere Road, Heydon – Planning and Enforcement appeals allowed.

2. Planning permission was refused to amend some of the details of proposals originally granted planning permission in 2004. The changes have already been carried out and an enforcement notice was issued to remedy the breach of planning control.
3. As a preliminary matter, the appellant challenged whether Council officers had authority to issue the enforcement notice. Although the inspector felt the Committee minute was not particularly clear, he was satisfied that officers did have sufficient authority to proceed. The appellant also claimed that the pool house and screen fencing was permitted development. This was rejected.
4. The main issue was the impact on the character and appearance of the Heydon conservation area and upon the setting of the adjoining grade II listed cottage. The inspector saw that the new house is a substantial building with a striking design, and fills most of the width of the plot. If there had been a strong case for allowing a view through to the countryside beyond (this would actually be a view of open sky, as the land falls steeply away to the west) then this could have been achieved by permitting a house that was further away from the northern boundary of the plot. The fence was considered acceptable as it is well designed and it is reasonable to wish to screen the rear garden from views from the road. The inspector found the pool house does not close the gap between the two buildings to a significant extent. Even if both the pool house and the fence were removed, any view through to the rear would be likely to be closed off in time as normal garden planting matures.
5. The approved plan indicates a 1 m high brick and flint front wall with a hedge behind. The proposal was for a beech hedge only. The inspector found there is a need to enclose the frontage because of the large expanse of the open gravelled parking area. It is unnecessary to have a hedge or wall high enough to hide the cars; it would be sufficient just to provide some definition and sense of enclosure to the front. A well established dense beech hedge could provide just as much screening and definition as a wall. He was not sure whether the existing hedge would provide adequate

screening without reinforcement and thus imposed a condition a scheme to be submitted and approved for the replacement or reinforcement of the boundary hedge.

6. The appeals were therefore allowed subject to the reimposition of conditions attached to the original planning permission.

Mr D S Hobbs – Use of premises as licensed club – 16A Norman Way Industrial Estate, Over – Enforcement Appeal allowed

7. This appeal refers to the use of a club that was refused planning permission on appeal in January 2009. An enforcement notice was then issued requiring the use to cease within three months.
8. The appellant argued that the three month compliance period is too short. Nine months is required because if the club is forced to close sooner, some members will still be within their membership period and the club will then be in breach of its own terms and conditions. Three months is insufficient time in which to find alternative premises, and again nine months is needed.
9. The Council referred to the previous Inspector's conclusions and argued that the harm to residential amenity should not be allowed to continue longer than necessary. Residents have been subject to noise and disturbance since the club opened in May 2008 and it is unreasonable for this to be allowed to continue longer than necessary.
10. In response, the inspector did not consider that any complications that might arise with regard to unexpired club membership periods would justify an extension to the compliance period. There was a need to balance the harm to residential amenity, which is likely to continue through the compliance period, against the need to allow time for alternative premises to be found. There was no information about alternative premises, but six months was a reasonable period in which to relocate. The appeal therefore succeeded to this limited extent. This means the appellant is required to cease the use by 26 February 2010.

INDEX OF CURRENT ENFORCEMENT CASES
7th October 2009

Ref No	Location	See Page No. for full update	Remarks
18/98	Setchell Drove COTTENHAM	1-3	Plots 7, 7A and Four Winds being monitored.
34/98	Camside Farm Chesterton Fen Road MILTON	4-9	Defendants appeared before Cambridge Magistrates Court on 15 th May 2007. Each given a conditional discharge for 18 months with £200 costs. Planning permission S/1653/07/F approved 12 th August 2008. Letter received from defendants Solicitors regarding current circumstances – File submitted to Legal for opinion. Defendant's circumstances remain unchanged. Legal Officer informed.
10/03	Plot 12 Victoria View, Smithy Fen COTTENHAM	9-12	Site being monitored. Not currently proceeding with legal action as a result of decision by Planning Sub-Committee on 18 th June 2007. Further assessment of the current occupants medical needs to be carried out in order that the Planning Sub-Committee can be informed of the current position at plot 12 Victoria View.
15/03	Plots 1-11 Victoria View Smithy Fen COTTENHAM	12-15	Site subject of injunction. Dismissed by the Court of Appeal 28 th October 2008 – Injunction application stayed until the 2 nd January 2009 Appeals to the House of Lords dismissed. Committal hearing adjourned on 13 th March 2009 for two weeks. 27 th March 2009 Committal hearing found against the occupants and issued 4 arrest warrants, 6 suspended prison sentences and amended the injunction to allow the defendants 28 days to remove the three static caravans remaining on site. The deadline has now passed and authority has been given by the planning sub-committee to take direct action to remove the three static caravans and bund the area to prevent further unauthorised occupation. Direct action implemented 12 th August 2009 – Static caravans removed from site and area cleared. Land now protected by an earth bund and will be monitored.

Ref No	Location	See Page No. for full update	Remarks
19/03	Land adjacent to Moor Drove Cottenham Road HISTON	15-17	Application for injunction refused by the High Court, 5 th June 2008. Planning Appeal allowed, planning conditions to be monitored. All schemes required as part of the planning conditions have been submitted within timescale. Further information has been requested by the planning officer in order that the schemes relating to conditions can be discharged.
9/04	Land adjacent to Cow Fen Drove SWAVESEY	17-20	Defendant appeared at Cambridge Magistrates Court on 10 th January 2008. Each fined £700 with £200 costs. Refusal of planning permission S/1823/07/F and S/1834/07/F appealed. Hearing date listed for 6 th January 2009 S/1823/07/F "Appeal B" dismissed - Legal Officer to issue an Injunction in the High Court. S/1834/07/F "Appeal A" allowed subject to conditions. Defendants currently in discussions/ negotiations with housing and legal departments to comply with cessation of residential use. Negotiations have failed to provide an acceptable solution. Legal Officer to pursue Injunctive action.
13/05	Plots 5, 5a, 6, 10 & 11 Orchard Drive COTTENHAM	20-21	Planning Appeal dismissed. Further report to be considered by Planning Sub Committee.
18/05	Land off Schole Road (known as Cadwin Lane) WILLINGHAM	22-23	Three year temporary planning permission granted for 3 plots. Injunction granted on 18 th November restricting development on plots 3 and 4. Planning application S/2330/06/F - Three-year temporary consent approved for plot no 5. Plots 3 & 4 continue to be monitored. Injunction breached for plot 3 - Defendant found guilty in the High Court and ordered to remove the unauthorised caravan and dayroom. Planning application S/1919/08/F unsuccessful - Appealed. Successful High Court application to vary the injunction to allow occupation of the land until the outcome of the planning appeal made. Hearing date set for the 29 th July 2009. Appeal successful, three year temporary consent granted – Costs awarded against SCDC.

Ref No	Location	See Page No. for full update	Remarks
4/06	Plot 15 Water Lane Smithy Fen COTTENHAM	24-25	Appeal dismissed on 29 th January 2007. File submitted for an application for an injunction.
8/06	1 London Way Clunhpits MELBOURN	25-26	Appeal allowed in part and dismissed in part. Partial compliance. Landscaping scheme now approved. Highways & Environmental Health issues reviewed on site. Findings to be published shortly.
12/06	Unit J Broad Lane COTTENHAM	26-28	Planning application S/0334/08/F refused and Appeal lodged. At Cambridge Magistrates Court on 29 th May 2008 the defendant was fined £1,000 for breach of Enforcement Notice and £500 for Breach of Condition with costs of £300. Planning application S/1017/08/F refused at Planning Committee 3 rd September 2008. Appeal Inquiry date 2 nd & 3 rd December 2008. Appeal allowed - Conditions to be monitored.
7/07	The Drift Cambridge Road BARTON	28-29	Appeal dismissed on the 1 st April 2008. Compliance date 1 st October 2008 Partial compliance. Discussions continue.
12/07	The Firs 117 Duxford Road WHITTLESFORD	29-30	Enforcement Notice issued for unauthorised wall. Appeal dismissed. Planning application S/0360/08/F approved 25 th April 2008. Monitoring planning conditions. Further planning application S/1701/08/F submitted. Refused at Chairman's Delegation 10 th December 2008 – Enforcement Notice effective in three months unless a planning application is submitted that significantly lowers the height of the wall/fence, brick pillars and gates. Discussions relating to the submission of a further application currently taking place. Further Appeal submitted.

Ref No	Location	See Page No. for full update	Remarks
16/07	38 Silver Street WILLINGHAM	30	Enforcement Notice issued 28 th September 2007 for unauthorised work on Listed building. At Cambridge Magistrates Court on 10 th January 2008 the owner was fined £10,000 for unauthorised works. A Listed building application S/0192/08/LB, approved 19 th March 2008 complies with first part of the Enforcement Notice. Site is being monitored for compliance.
1/08	7 Flitmead CAMBOURNE	31	Appeal dismissed 16 th June 2008. Enforcement Notice Compliance date 16 th July 2008 not complied with. Prosecution file submitted, hearing date to be advised. Defendants found guilty at Cambridge Magistrates Court. Further complaints received prosecution file to be submitted. Insufficient evidence to proceed – File remains open.
5/08	27/28 Newfields Fen Road Chesterton MILTON	31-32	Enforcement Notice appealed. Hearing date to be confirmed. Fresh application submitted. Appeal dismissed 6 th May 2009, four months compliance period. Further planning application received and registered.
6/08	6 Sunningdale Fen Road Chesterton MILTON	32	Enforcement Notice appealed. Inquiry date 10 th February 2009 Appeal allowed on ground (a) Conditional planning permission granted. Compliance period six months i.e. by 18 th August 2009. Planning application received and registered.
18/08	43 Fowlemere Road HEYDON.	33	Enforcement action authorised by Planning Committee on 2 nd July 2008. File submitted to legal. Enforcement Notice issued 11 th November 2008 3 Months compliance period - Appealed. Appeal allowed and planning permission granted 28 th August 2009 – Remove from active list.
10/08	Elizabeth House High Street HORNINGSEA	33	Enforcement Notice issued – Appealed. Appeal allowed in part. Compliance period three months i.e. by 27 th August 2009. Property has changed hands new owner unaware of legal obligation, and has requested additional time to comply.

Ref No	Location	See Page No. for full update	Remarks
11/08	5 Home Farm 89 High Street HARSTON	34	Listed Building Enforcement Notice issued – Appealed. Appeal dismissed.
12/08	Plot 4 Moor Drove HISTON	34	Prosecution file submitted to Legal regarding failure to comply with a “Temporary Stop Notice” Enforcement Notice Issued. Retrospective planning application submitted. Approved at Committee 10 th June 2009 Conditions to be monitored.
13/08	49 High Street MELBOURN	34-35	Enforcement Notice issued. Prosecution file submitted to Legal for failing to comply with the Enforcement Notice. Defendants found guilty at Cambridge Magistrates Court. Enforcement Notice still not complied with. Further prosecution file submitted Hearing date set for 9 th July 2009. Male Defendant ejected from court, case adjourned until 23 rd July 2009. Both Defendants found guilty at Cambridge Magistrates Court, and fined £1000 each with costs totalling £520.
14/08	26 Granhams Road GREAT SHELFORD	35	Enforcement Notice issued Appealed. Appeal dismissed – Compliance to be monitored. Enforcement Notice complied with – Remove from active list.
01/09	82 High Street GREAT ABINGTON	35	Listed Building Enforcement Notice no 3342 issued 6 th January 2009 for unauthorised works on a Listed building. Compliance period 3 months. Appeal submitted out of time – Prosecution file to be submitted to Legal. Discussions continue to resolve.
04/09	1 Hinton Way GREAT SHELFORD	36	Enforcement Notice issued for unauthorised siting of a steel storage container – Compliance date 12 th July 2009. Appealed.

Ref No	Location	See Page No. for full update	Remarks
06/09	16a Norman Way Industrial Units OVER	36	Enforcement Notice issued for change of use of premises without consent. Appealed. Appeal allowed on ground (g) and Enforcement Notice varied by the deletion of three months and substitution of six months as the period for compliance. Subject to this variation the Enforcement Notice is upheld.
07/09	163 High Street SAWSTON	36	Listed Building Enforcement Notice issued for dismantling and removal works without authorisation. Appealed.
09/09	White Horse Public House 12 Greenside WATERBEACH	36	Enforcement Notice issued in respect of an unauthorised smoking shelter. Appealed. Appeal not allowed – Out of time, discussions continue.
10/09	8 Hardy Close LONGSTANTON	37	Enforcement Notice issued in respect of a change of use – Compliance period three months i.e. by 1 st October 2009.
12/09	6 Cottenham Road HISTON	37	Enforcement Notice issued in respect of breaches of control – Compliance period six months i.e. by 30 th March 2010. Appeal submitted.
16/09	The Barn, Chesterton Fen Road MILTON	37	Enforcement Notice issued in respect of breaches of control – Compliance period four months i.e. by 6 th February 2010.
17/09	80 High Street, MELBOURN	38	Enforcement Notice issued in respect of breaches of control – Compliance period four months i.e. by 5 th April 2010.