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23 December 2009

To: Chairman – Councillor Pippa Corney
Vice-Chairman – Councillor Robert Turner
All Members of the Planning Committee - Councillors Val Barrett, John Batchelor,
Trisha Bear, Brian Burling, Janice Guest, Sally Hatton, Sebastian Kindersley,
Mervyn Loynes, Charles Nightingale, Deborah Roberts, Hazel Smith,
Peter Topping and John Williams, and to Councillor Nick 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, 13 JANUARY 2010** 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. General Declarations of Interest** 1 - 2
- 3. Minutes of Previous Meeting**
To authorise the Chairman to sign the Minutes of the meeting held on 2 December 2009 as a correct record.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

4.	S/1356/09/F - Melbourn (Plasmon Data Systems UK Ltd Headquarters, Whiting Way, Melbourn)	3 - 14
5.	S/1134/09/F - Willingham (2 Cadwin Field, Schole Road)	15 - 20
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7.	S/1593/09/F - Barton (74 Wimpole Road)	27 - 32
8.	S/1583/09/O - Highfields Caldecote (Land in Rear Garden of 97-99 West Drive for Mr Phil Wright)	33 - 42
9.	S/1435/09/F - Cottenham (Cottenham Village College, High Street)	43 - 58
10.	S/0113/08/F - Hatley (Barn Farm, East Hatley)	59 - 70
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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 6 January 2010). If Members have any comments or questions relating to issues raised therein, they should contact the appropriate officers prior to the meeting.

- 20. Appeals against Planning Decisions and Enforcement Action** **155 - 156**
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
- 21. Enforcement Action** **157 - 164**

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

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

Notes

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

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South Cambridgeshire District Council

Planning Committee – 13 January 2010 – 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 Committee13th January 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1356/09/F – MELBOURN
Change of Use from B1 (C) (Light Industrial) to Ambulance Station
At Plasmon Data Systems UK Ltd Headquarters, Whiting Way
For East of England Ambulance Service NHS Trust

Recommendation: Approval

Date for Determination: 15th January 2010

Notes:

This Application has been reported to the Planning Committee for determination because it is a departure from the Local Development Framework Development Control Policies 2007

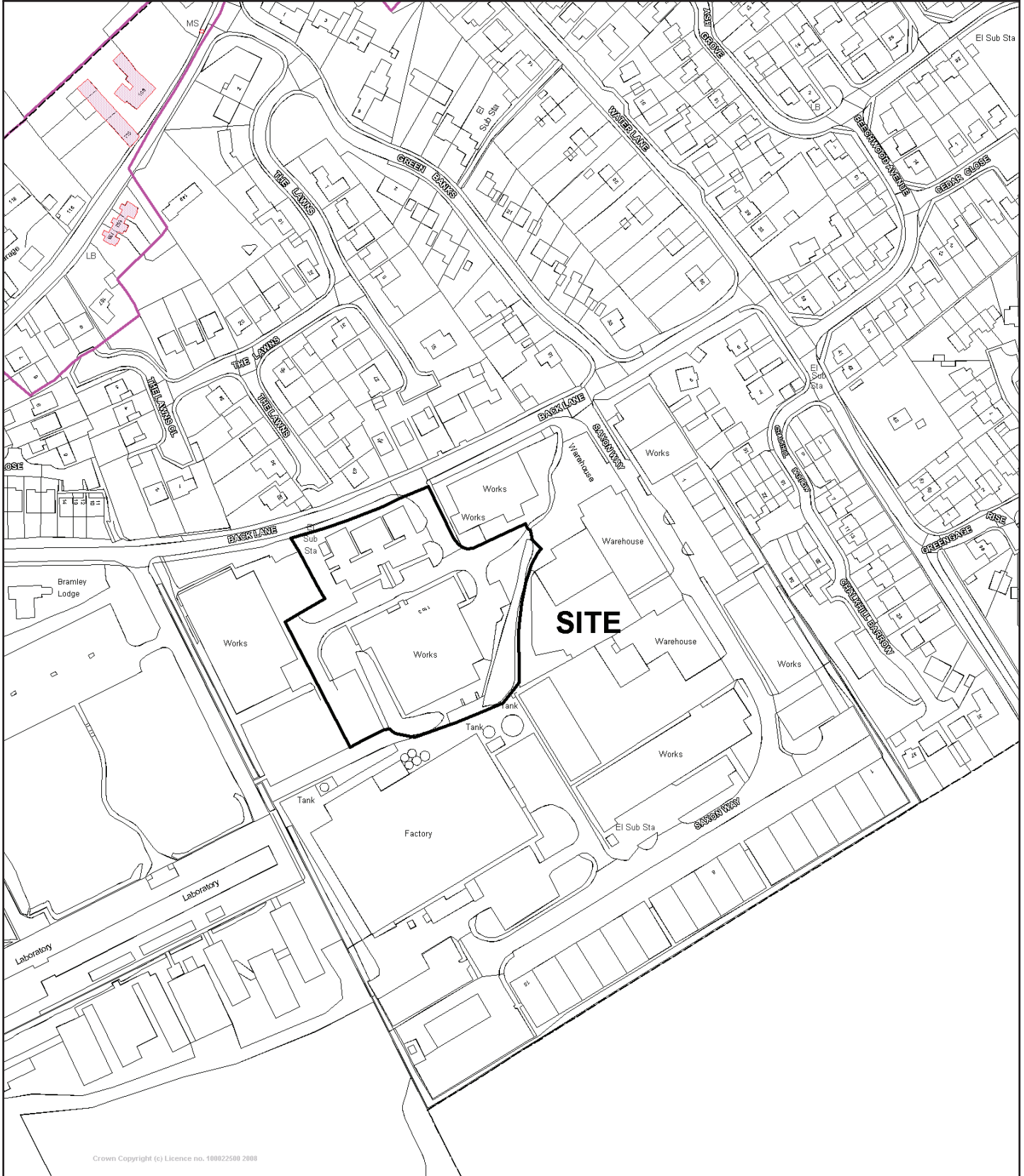
Site and Proposal

1. The application site comprises 0.86ha and is located on an existing employment site inside the village framework, as identified within the South Cambridgeshire Local Development Framework 2007. The site comprises an existing building of 2675m² in floor area and 67 existing parking spaces. Access is achieved via an existing access off Back Lane.
2. The land to the north is an established residential area comprising modern detached dwellings in The Lawns and Lawns Close, which are cul-de-sacs. Back Lane and a band of trees and shrubs along the northern boundary divide these from the site. To the east, south and west are further industrial buildings. The building to the west was presented to Planning Committee last month for a change of use.
3. This full application, submitted on 16th October 2009, seeks consent to change the use of the site to allow for an ambulance station and ancillary uses. It also includes the erection of a sliding vehicular and pedestrian gate between the east elevation of the building and its eastern boundary edge though this is considered to be Permitted Development and does not therefore form part of the proposal. The application contains a Planning Statement and a Design and Access Statement.

Planning History

4. Originally built in the 1970's for industrial/warehousing purposes the sites planning history is quite extensive starting around the early 1960's. The majority of planning applications refer specifically to the erection of the development as a whole starting with **SC/0196/73/O**. The site was the subject of many 'change of use' applications. These include warehousing to light industrial, warehousing to general industrial and vice versa. The most recent applications for this building are dated in the 1990's and it was at this time the changes to the use occurred. Extensions to the building were

S-1356-09-F



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Scale 1/2500 Date 15/12/2009

Centre = 538175 E 243963 N

January 2010 Planning Committee

approved in 2000 under planning reference **S/0455/00/F** and a change of use has recently been granted at the neighbouring building under reference **S/1071/09/F**.

Planning Policy

5. Planning Policy Statements:

PPS1 (Delivering Sustainable Development)

PPG4 (Industrial commercial development and small firms)

PPS7 (Sustainable Development in Rural Areas)

PPS 23 (Planning and Pollution Control)

PPG24 (Planning and Noise)

6. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

South Cambridgeshire Core Strategy 2007

7. **ST/5 Minor Rural Centres** includes Melbourn.

South Cambridgeshire Development Control Policies 2007

8. **DP/1** Sustainable Development, **DP/2** Design of New Development, **DP/3** Development Criteria, **ET/6** Loss of Rural Employment to Non-Employment, **NE/1** Energy Efficiency, **NE/6** Biodiversity, **NE/14** Lighting Proposals, **NE/15** Noise Pollution, **TR/1** Planning for More Sustainable Travel, **TR/2** Car and Cycle Parking Standards, **TR/4** Non Motorised Modes.

9. **Appendix 1** of the LDFDCP 2007 states that sui generis uses should provide up to 7 spaces per 10 employees.

Consultations

10. **Melbourn Parish Council** recommends approval, stating:

“Strong concern with lack of pedestrian pavements in Back Lane, local residents use this to travel to schools, shops and surgeries. It is used by HGV’s delivering to the industrial estate and domestic vehicles accessing this end of the village. As it will be 24/7 operation it is very important to NOT activate sirens in this area.”

11. **Local Highway Authority** - raises no objection to the change of use from a highway safety viewpoint. It asks that the visibility area shall be kept clear of all planting and the like exceeding 600mm high.

12. **Cambridgeshire Police Architectural Liaison Officer** - It has already been looked at from a Counter Terror Perspective and advice given to the Ambulance Trust. In terms of this the only point I will highlight to planners is the recommendation for Weldmesh or palisade fencing to secure the vehicle compound. I would also like to see the southwest elevation of building 2 secured in the same way thus effectively securing the rear.

13. **Corporate Manager (Health and Environmental Services)** – comments not received.

Representations

14. **Councillor Van de Ven** - Representation has been received from Councillor van de Ven in relation to an email received 25th November regarding the safety of Back Lane and the potential intensification of traffic. Councillor van de Ven comments:

“My reason for objecting is that Back Lane is a public by-way and completely unsuitable for the anticipated increase and type of traffic, for the reasons set out in the attached document.

The document Cllr Van de ven is referring to is one from local residents of Melbourn with regard to Back Lane sent directly to her that states:

The County Council Highways Dept. Have confirmed that Back Lane is a Byway Open to All Traffic (BOAT) which Section 66(1) of The Wildlife and Countryside Act 1981 defines as:

‘a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used’.

In addition to the above statement the document argues that Back Lane should not be subjected to an increase in traffic levels. It raises concern about vehicular intensification on Back Lane through granting approval of this application.

15. There have been 7 representations made objecting to the proposed change of use. Five of these are from local residents. The concerns raised are as follows:
- (a) Concern about speed limits being broken.
 - (b) There should be no significant increase in vehicular movement.
 - (c) Ambulances should exit the village via the quickest route which is not through the village.
 - (d) Sirens should not be used until on the A10.
 - (e) Weekend activity should be limited.
 - (f) There should be no acceptance for weekend work for future tenants.
 - (g) Lighting should be controlled.
 - (h) Back Lane is too narrow to accommodate HGV's and ambulances.
 - (i) Noise and light pollution.
 - (j) Back lane is very busy at certain times of the day – this will ultimately result in ambulances trying to get out quickly having to use both lights and sirens.
 - (k) Inappropriate development so close to residential properties.
 - (l) Speed restriction should be imposed for emergency vehicles given the level of activity by all users including pedestrians.
 - (m) Development not in accordance with ET/4.
 - (n) Pedestrians are at high risk given there is no footpath in Back Lane.
 - (o) There is a trial village 20 mph speed limit that will need to be implemented before the end of the current financial year. This will limit ambulance response times and therefore the suitability of the site is questioned.

16. An email has also been received from the Countryside **Access Team** who states the following:

“As we pointed out in our earlier response (email dated 1/12/09), the access to the site is along Public Byway No. 14, Melbourn (Back Lane).

As we only found out about the application the day before the Planning Committee meeting, we did not have the opportunity to undertake the same research into the history/ physical appearance of the byway which we would normally carry out. We therefore did not appreciate that this route has been tarmaced for many years and now looks much like the vehicular roads in the surrounding area. However, despite its appearance as a vehicular carriageway, Back Lane is still recorded on the Definitive Map (the legal record of public rights of way in Cambridgeshire) as a Public Byway. As such, although it is technically open to all traffic, it is primarily intended for 'soft' users i.e pedestrians, horseriders and cyclists. Until the early 1970s, when the industrial estate was first constructed, Back Lane would have had a rural character and non-metalled surface. Its development into a hard-surfaced 'road' has been incremental as development has taken place along the route, but there does not appear to have ever been a corresponding change in the route's legal status.

Our understanding is that Byway No. 14 is well used by local walkers/ riders, some of whom have contacted us with concerns about the impact of the proposed development. In addition, the byway is part of the 'Riders' Route' of the Icknield Way Regional Route, which forms an important link between several popular and well-publicised long-distance routes in the wider region (in particular, the east end of the Ridgeway National Trail in Buckinghamshire, and the Peddar's Way National Trail in Norfolk). There is already a conflict between these 'soft' users, for whom the byway is principally intended, and the goods vehicles associated with the industrial estate.

We believe this conflict will be exacerbated by the proposed ambulance station. The Design and Access Statement for this application is notably lacking in detail. However, we envisage that use as an ambulance station will involve frequent movements of vehicles, which will presumably be travelling at speed in response to emergency calls.

We feel that this is a qualitative change in the nature of use from what is currently permitted on the site. We understand from the Highways Development Control Engineer that ambulances leaving the station will not be using their sirens and should therefore be respecting the speed limit. However, we doubt that respecting the rights of other, 'soft', byways users (pedestrians, horseriders and cyclists) will be foremost in the minds of ambulance drivers responding to emergency calls. In these circumstances, riders and pedestrians will almost certainly be forced out of the way, or worse. From the point of view of the Ambulance Service, who are surely concerned about their response times, is a site where the only access is shared by frequent pedestrian and equestrian use really appropriate?"

17. An email has also been received from the **Ramblers Association** who makes the following comments:

"On behalf of the Ramblers' Association Cambridge Group, we wish to register our objection to the application. The grounds for objection are that the only vehicular access to the site is via Back Lane, which, although it is now a tarmac road, is still legally a Byway Open to All Traffic, intended primarily for use by pedestrians, equestrians and cyclists. The road is narrow, and has no footway. It is commonly used by pedestrians and cyclists, including local children, to reach the network of byways to the south west of Melbourn village, and forms part of the Riders' Route" for the "Icknield Way" regional route. Instances of conflict between pedestrians and commercial traffic already occur and any additional traffic, particularly vehicles such as ambulances whose drivers are likely to be hastening to service a call, is likely to increase the danger and inconvenience to local non-motorised traffic.

We understand that the County Council's Countryside Access Team has expressed its opposition to the proposed development, and we ask the District Council to support this by refusing planning consent for an ambulance depot on this particular site, unless an alternative vehicular access route can be found.”

Planning Comments – Key Issues

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

- (a) Principle of Development
- (b) Car/Cycle provision
- (c) Residential amenity
- (d) Noise
- (e) Highway Safety

Principle of Development

19. The most relevant Policy in the LDFDCP 2007 is ET/6 as the proposal comprises development that proposes a new use not primarily for the purpose of employment. Under this policy a change of use from an existing employment site to non-employment uses should be resisted unless one of its criteria is met.
20. With regard to this criteria, and more specifically criterion b, it allows for development, such as that proposed, if the overall benefit to the community outweighs any adverse effect on employment opportunities and the range of available employment land and premises.
21. It is considered that the proposed use has a significant benefit to the community insofar that it would provide a public service serving a wider geographical area within the District and neighbouring areas. It requires specialist trained ambulance staff who are needed for larger scale or hazardous incidents. The applicant believes this location is very well suited both geographically and functionally to operate successfully.
22. Whilst it reduces the potential for a B1 (c) use (light industrial), the ambulance station will also be a base for the training of its staff. In addition, the actual running of the building itself will generate new jobs, such as maintenance of the grounds/building etc.
23. It is also considered that this use would not result in an adverse impact on employment opportunities in the area.
24. It is suggested by an objector that officers are wrongly applying Policy ET/6 to assess the application and should be applying ET/4 of the LDFDCP 2007. ET/4 refers specifically to New Employment Development in Villages and imposes floor space restrictions for different employment uses. It is considered this policy is not applicable. Firstly, this application is for a change of use to an existing employment building and secondly it is considered the new use is not for the primary purpose of employment. ET/6 is considered to be the correct employment policy in this instance.
25. The existing building will not require any external changes. The erection of the gate to the west of the building is for the security of the ambulances stationed to the rear of the property in the existing building. This gate could be erected under permitted development rights.

Car/cycle provision

26. Car parking facilities to the front of the property comprise 67 spaces. The parking requirement equates to 7 spaces per 10 staff. With 67 existing spaces the site has provision for nearly 100 employees. Cycle provision is not included in this application. It is considered reasonable to request such provision is secured through condition to promote alternative methods of sustainable transport.

Residential Amenity

27. With there being no changes to the external appearance of the building the change of use will not have any more of a visual impact on neighbouring residents than the existing building. No trees are proposed to be removed and the site will remain predominately the same as existing.
28. The building has been out of use for some time; similar to that of the neighbouring property and therefore the new use(s) will be more apparent considering the recent lack of activity on this particular site. People coming and going will create some noise that is not present at the moment and the use of lighting internally and externally will, again, be more apparent. However, it is not considered that this will generate any form of disturbance to local residents that will result in an adverse impact on residential amenity. Retention of the existing tree belt around the site will help reduce any future impact.
29. With regard to parking facilities, these are located close to the road and neighbouring properties and any new lighting for the car park should be agreed prior to development commencing to ensure there is no harmful light pollution to those living opposite the site or its entrance.
30. Blue flashing lights and sirens associated with ambulances attending emergencies are seen as having a potential adverse impact on residential amenity, particularly as the proposed service is 24 hours. This was one of the officer concerns raised during pre- application discussions and the applicants have tried to address this in their submitted documents by suggesting that sirens will not be used until vehicles reach the A10. It is understood that emergency vehicles do not use blue lights unless at the scene of an emergency or when a driver considers it necessary to indicate the journey is urgent.
31. It has been raised that the amount of traffic that uses Back Lane could restrict access to ambulances and therefore warrant the excessive use of sirens/lights. In response to this it is the view of officers that the level of traffic in Back Lane is not excessive enough to warrant a restriction on the use of sirens/lights in light of the restrictions on emergency vehicles using them and in any case such a restriction would be difficult to enforce through a planning condition.

Noise

32. Comments are awaited from the Environmental Health Officer. Members will be updated prior to the meeting.
33. It would not be unreasonable given that the site is very close to residential properties to restrict external training activities. It is stated that the majority of staff will be predominately based inside the building, however, should activities for training (or the like) be based externally these could be restricted to times that would not adversely impact on surrounding residents.

34. Whilst it is not indicated that there will be regular deliveries to and from the site nor does the use proposed promote a high level of delivery movement, it is seen as reasonable to restrict deliveries to and from the building within the same timescale as that of the neighbouring building so as not to disturb local residents. It does not seem reasonable to apply this to Sundays or Bank Holidays as the use would indicate supplies could be needed all year round.

Highway Safety

35. The representations made by the Councillor Van de ven, the Countryside Access Team and the Ramblers Association reiterate that Back Lane is a Byway Open to All Traffic (BOAT) that's primary use is for pedestrians. The safety of the primary users of this stretch of road is questioned based on the increase in traffic and the speed ambulances could be travelling. With a lack of footpath to provide a clear separation between the users space it is suggested that Back Lane is improved to accommodate all its users.
36. In response to this the Local Highway Authority responded with the following statement:

“Although the Ambulance Service will require a staff of 45 to run the station these will operate within a shift pattern and a maximum of 18 staff will be in attendance at any one time. The applicant's state that this will result in 32 two-way movements during the week and 18 two-way movements at the weekend. which assuming a basic one movement per member of staff (in at the start of their shift and out at the end of their shift) model this seems reasonable. To put this in context the existing property allows for 67 car parking spaces, so theoretically a new occupier (again no involvement would be required by either the Highway Authority or Planning Authority) could generate 134 two-way movements. Clearly this is a maximum, but its is unlikely that any new occupier within the existing use class would have such a low level of employment as that proposed by the ambulance service. Given that the proposal represents a reduction in motor vehicles movements to and from the site, this in turn represents a reduction in the hazards associated with using the highway. On a more subjective note I would also infer that given their profession that Ambulance Drivers are more likely to drive in the least hazardous fashion, again potentially reducing risks.

Whereas, it is accepted that Back Lane is narrow and used by pedestrians, it is also accepted that the Ambulance Service would have considered their needs and from their perspective the location services the wider community within Cambridgeshire satisfactorily.

Overall, given the existing conditions and the possible uses of the existing units on the site the Highway Authority would be unable to sustain an objection to either proposal.”

37. It has been suggested that ambulances should always use Back Lane and travel southwest towards the A10 instead of driving through the village when attending incidents. Whilst this seems like common sense and, assume due to ease of accessibility this will be the most likely route, it would not be reasonable of the LPA to restrict ambulances accessing areas that could reduce this time. For example, it is unlikely that should there be an accident on the junction of New Road and the A505 ambulances would travel via the A10 when the distance through the village is much shorter. Whilst it is the intention of the applicants to respect its local residents as far

as reasonably possible, it would be unreasonable of the LPA to place restrictions on the route emergency responses should make.

38. No concerns are raised from a highway safety viewpoint.

Other matters

39. Concern has been raised regarding the use of this site for future occupiers. The current use class permitted is B1 (C); this application seeks to change that use to an Ambulance Station, which is a sui generis use. This use does not allow for any permitted changes and therefore any future occupier would have to apply to specifically change the use of this building, unless, it was for an ambulance station.
40. With regard to the 20mph trial for the village that is referred to in the representations it is likely that the applicants are aware of this in their search for the right site, however, ambulances are permitted, by law, to break the speed limits when necessary.
41. It has been suggested that activity on the site should be reduced at weekends. With regard to the type of service that is being provided this would be an unreasonable request to make and officers are of the view that this would not meet the tests of circular 11/95.

Conclusion

42. The current industrial uses along Back Lane allow for a heavier type of vehicle flow than a residential street. This route has been tarmaced for many years and the industrial site in place since the 1970's. The building has been unused for approximately 12 months and this application proposes to use it for a much needed public service. Whilst the application sees the loss of an employment use the application still meets the relevant policy criteria and it is the view of officers that this makes good use of an existing empty building.
43. There is no concern from a highway safety viewpoint and it is suggested the new use would result in potentially less vehicular movement than its existing use. Cycle parking should be included as part of the scheme.
44. The proposal is for 24 hour use of the building and this will mean people will be on site at all times. This additional use of the building will need to be controlled to ensure that neighbouring residents are not disturbed at unsociable hours that could have an adverse impact on their quality of life. In addition it should not restrict the operations of the ambulance staff. For this reason no additional lighting should be erected unless otherwise agreed to ensure there is no light spill onto residential areas. The existing tree belt to the north of the building contains the noise coming from those entering and leaving the site. The current hard standing is a mixture of concrete and grasscrete and though this is not proposed to be changed it is agreed that details of planting and materials for hard standings are agreed to ensure reduced noise levels where possible.
45. For the reasons above officers agree that the building will be used in a manner that will not have an adverse impact on employment, on its neighbouring residents or on the safety of the existing users of Back Lane and should be approved subject to the following conditions:

Recommendation

46. Approve

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, NE/6 and NE/15 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, NE/6 and NE/15 of the adopted Local Development Framework 2007.)
4. The use, hereby permitted, shall not commence until details regarding covered and secure cycle parking has been submitted and agreed in writing by the Local Planning Authority. The covered and secure cycle parking area shall be provided in accordance with the details. (Reason - To ensure the provision of covered and secures cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
5. No training activities associated with the permitted use shall be undertaken externally within the site between the hours of 1900hrs and 0700hrs.
(Reason - To protect nearby residents from adverse levels of noise and disturbance and safeguard the amenity of nearby properties in accordance, with policy NE/15 of the adopted Local Development Framework 2007.)
6. No deliveries shall be taken at or despatched from the site between the hours of 1900 hrs and 0700 hrs.
(Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework (LDF) 2007
- Planning application references: S/1071/09/F and S/1356/09/F

Contact Officer: Saffron Garner – Senior Planning Officer
Telephone: (01954) 713256

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 13th January 2010
AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1134/09/F - WILLINGHAM

Use of Land as Gypsy Pitch for Permanent Siting of 1 Mobile Home, 1 Touring Caravan and 1 Toilet and Bathroom Block at 2 Cadwin Field, Schole Road for Mrs Louise Holmes.

Recommendation: Temporary Approval

Date for Determination: 28th December 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.

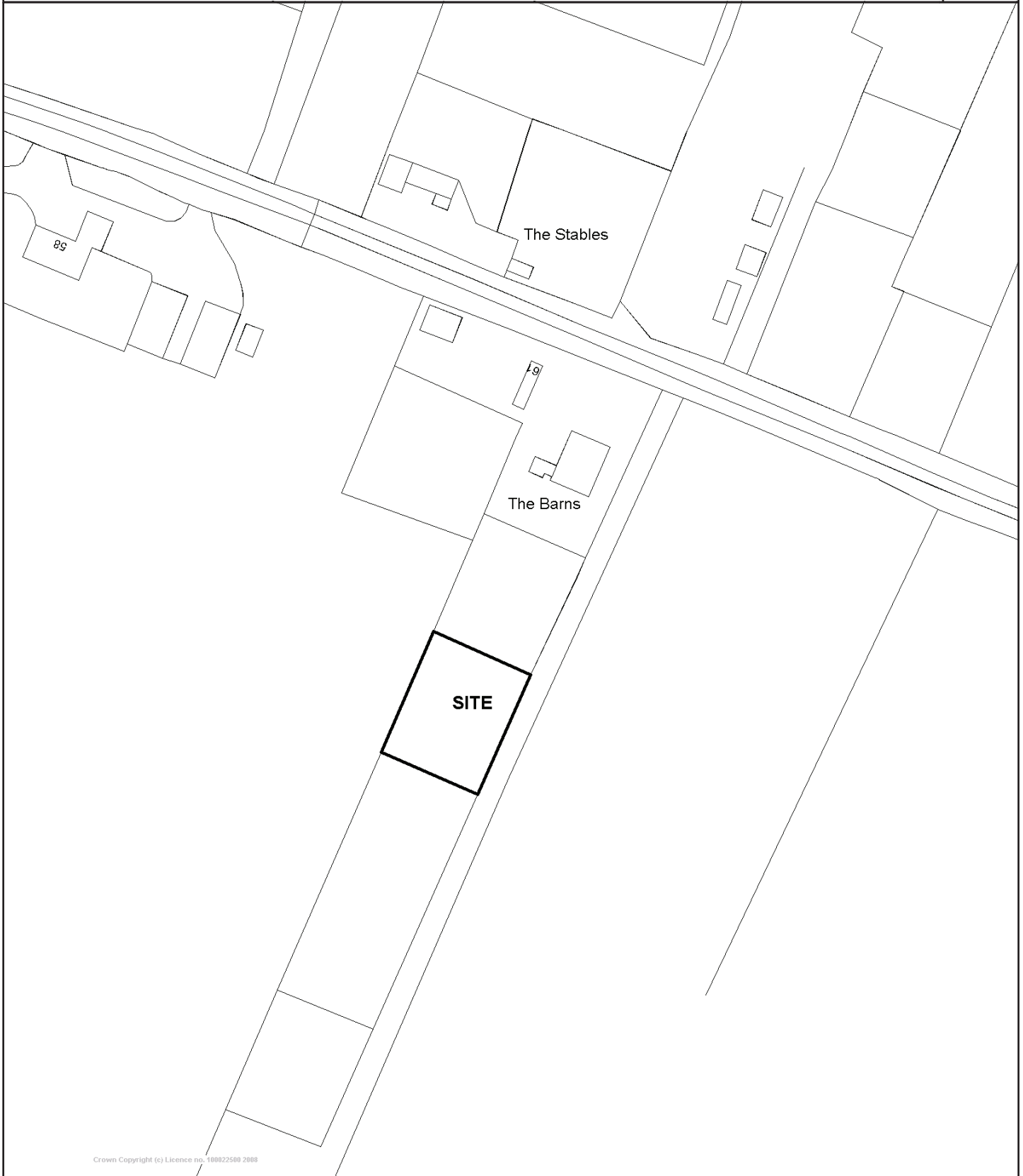
Site and Proposal

1. The site lies to the east side of the village of Willingham, and is outside of the village framework, as identified within the South Cambridgeshire Local Development Framework 2007. The site as a whole is approximately 30m by 23m, and is set back from Schole Road, which is a Public Bridleway. Access is achieved to the east side of the site along the existing access track.
2. The north boundary of the site is a 1.8m high fence, beyond which is a further pitch. The boundary fence wraps around the west boundary, where there is also some coniferous planting, beyond which is open agricultural land. The southern boundary is a further 1.8m high fence, beyond which is a further traveller pitch. The land to the east is open agricultural land, although there is a large coniferous tree belt along the access parallel with the site.
3. The full application, validated on 2nd November 2009, seeks permanent consent for the stationing of one mobile home, one touring caravan and an amenity block. These are already on the site. The application includes a Design and Access Statement.

Planning History

4. Application **S/1654/05/F** granted temporary consent for the siting of one mobile home and one gypsy caravan on the site. Condition 1 of the approved consent restricted this to occupation by those defined as gypsies, and condition 2 states the use shall cease on 4th October 2009, with the land cleared a maximum three months later.
5. Members should be aware of a recent appeal decision relating to a site at 3 Cadwin Field, Willingham (**S/1919/08/F**) directly to the south of the site. 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

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January 2010 Planning Committee

evaluation of all potential sites identified through the Development Plan Document process.

Planning Policy

6. **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.
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 has recently ended on the 9th October 2009 to assess 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 Operations and Policies consultation in preparation for the Development Plan Document. The site is number 10 in the consultation, and is combined with plot 1 Cadwin Field to the north to form an assessment for two pitches. The consultation document states, "this existing temporary site is close to Willingham's services and facilities and is already meeting Gypsy and Traveller needs".
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 the application. The current temporary consent on the site should form part of the current Gypsy and Traveller site consultation, and granting permanent consent 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.
15. The Council's **Scientific Officer (Contaminated Land)** states aerial photographs indicate a previous use that may pose a risk to site users when coming into direct contact with the soil, although at present this does not appear to be a risk given the hardstanding on site. As this can be removed, an informative is recommended regarding potential contamination.
16. The **Enforcement Officer** has completed a Needs Audit for the application. The applicant is a cultural English traveller and has resided mainly at Cadwin Field for the last five years. She lives on the site with her eight children, of whom, three are tutored at home, one attends Cottenham Village College, and four attend Willingham Primary School. The whole family are registered with Willingham Doctor Surgery.

Representations

17. No comments have been received at the time of preparing the report.

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. The applicant for the application differs from the previous scheme. However, a Needs Audit has taken place and shows there is a need on site. The Enforcement Officer has confirmed the Gypsy status of the family has been accepted by the District Council. 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.
20. The applicant has been on the site since 2005. The demand on services and infrastructure therefore exists. Of the children living on site, the Needs Audit states one child attends Cottenham Village College, four attend Willingham Primary School, whilst three are privately tutored at home. All are currently registered with Willingham Doctors Surgery.
21. The site is set between two existing gypsy/traveller plots. Given the recently expired 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, but this is not

considered appropriate at this time of the Development Plan Document process, as agreed by the Planning Inspector for application S/1919/08/F. 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 and is in line with the Planning Inspector's decision for application ref S/1919/08/F.

Visual Impact

22. The site has good screening along its east and west boundaries, giving visual screening from these open agricultural areas. The Development Plan Document Technical Annex states the site does not detract from the use of the Public Bridleway of Schole Road. The character of the development away from Schole Road and the surrounding planting means the pitch has a low impact on the wider landscape, although there is potential for improvement through the use of native species rather than conifers. I am of the opinion that the proposal would not represent an unacceptable visual impact upon the character and setting of the countryside. If the scheme were granted permanent consent, then a landscape condition to further assimilate the site into the countryside with native species should be added.

Other Matters

23. I note the comments from the Local Highways Authority regarding the access, and the Scientific Officer regarding potential land contamination. An informative can be added as requested regarding the latter. It is also considered necessary to tie the date of the expiration of the consent with the land to the south at 3 Cadwin Fields, which expires on 18th August 2012. If approved, the description of the application would be altered to add "temporary" into the title.
24. Willingham Parish Council has real concerns regarding the distribution of sites across the District. Similar comments have been submitted in connection with the site options exercise, on the basis that the distribution could perpetuate a settlement pattern that denies Travellers the option of living to the south of the District. The Inspector in the recent case at 3 Cadwin Fields (S/1919/08/F) took the view that the needs of the applicant were sufficient to justify a temporary consent to allow proper consideration of all the relevant factors in determining the appropriate site options. This application is similar to that won at appeal, and the application is supported in the short-term.

Recommendation

25. Approval for a three-year temporary consent.

Conditions

1. The use, hereby permitted, shall be discontinued and the mobile home, touring caravan and toilet/bathroom block, hereby permitted, shall be removed and the land restored to its former condition on or before 18th August 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 one mobile home, one touring caravan and the existing toilet and bathroom block 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 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 in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. (Reason - In order to limit the site's impact on the area's rural character in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

Aerial photographs (1998 and 2003) indicate a previous scrap yard/storage area for old vehicles. Whilst the site is covered in hardstanding, this is unlikely to pose a risk to site users. However, should the hardstanding be removed for any reason, soil samples should be collected and analysed for contaminants to check the site is suitable for use.

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/1134/09/F, S/1919/08/F and S/1654/05/F

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee13th January 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1568/09/F - WILLINGHAM
Use of Land for One Gypsy Pitch for the Stationing of Mobile Home
(Retrospective Application)
at 1 Longacre, Meadow Road, for Mr Michael Wenman

Recommendation: Approval

Date for Determination: 22nd December 2009

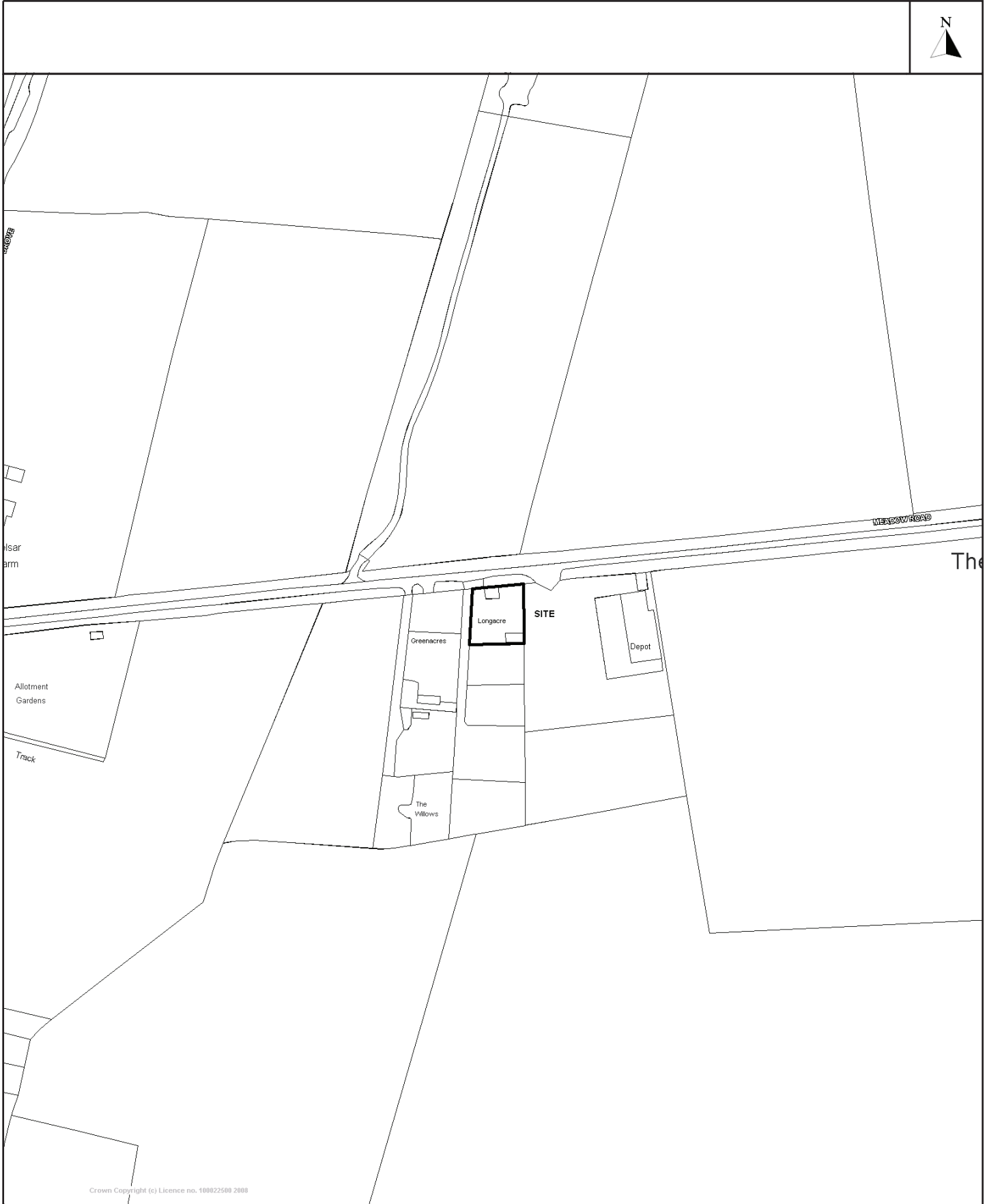
This Application has been reported to the Planning Committee for determination following a recommendation of refusal by the Parish Council that does not accord with the officer recommendation.

Site and Proposal

1. The site is a parcel of land measuring approximately 24m by 27m, located directly to 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 direct from Meadow Road, and an adjacent track leads to the south, where further pitches are located. On site are a mobile home, and two small amenity blocks.
2. The land to the east has recently been granted temporary consent for six caravans, but had applications for a further two caravans refused at December Planning Committee. The shared boundary between the two is a 2.5m high hedge. The southern boundary is a 1.8m high fence, beyond which are further traveller pitches. The east boundary is a mixture of fencing and hedging, whilst the front boundary along Meadow Road is a 1.8m high fence and a hedge.
3. This full retrospective application, submitted on 27th October 2009, seeks consent to change the use of the land for one gypsy pitch for the stationing of a permanent mobile home. The application contains a Design and Access Statement.

Planning History

4. The site has a long planning history of traveller applications, the most important of which, for the determination of this application, is **S/0860/95/F**, approved 8th August 2005. This consent granted permission for two mobile homes and one touring caravan and renewed previous consent **S/0946/93/F**. However, condition one gave a personal consent for Mr T Buckley and family, and there was no time limitation. Mr Buckley was granted a further consent on the land north of Meadow Road for the siting of two gypsy mobile homes (**S/1243/08/F**). This was a temporary consent and runs until 30th September 2011.
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



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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

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. The Circular also aims to significantly increase the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3-5 years. Sites may be found in rural areas, and rural settings are acceptable in principle.
7. **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. Advice on the use of temporary permissions is contained in paragraphs 108-113. It states “a temporary permission will normally only be appropriate either where the applicant proposes temporary development, or when a trial run is needed in order to assess the effect of the development on the area”.
8. The **South Cambridgeshire District Council Gypsy and Traveller Development Plan** Document is currently under review. Given the previous planning consent, it is defined as an authorised permanent gypsy and traveller site in the Technical Annex, and therefore is not up for further consideration in the document.
9. 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.
10. Willingham is defined as a Minor Rural Centre under **Policy ST/5 of the Local Development Framework Core Strategy**, adopted January 2007.

Consultation

11. **Willingham Parish Council** recommends refusal of the application. The applicant is not Mr Buckley, and Willingham already accommodates four times the District ratio of settled to gypsy/traveller parishioners. Willingham Primary School includes 12% of gypsy/traveller children, and there is a high demand at the Medical Practice. 408 caravans are currently located to the north of the A14, with only 58 to the south. Proposals to make permanent, temporary and illegal sites and create new sites simply exacerbate Willingham's already intolerable situation. Granting permission would also prejudice the Development Plan Document process.
12. The **Enforcement Officer** has carried out a Needs Audit for the site. The applicant lives on site with his wife and daughter, and two grandchildren, both of whom attend Willingham Primary School. The whole family are registered with the local medical Practice. They are considered to meet the description of gypsies and travellers, and have lived on the site for the last six years.

13. The **Planning Policy Officer** has confirmed the site is considered as a permanent site through the Gypsy and Traveller Development Plan Process.

Representations

14. No further representations were received regarding the proposal.

Planning Comments – Key Issues

15. 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.
16. A Needs Audit has shown the residents have been on site for six years. The Enforcement Officer states that the family are culturally English travellers. 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.
17. The applicant has been on the site since at least 2004. The family are all registered with the local Willingham Medical Practice, and both children living on the site attend Willingham Primary School. As a result, there would be no further additional demand on local services than already exists.
18. As stated above, planning consent S/0860/95/F granted a personal consent on the site for two mobile homes and one touring caravan for Mr Buckley. Mr Buckley has left the site, and now resides on the northern side of Meadow Road through application S/1243/08/F. Members should be aware that the application site has been reduced, which may lead to an extra pitch on land to the south. However, this is not considered to prejudice the determination of this planning application.
19. The determination of application S/0860/95/F did not include a time limit, and therefore Mr Buckley has a permanent consent on site. In 1995, the site was therefore assessed and considered appropriate for a permanent site, although it is noted that planning policy and the landscape of the area have changed since this decision. The site is physically established in this countryside location, with some good green screening, especially along the east boundary.
20. The site has not been considered within the consultation process for the Gypsy and Traveller Development Plan Document, as it was considered a permanent site. Members should be aware that the land to the south and the east are both part of the consultation process. These are considered close to Willingham's services and facilities, and are not considered to negatively impact upon the landscape in the area.
21. Mr Buckley and family could move back onto the site without any further consent if they so wish. It is considered appropriate in this instance to support a permanent consent for the site. Circular 11/95 advises temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the temporary permission. Given the situation on site and the nature of the Development Plan Document consultation, I do not consider that a temporary consent could be justified on this site, where a permanent condition is more suitable. The application allows a condition to be added stating that only gypsies or travellers can

occupy the site. Standard conditions regarding storage of vehicles, external lighting and commercial activities can be added.

Recommendation

22. Approval, subject to conditions
1. 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.)
 2. The residential use, hereby permitted, shall be restricted to the stationing of no more than one touring caravan and one mobile home 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.)
 3. 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.)
 4. 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.)
 5. 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.)

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 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 Development Plan Document Site Consultation document July-October 2009
- Planning Files: S/1568/09/F, S/1243/08/F, S/1919/08/F, S/0860/95/F and S/0946/93/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee13th January 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

**S/1593/09/F - Barton
Proposed Demolition of Outbuildings and Garage and
Replacement With New Garage at 74 Wimpole Road for Mr Mark Byton**

Recommendation: Approval

Date for Determination: 28th December 2009

Notes:

This application has been reported to the Planning Committee for determination as the Parish Council has recommended refusal and the application is unable to go to a Chairman's Delegation.

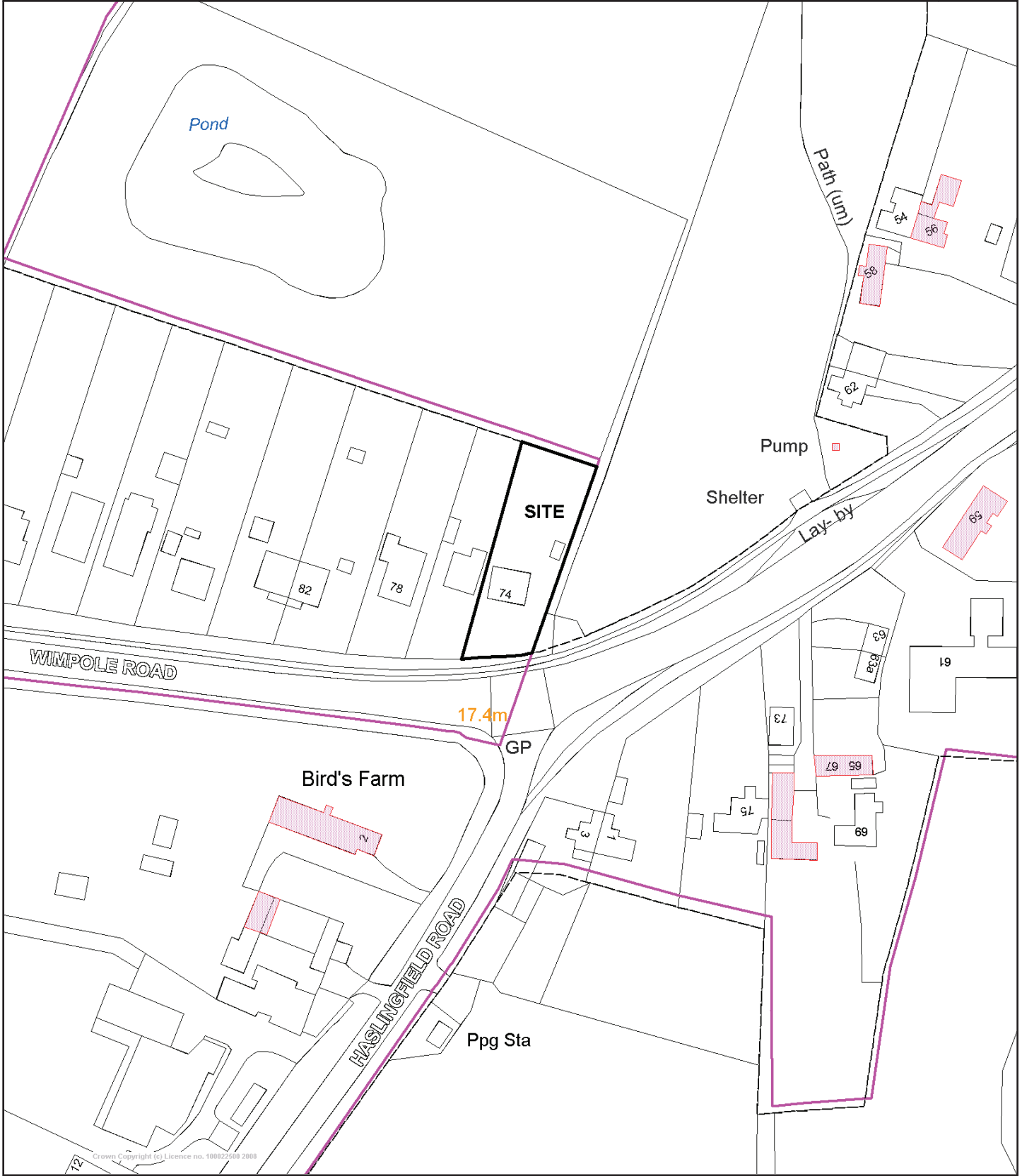
Site and Proposal

1. The site measures approximately 0.08 hectares. The detached two storey dwelling is located within the village framework and is located adjacent to the conservation area and the Cambridge Green Belt. The existing building is a light rendered building with dark brown fenestration with an adjacent one and a half storey garage, which is similar in appearance and located next to the boundary with the Leys public land. Behind the garage is a garden shed painted black and a flat roof red brick single storey building. At the rear of the property approximately 3.8 metres away from the rear boundary is an existing outbuilding that measures approximately 5 metres x 17 metres, with a height of 4 metres (estimated). The existing garage, shed, flat roof building and outbuilding are all being proposed to be demolished.
2. The application, validated on 2nd November 2009, is for a proposed garage. The garage would measure approximately 10.7 metres x 8.1 metres, with a height of 4.9 metres. It would be situated 1 metre from the rear boundary fence and 6 metres from the boundary of the Leys. The proposed materials for the garage will be brown concrete tile roofing and concrete rendered walls. The proposed development does not seek to create a new access, with the new driveway being placed where the existing garage, shed and flat roof outbuilding are currently located.

Planning History

3. **C/0155/73/O** – Proposed erection of a bungalow at the rear of the site was refused. It was considered to be an undesirable development on a back land site.
4. **S/0779/84/F** – Garage/store was approved on the application site.
5. **S/0943/99/F** – The amenity and fishing lake to the rear of the residential property was approved. This included a condition that the approved development was for the private use and incidental enjoyment of 74 Wimpole Road only.

S-1593-09-F



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6. **S/0555/09/F** – This application approved extending the lake (Retrospective Application). This approval maintained that the lake should only be used for the incidental enjoyment and private use of 74 Wimpole Road.

Planning Policy

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

DP/2 – Design of New Development

DP/3 – Development Criteria

GB/3 – Mitigating the Impact of Development Adjoining the Green Belt

CH/5 – Conservation Areas

Consultation

8. **Barton Parish Council** – The parish recommends refusal. Its reasons for refusal are

9. The exact height of the proposed garage is not clear on the plans.

- (a) The proposed structure is of substantial bulk which would have an overbearing appearance seen from the neighbouring conservation area, the visually important Leys public land.
- (b) It states that the application states that the garage is to store cars and a boat, there is no doubt that the property is already used for domestic appliance repair business. It does not want to condone workshop or commercial use in a residential setting.
- (c) There is concern about the driveway access, which must remain within the property and not encroach on the common land of the Leys adjacent.

10. **Local Highways Authority** – has no concerns over the proposed development.

11. **Design Surgery** – It was commented that the proposed development is not of a good design but agreed with the Case Officer that views are limited from public land. It was thought that the proposed development would preserve the current area and suggested that fences be conditioned in order to maintain screening.

Representations

12. **76 Wimpole Road** – If the proposed garage would continue to use the current access than the occupier believes this is acceptable. If a new access is created from the Leys, this would not only cause a great amount of damage to the grass area but disrupt the use of the people who use this area. He also states that he does not want the new driveway to be used as car parking space for those wanting to use the lake behind.

13. **58 Wimpole Road** – The occupier states that he has no objection in principle to the proposed development. He does, however, want the following to be considered

- (a) The pitch of the roof of the existing garage is quite steep and he hopes it will be possible for the pitch of the replacement to be less intrusive of the character and context of the ancient Leys Meadow.
- (b) It is not clear where the garage is to be sited, but if on the same or an enlarged footprint of the existing one, that would be acceptable.

The occupier does state the creation of a regular vehicular access to the adjoining lake would undermine the tranquillity of the area.

Planning Comments

14. The main planning considerations for this development are whether or not it preserves or enhances the character of the area, if it would have any impact upon residential amenity and if it is an appropriate use of the land.
15. **Impact upon the character** – The proposal seeks the removal of the existing garage, garden shed, flat roof outbuilding and the rear outbuilding. The outbuilding right at the end of the residential property is in a fairly poor state of repair and is partially constructed out of corrugated metal. The removal of these buildings does not require the permission of the Local Planning Authority.
16. The proposed garage is being located at the rear of the property and set 6 metres away from the boundary with the Leys. The current boundary between the Leys and the application site is a 1.8 metre close-boarded fence, with a 2.5 metre hedge on the public landside of the fence. The ownership of this boundary hedge is not known.
17. The proposed garage is not considered to be of specifically high quality design. However, the proposed development is directly replacing an existing outbuilding with little architectural merit that while slightly lower in height is located on the boundary with the Leys. The proposed garage by being located 6 metres from the boundary with the public land significantly reduces the impact of the development. The distance from the Leys public land combined with the existing boundary treatment means that the proposed development is considered to preserve the character of the area. It is considered and the development preserves the current character of the area and that it is not, therefore, required or reasonable to control boundary treatments as Design Surgery suggested. The proposed development is considered to comply with Policies DP/2 (Design of New Development), GB/3 (Mitigating the Impact of Development in the Green Belt) and CH/5 (Conservation Areas).
18. **Impact upon residential amenity** – The proposed development is set 1 metre from the adjacent property of 76 Wimpole Road. The boundary between No. 74 and 76 is a 1.8 metre fence; approximately 2.6 metres of the proposed development will be visible from the very rear part of the neighbour's rear garden. The rear garden of No.76 is approximately 28 metres in length. It is considered that the proposed garage will not have a significant impact upon the property of 76 Wimpole Road, there being an existing outbuilding located at the same distance from the property of No.76. The height of the outbuilding will also prevent there being any significant loss of privacy or light. The proposed development is considered to comply with Policy DP/3 (Development Criteria).
19. **The use of the land** – It has been commented upon during the consultation period that there are concerns that the proposed development is to serve the lake to the rear of the property and that the garage is to support a business. The proposed development has been submitted on householder forms and the applicant is not seeking a change of use. The proposed development must be used incidental to the enjoyment of the dwelling and this can be conditioned. It should be noted that home businesses do not need planning permission if it remains incidental to the enjoyment of the dwelling.

Recommendation

20. Approve

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. The garage building, hereby permitted, shall be used for incidental purposes in connection with the use of the main dwelling, known as No. 74 Wimpole Road, only and for no other purpose.
(Reason – To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- Planning File Ref S/1593/09/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 13th January 2010
AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1583/09/O - Highfields Caldecote
Proposed Outline Permission, with all Matters Reserved, for the Erection of One Dwelling and Conversion of Existing Garage to Form Dwelling at Land in Rear Garden of 97-99 West Drive for Mr Phil Wright

Recommendation: Approval

Date for Determination: 7th January 2010

Notes:

This application has been reported to the Planning Committee as the recommendation for approval is contrary to the Parish Council's recommendation of refusal.

Site and Proposal

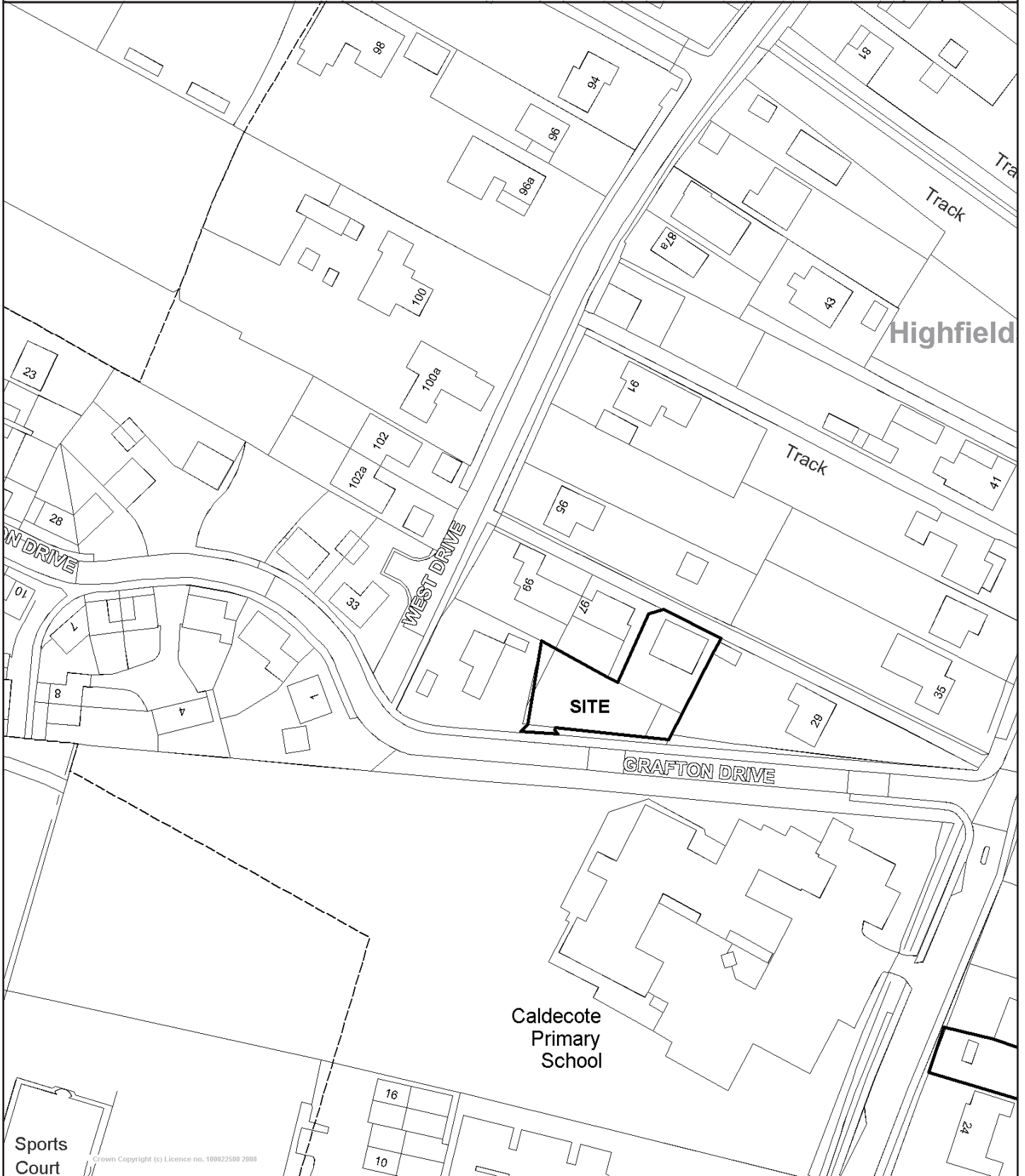
1. The site measures approximately 0.084 hectares and is within the village framework. It is located north of the playing fields of Caldecote Primary School. To the west is 101 West Drive. The northern boundary is defined by 97-99 and 95 West Drive and the eastern boundary is shared with 29 Highfields Road.
2. The application, validated on 12th November 2009, is for outline planning permission for two dwellings with all matters reserved. The plans submitted are indicative.
3. The indicative plans suggest that Unit 1 (4 bedrooms) will measure 15 metres x 8.5 metres, with a maximum height of 6.3 metres (eaves height 2.8 metres). The converted garage into Unit 2 (two bedrooms) will measure 11.2 metres x 9.1 metres, with a height of 4.6 metres (eaves height 2.4 metres).

Planning History

Relevant Site History

4. **S/0911/76/F** – The proposed erection of a bungalow and garage (No.97-99) was approved.
5. **S/1790/01/O** – The proposed erection of a bungalow on site was refused on the grounds that it would result in a cramped form of development sandwiched between the rear gardens of 29 Highfields and 101 West Drive. It would also result in an overbearing structure and would lead to a loss of light to 97 and 101 West Drive.

S-1583-09-F



Sports Court

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6. **S/2283/01/O** – The proposed erection of a bungalow was refused on the site for the following grounds:
 - (a) It would result in a cramped form of development sandwiched between the rear gardens of 29 Highfields and 101 West Drive.
 - (b) The surrounding area is characterised by single storey dwellings set within spacious plots.
 - (c) The subdivision of 101 West Drive would result in overdevelopment of the site and be out of keeping with the character of the area.
 - (d) The application was appealed and dismissed by the Inspectorate.
7. **S/1028/09/O** – The proposed erection of two chalet style dwellings and conversion of double garage to dwelling was withdrawn.

Relevant Nearby Site History

8. **S/0460/02/F** – The erection of 33 dwellings on the Grafton Pig Farm was approved. The dwellings approved under this application at the end of West Drive and opposite 101 West Drive were large two storey dwellings.
9. **S/0586/09/F** – The proposed erection of a dwelling following the demolition of the existing dwelling. The proposed development was for a two storey dwelling with two bedrooms to be placed on half of the plot. This permission has yet to be implemented.
10. **S/0608/09/O** – The proposed development for outline permission (all matters reserved) for the erection of one dwelling following demolition of existing bungalow. The proposed outline permission for a four bedroom dwelling with a height of 8.5 metres was approved. The reserved matters for this application have yet to be submitted.

Planning Policy

11. South Cambridgeshire Local Development Framework (LDF) Core Strategy Development Plan Document, adopted January 2007:

ST/6 – Group Villages

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

DP/1 – Sustainable Development

DP/2 – Design of New Development

DP/3 – Development Criteria

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

TR/2 – Car and Cycle Parking Standards

Consultation

13. **Caldecote Parish Council** – The Parish council recommends refusal. It states that Unit 1 was refused for a house in the past when it was part of 101 West Drive

(S/2283/01/O and S/1790/01/O). The junction of the driveway emerging on Highfields Road is already dangerous, it is too close to Grafton Drive and should not be allowed increased use. It further stated that Unit 2 was constructed as permitted development and does not have planning permission. Its final reason for refusal is that it is overdevelopment of the site. The Parish request that if the Local Planning Authority wish to approve the application that overlooking might be a problem and that conditions should be applied during the build which will be confirmed if a full application is made.

14. **Local Highways Authority** – It recommends several conditions are added in the interests of highway safety, as well as requesting a change to the parking layout of Unit 2 and an informative making the applicant aware that it is an offence to carry out works within the public highway.

Representations

15. **95 West Drive** – The occupier makes the following points:
- (a) The garage to be converted did not gain planning permission being permitted development.
 - (b) The road access to this dwelling is from Grafton Drive, there is currently a paved area between the proposed dwelling and 97 West Drive. There is concern that the proposed converted garage will use the private drive. States a physical barrier might be required in order to prevent the private driveway being used. States that the private drive exists onto the public highway is hazardous for vehicles, as well pedestrians and cyclists.
 - (c) Points out that there may be a lack of privacy between the converted garage and No.97.
 - (d) Is concerned that No.97/99 may not be able to turn on site without great difficulty.
 - (e) States that application says that the rainwater from the site will be harvested and reused. The occupier also states that the block paving around the garage causes water to drain either onto their land or down the drive towards Highfields Road.
 - (f) Points out that that the driveway from the garage conversion has two parking spaces but one behind the other. This will cause a nuisance to the future occupier of the converted garage and will encourage on street parking.
 - (g) Is concerned, due to there being no grass verge on Grafton Drive, that there could be a hazard to the users of the path.

Planning Comments

16. The main planning considerations for this development are the principle of the development, impact upon highway safety, whether it preserves or enhances the character of the area, and impact upon residential amenity
17. ***The principle of the development*** – The site is located within the village framework of Caldecote, a village defined in the Core Strategy as a Group Village. This allows for residential schemes of up to 8 dwellings. The development is therefore considered to comply with Policy ST/6 in the Core Strategy.

18. The proposed density of two dwellings on a site has a density of 24 dwellings per hectare. The Local Planning Authority usually requires a higher density. However, the site due to its irregular shape and with the applicant already showing that three dwellings on the site would not be acceptable, the proposed density is considered to be appropriate in this case. The development is considered to comply with Policy HG/1.
19. The applicant has agreed to provide a scheme of affordable housing but due to the size of the development this may be commuted sum rather than one of the proposed dwellings being an affordable dwelling. It is considered that the proposed development complies with Policy HG/3.
20. The creation of new dwellings is considered to put significant pressure on local play space and informal open space. The applicant has agreed to provide a scheme for outdoor play space and informal open space. This scheme would likely take the form of a financial contribution of £6,500 for the erection of a two bedroom dwelling and four bedroom dwelling. The proposed development is considered to comply with Policies SF/10 and SF/11.
21. Previous applications for dwellings on this site were refused in 2001 and upheld by an Inspector. However, the character of the area has significantly changed in the previous 8 years. The local area in 2001 was significantly more rural in appearance. The road that is now Grafton Drive had the appearance of a country lane leading to the pig farm is now more urban in appearance leading to the new housing estate of 33 dwellings. It is considered that the change in character of the area and the policy requirement for higher densities, in principle, overcomes the previous reasons for refusal.
22. It is considered that the proposed development is acceptable in principle.
23. **Impact upon highway safety** – The issue of highway safety has been raised by both the Parish Council and occupier of 95 West Drive. It should be noted that while access would form part of the Reserved Matters application, a strong indication has been shown on the submitted plans. The proposed driveways exit onto Grafton Drive not Highfields Road as indicated by the Parish Council. The Local Highways Authority has accepted the new driveways off Grafton Drive, if appropriately conditioned. It is understood why the neighbour is concerned that the possible future occupier of Unit 2 will use the private driveway and use the side path; while little weight is put on this concern as the parking area is shown at the front of the property a boundary condition is likely to be placed if the application is approved. This boundary condition should help prioritise what is the main access to the dwelling and discourage occupiers of Unit 2 from using the private driveway. The use of this private driveway, as the application is currently not shown as using the driveway for vehicular access, is more of a civil matter than a planning matter. The neighbour's concern of how the property of No.97-99 will park and manoeuvre is not part of the application site but is considered to be important in order to prevent on-street parking, an informative will be placed upon any permission requesting where cars will park on the existing property due to the loss of the garage. The proposed parking provision for the two dwellings is four spaces; this exceeds the requirement of 1.5 parking spaces per dwelling. The proposed parking provision for Unit 2 is considered to be impractical and should be revised in the reserved matters application, an informative can be added to state this.

24. With the application being outline with all matters reserved the conditions relating to the access will form part of any Reserved Matters consent.
25. **Impact upon the character of the area** – The proposed design is indicative only. The finished design will need to be agreed as part of the reserved matters application. Conditions will need to be added to control the finished appearance of the development this to include both the finished design and the proposed materials.
26. **Impact upon residential amenity** – The proposed one and a half storey dwelling (Unit 1) measures 6.3 metres in height is shown as approximately 2 metres from the new proposed boundary and 8 metres from the dwelling of 97-99 West Drive. The proposed development with the roof sloping away from No.97-99 means that the development is not considered to be overbearing.
27. The potential loss of light to No.97-99 is not considered to be significant at this stage, due to the indicative height of Unit 1 and the distance between the development and No.97-99. An informative will be added onto any permission in order to make the applicant aware that they will need to prove there is no significant light loss.
28. The proposed conversion of the garage to form Unit 2 is not considered to cause a significant loss of light or overbearing upon neighbouring properties.
29. There is some concern over loss of privacy from the proposed development as shown on the currently submitted plans. While no windows are shown the west elevation of Unit 1, future first floor windows could significantly reduce the amount of privacy 101 West Drive currently benefits from. This can be appropriately conditioned in order to prevent potential harm.
30. The windows, as shown on the rear elevation of Unit 1, could cause significant loss of privacy to No.97-99. A condition controlling boundary conditions would prevent any window to window relationship on the ground floor and an informative can be added to state that any proposed 1st floor windows will need to be obscurely glazed or 1.8 metres above finished floor level. It is also considered reasonable to remove permitted development (window) rights on the rear elevation to prevent future possible overlooking.
31. The proposed side windows in the west elevation of Unit 2 would look directly towards the windows of 97-99 West Drive. This loss of privacy could be overcome through the condition controlling boundary treatment.

Recommendation

32. Approve
 1. Approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline only.)

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - The application is in outline only.)
3. The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - The application is in outline only.)
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment [for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
 - i. The numbers, type and location on the site of the affordable housing provision to be made;
 - ii. The timing of the construction of the affordable housing;
 - iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
 - iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.
(Reason - To ensure the provision of an agreed mix of affordable housing in accordance with Policy HG/3 of the adopted Local Development Framework 2007.)
7. No development shall begin until details of a scheme for the provision of Outdoor Playspace and Informal Open Space to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 and SF/11 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 Outdoor playspace and informal open space in accordance with the above-mentioned Polices SF/10, SF/11 and DP/4 of the adopted Local Development Framework 2007.)

8. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first 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.)
9. Any proposed vehicular access before it is first used where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
(Reason – In the interests of Highway Safety and to ensure satisfactory access on to the site in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. No part of any structure shall overhang or encroach under or upon the public highway and no gate/door shall open outwards over the public highway.
(Reason – In the interests of Highway Safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. Any proposed access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent highway, which is in the process of being adopted by Cambridgeshire County Council, in accordance with a scheme submitted to and in writing by the Local Planning Authority.
(Reason – To prevent surface water discharging to the highway in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. No unbound material shall be used in the surface finish of a driveway within 6 metres of the highway boundary of the site.
(Reason – To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the west side and rear elevations of the Unit 1 at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

1. The reserved matters application will need to show two 2.0 x 2.0 metres visibility splays. The splays are to be included within the curtilage of each new car parking space that is to exist directly onto the proposed adopted public highway. One visibility splay is required on each side of any proposed access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall need to be kept clear of all planting, fencing, wall and the like exceeding 0.6m high.
2. The parking as shown for Unit 2 would prevent the vehicles parked there being able to access the highway independently. It is advised that the proposed parking for Unit 2 is revised and made to mirror the parking arrangement of Unit 1.
3. The proposed new parking arrangement for 97-99 West Drive should be shown. This is in order to make sure that the proposed development does not have a detrimental impact upon highway safety and current parking provision of the existing dwelling.
4. This development will involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works with the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
5. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
6. The reserved matters application should include a daylight/sunlight assessment to demonstrate the potential loss of light to neighbouring properties, including 97-99 West Drive.
7. The rear 1st floor windows in Unit 1 should be either obscurely glazed or above 1.8m above finished floor level in order to prevent loss of privacy to 97-99 West Drive.

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 (LDF) Development Control Policies, adopted July 2007
- Planning File Ref S/1583/09/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee13th January 2010**AUTHOR/S:** Executive Director (Operational Services)/Corporate Manager
(Planning and Sustainable Communities)

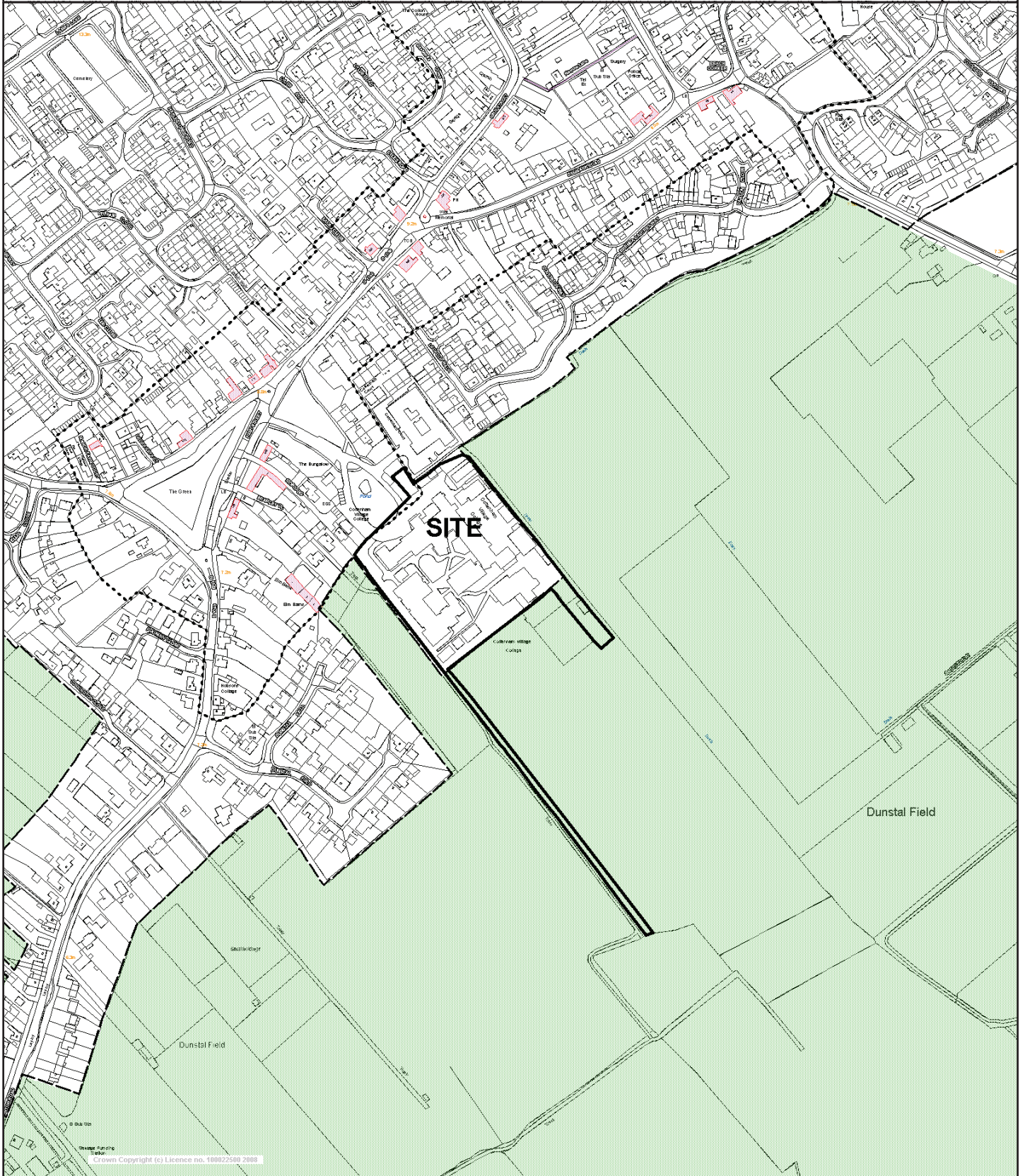
S/1435/09/F - COTTENHAM**Extension & Erection of New Building to Form New 6th Form Facility with Associated Car/Cycle Parking, Landscaping & Drainage. Relocation of 3 Existing Temporary Classrooms at Cottenham Village College, High Street for Cottenham Village College****Recommendation: Delegated Approval****Date for Determination: 28th January 2010 (Major)****Notes:**

This Application has been reported to the Planning Committee for determination as the recommendation to approve without a Section 106 Agreement would conflict with the recommendation of the Parish Council

Site and Proposal

1. Cottenham Village College is located on the south side of the High Street. The school buildings are sited approximately 150 metres back from the road and, between the college buildings and the road, is a grassed, well-treed area that provides vehicular access and parking facilities for the College. The buildings are sited inside the village framework. These back onto school playing fields directly to the south that are sited outside the framework and within the Green Belt. The college grounds abut open countryside to the east and south whilst, to the west, beyond an approximately 50 metre wide strip of land, are residential properties sited within Dunstal Field. Abutting the north-western corner of the site, adjacent to the access road and parking areas, are two residential properties, Nos.2 and 3 Morgans. The open area between the school buildings and High Street lies within the Conservation Area and is also designated as a Protected Village Amenity Area. The Village College comprises a number of predominantly brick buildings ranging in height from single storey to a tall, three-storey element running in a north-south direction in the centre of the site.
2. The full application, registered on 29th October 2009, proposes the following:
 - Erection of an extension to an existing building at the rear/southern end of the Village College's grounds. This would measure 2100m² and would be a two-storey structure stepping down to single-storey height at its southern end adjacent to the school playing fields and Green Belt. Materials would comprise buff brick, render and cedar boarding for the walls, and sedum and zinc for the roof. Window openings would be aluminium or timber framed.
 - Erection of a new building, providing courses in construction and technology, adjacent to the eastern boundary of the site. This would be a 292m² two-storey structure comprising cedar boarded walls and a sedum roof, with a tensile roof proposed to provide cover to the courtyard area. Window openings on this building would also be aluminium and timber framed.
 - Relocation of three existing temporary classrooms. These temporary buildings (a construction classroom, hearing impairment classroom and language classroom) are presently located on the site of the proposed 6th form extension. It is proposed

S/1435/09/F - Cottenham



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to relocate two of the buildings (the hearing and language classrooms) to an area within the school grounds sited adjacent to existing portable buildings and a hard surfaced play area. These are intended to remain in place during the course of the building works but would be removed upon completion of the development. The third (the construction classroom) would be relocated to a position currently occupied by existing storage containers (that would be removed from the site), and is proposed to remain on a site for a longer, albeit still temporary, period. This position is within the Green Belt between the existing tennis courts and eastern boundary of the school grounds.

- Associated car/cycle parking, landscaping, drainage and refuse facilities. It is proposed to provide 9 parking spaces on the north-west side of the main building and 16 spaces adjacent to the north-eastern corner of the building. Both of these areas are presently used on an informal basis as parking areas at present but have no formal permission to be used as such. An additional 7 spaces are proposed within the school grounds and a further 5 spaces within the Green Belt adjacent to the position of the proposed relocated mobile classroom. The proposals would result in the loss of 8 existing spaces, 5 on the footprint of the proposed technology building and 3 in order to create access to the proposed 9 spaces. With regards to cycle parking provision, the application proposes an additional 50 spaces adjacent to the western boundary of the site. The proposal also seeks to provide: additional landscaping within a courtyard area adjacent to the east side of the proposed 6th form extension; the provision of a new French drain along the western edge of the playing fields in order to cater for the surface water drainage demands of the development; and an enlargement of the existing fenced refuse area sited towards the north-eastern end of the college grounds.
3. The application includes the following additional documents - Design and Access Statement, Planning Statement, Arboricultural Assessment, Flood Risk Assessment, Transport Assessment and School Travel Plan.

Planning Statement

4. The planning statement explains that the proposals are seeking to provide a new 6th form facility catering for up to 240 additional students. The Village College currently provides education for approximately 980 11-16 year olds, but has no existing 6th form facility. In addition to mainstream provision, the Village College has units for students with learning and language impairment and for students with emotional and behavioural difficulties, most of whom have been excluded from local secondary schools and out of county centres. The Village College is classified as a High Performing Specialist School and, in April 2008, the Department for Education and Skills granted a presumption to the College, this stating that high performing specialist schools should seek to provide post-16 opportunities.
5. The proposals seek to provide vocational courses for 16-19 year olds, specialising in the following subject areas: Construction and the Built Environment, Hospitality and Catering, ICT, Sport and Leisure, and Hair and Beauty. Standard academic subjects are not proposed within this application. It is intended that the 6th form facility would build on the College's existing specialism by providing a high performing specialist facility for 16 to 19 year olds who have learning difficulties, mental and physical disabilities, emotional and behavioural issues, and for those who have simply underachieved in exams.
6. The Village College presently has 114 full time equivalent employees and the proposal would result in an additional 19 full-time equivalent posts, bringing the total number up to 133 full-time equivalent.

Transport Assessment/School Travel Plan

7. The Transport Assessment aims to encourage sustainable transport:
- **Cycling** – It is noted that the numbers of people cycling to the Village College are presently very low due to an absence of safe cycling routes in the area (there are no current dedicated cycle lanes except between Cottenham and Rampton) and the dangerous condition of the local road network. It is argued that existing storage (35 spaces) is more than adequate for the predicted number of cyclists, but an extra 50 spaces are proposed with an additional area set aside for further provision if the need arises.
 - **Pedestrian Access** – It is noted that pedestrian access is very good within Cottenham, with two pedestrian crossings in the vicinity of the site, but that there is a lack of safe pedestrian routes between the villages.
 - **Public/Shared Transport** – the Guided Busway passes through two nearby villages, Longstanton and Oakington. The school has 8 dedicated bus services for students to nearby villages - Willingham, Longstanton, Waterbeach and Landbeach. Cottenham is also served by 4 public bus routes to Ely and Cambridge, but has no public bus links to nearby villages.
 - **Taxis** - Special Needs students presently arrive by a fleet of 20 taxis.
8. Cottenham Village College presently has a catchment area confined to the immediate Fen-patch villages. The proposed 6th form facility would have a County-wide catchment area, with class times being distributed sporadically over the day. Due to the nature of the proposed facility, it is not anticipated that many students would drive or that there would be any increase in the use of the dedicated bus service. The best guess modal split (based on the existing Special Needs Centre) is 3% walking, 3% cycling, 14% single occupancy car, 5% car sharing, 12% public bus, 10% school bus, 50% taxi, and 3% moped. The Village College plans to exploit any spare bus capacity on bus services currently operated by Cambridge Regional College to provide more opportunity for proposed students to travel by bus.
9. The objectives of the Travel Plan are to: encourage walking, make cycling safer, improve the reliability of school buses, establish a school bus for students who live outside the catchment area and encourage more car sharing for staff, and to achieve the following by 2011:
- Reduce the % of parents/students who come to school by single occupancy car from 6% to 4%
 - Increase the % of students taking part in car sharing schemes from 5% to 8%
 - Increase % of students walking to school from 32% to 34%
 - Increase % of students cycling to school from 2% to 3%
 - Increase % of students coming by public bus from 1% to 2%

Planning History

10. The site has an extremely extensive planning history and, as part of this application, only a very brief outline of the history, rather than to explain the details of every application, is provided. Planning permission was originally granted for the college in 1960 (reference **C/0521/60**) and, since its construction, numerous applications to extend the premises have been approved. There have also been successive temporary consents for the siting and retention of the mobile units on the site. This includes a recent application, reference **S/1498/09/F**, for the retention of three mobile units on the site, including one of those in the area of the proposed 6th form extension, until 2014. Other notable permissions are a 2001 consent for 26 parking bays on the

north side of the College (**S/0375/01/F**), a further consent in 2002 for parking bays near to the main entrance to the site (**S/0223/02/F**) and consent for the construction of an all weather pitch in the Green Belt in 2008 (**S/0046/08/F**).

Planning Policy

11. **Local Development Plan Policies**

East of England Plan 2008:

SS1 Achieving Sustainable Development

SS7 Green Belt

ENV6 The Historic Environment

ENV7 Quality in the Built Environment

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

GB/1 Development in the Green Belt

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

GB/3 Mitigating the Impact of Development Adjoining the Green Belt

NE/1 Energy Efficiency

NE/3 Renewable Energy Technologies in New Development

NE/6 Biodiversity

NE/11 Flood Risk

NE/12 Water Conservation

NE/14 Lighting Proposals

CH/5 Conservation Areas

CH/6 Protected Village Amenity Areas

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

TR/3 Mitigating Travel Impact

12. **Supplementary Planning Documents**

Cottenham Village Design Statement 2007

Conservation Areas SPD 2009

Trees and Development Sites SPD 2009

Biodiversity SPD 2009

13. **Circulars**

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.

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

Consultation

14. **Cottenham Parish Council** recommends approval, stating:

“Cottenham Parish Council recommends approval and supports the application for an extension to include a 6th form facility at the Village College.

The Parish Council though does have areas of concern and would ask that they be addressed prior to planning permission being granted.

Even without the presence of a sixth form the College already acknowledges that the pedestrian crossings in the vicinity of the facility are inadequate; the Principal actively discourages students from cycling to school for reasons of safety. The College are exploring the possibility of having the ‘Safer Routes to School’ scheme implemented which the Parish Council actively supports. Statistics shown within the Department of Transport Reported Road Casualties, Great Britain 2008 Annual Report, and page 18, shows that the highest rate of killed or seriously injured pedestrians are aged 2-15 years. This clearly shows the need for safe crossing places near to the College. The Parish Council has, for sometime, held the view that the streets of Cottenham per se are unsafe, but for the purpose of this application it restricts comments to road conditions in the vicinity of the College only.

Within the Travel Plan a survey is shown detailing how students currently access the College site, it states that 32% of students walk to the College, some 303 students (this is in itself an inaccurate figure as Year 11 students were absent on the day the survey was undertaken, so therefore one can presume that the number is actually higher than that stated). Only 4% cycled the remainder arrived by designated bus, car or via the local bus service. The survey stated that some 10% arrive by car/car sharing but no figures are given for the number of cars involved. Of the staff 87% arrive by car/car sharing but again no figures are given in regard to the actual number of cars involved. Within the Travel Plan indications are given in regard to how the students attending the sixth form will access the site. Table 12 ‘Best Guess’ modal split sees 94% arriving by vehicles be it solo car (14%), taxi (50%) car share (5%), moped (3%) and school/public bus service (22%). Only 6% are anticipated to arrive by foot or on bike. The report does acknowledge that it is difficult to predict student travel mode and that it will only be ascertained once the students enrol and begin to attend. Regardless of the mode of transport what is transparently clear that there will be a large increase in both pedestrian movements and vehicular movements by 2015.

As currently 64% of students and 87% of staff access the site via a vehicle and it is proposed that an additional 94% of 240 students (by 2015) and 100% of new teaching staff will be doing likewise it is extremely important that measures are put into place to safeguard those who walk to school.

As such Cottenham Parish Council categorically asks for an S106 Agreement to be agreed in conjunction with any planning permission being granted. This S106 Agreement to state that there will be provision for a traffic light controlled Pelican Crossing on the High Street adjacent to the College and it is to be installed prior to any works being undertaken at the College and that the ‘Safer Routes to school be implemented, again prior to any works being undertaken at the College with a 20mph speed limit during school hours from the Histon Road junction to the Lyles Road interchange.”

15. **The Cottenham Village Design Group** states the application will extend the range of educational opportunities available to the local community and increase the level of employment within the village. However, the site is becoming overcrowded, reducing the options available for access to and through the site and leaving little outdoor space to accommodate existing and new student communities. A plan for the longer

term redevelopment of the site should be submitted to allow the proposal to be fully assessed. Development within the Green Belt may be a better solution than forcing overdevelopment within the current village framework. The options available for future development of the site will reduce if the development is completed as proposed. Eg – the technology building location will limit development options for the sports centre as well as making access to the existing sports facilities more difficult. The split 6th form accommodation seems undesirable and a solution which co-located the 6th form buildings would be preferable. A sustainable approach to transport policy is supported. However, no net additional parking is proposed to support the new accommodation. All new parking spaces replace existing spaces lost during the development or formalise existing informal provision. Given the large expected catchment area for the new provision and the limited public transport into the area, it is a mistake to assume that no students will drive. The level of parking provision falls very short of what will be needed to support the additional staff and students leading to overflow parking onto village streets. The level of cycle parking proposed is also minimal. It is hoped that the upgrading of the cycle path to Histon and beyond committed for 2010 and the new provision associated with the guided busway together with the college's sustainable transport policy would see the proportion of students that cycle increase beyond the level assumed. In addition, no provision has been made for moped parking which is a popular choice of transport within the age group targeted.

The imaginative designs and materials chosen are generally supported, particularly for the main sixth form building. There are minor concerns regarding the use of so much brown cedar on the technology building, and maintenance difficulties arising from this and the white fabric roof. The solar panels, air circulation chimneys and sedum roofs are all positive devices that reduce the carbon footprint of the development. The removal of the two cedar trees, numbers 66 and 67, is not supported. These must not be removed as the green space to the front of the village and the many trees within it are of significant visual importance to the wider village.

16. **The Conservation Officer's** comments will be reported in an update prior to the Committee meeting.
17. **The Trees Officer** objects to the removal of T66 (a Blue Atlas Cedar), which can be accommodated using no-dig construction. T67 (a Himalayan Cedar) has had the top removed and has therefore been compromised. However, its removal could be negated and it could be retained. No objections are raised to the removal of other trees identified on the drawing.
18. **The Landscape Design Officer** would like to see a landscape plan and some tree planting on the SW of the new parking to compensate for the loss of a tree. Tree 66 should be retained. A single tree (lime suggested) between 66 and 67 would be sufficient. More seating should be provided in the revised area NE of the 6th form building. A wider path along the south east side would allow more seating to be incorporated against its side. Some of the cycle parking will need to be relocated due to the proximity to trees and major roots. If the cycle parking is uncovered, grass paving would not be a suitable surface because of maintenance. The cells should be filled with gravel.
19. **The Ecology Officer** welcomes the length of new open ditch, and requests confirmation that this will be an open habitat and further details to show typical cross sections. However, the location of the proposed contractors compound causes concern. It is currently proposed for an area of what appears to be rough ground about 100 metres from the pond. The pond is reported to contain great crested newts. The compound area should be relocated so that it is further away from the pond in an area of less suitable terrestrial habitat for great crested newts (can an area of

currently mown grass be used?). A holding objection is placed until this matter is discussed in further detail.

20. **The Building Control Officer's** comments will be reported in an update prior to the Committee meeting.
21. **The Environmental Health Officer's** comments will be reported in an update prior to the Committee meeting.
22. **The Strategic Sustainability Officer's** comments will be reported in an update prior to the Committee meeting.
23. **The Drainage Manager's** comments will be reported in an update prior to the Committee meeting.
24. **The Local Highways Authority** raises no objections, but would like to make the applicant aware that cycle facilities are available between Cottenham and Histon. A 'movement diagram' to show how the applicant proposes to access the new parking spaces is requested, whilst it is also requested that the applicant confirm whether the dedicated bus service is available for use by new 6th formers. A condition stating that students shall not be permitted to park motor vehicles within the college grounds should be attached to any permission for highway safety reasons. A method statement relating to the process of construction and demolition, and any effects this may have on the adopted highway, should also be provided.
25. **The Environment Agency** states that the application falls within Cell F5 of its flood risk matrix but that, in view of other environment related issues, it will not be necessary for the Council to respond on behalf of the Agency. It is recommended that the Council's Drainage Manager be consulted on the proposals.
26. **Anglian Water's** comments will be reported in an update prior to the Committee meeting.
27. **The Internal Drainage Board's** comments will be reported in an update prior to the Committee meeting.
28. **Cambridgeshire Fire and Rescue Service** raises no objections subject to a condition or S106 agreement to ensure adequate provision is made for fire hydrants.
29. **The County Archaeologist's** comments will be reported in an update prior to the Committee meeting.
30. **The Police Architectural Liaison Officer's** comments will be reported in an update prior to the Committee meeting.

Representations

31. No.3 Morgans:
 - Objects to the removal of mature trees 66 and 67 in order to develop new parking spaces. These are mature trees and are visible from the PVAA and from adjacent properties.
 - Objects to the development of car parking spaces adjacent to the eastern boundary of garden as this would result in increased noise disturbance.

32. No.2 Morgans:

- Was not invited to the community consultation referred to in the documentation supporting the application.
- The submitted site plans fail to show neighbouring houses in Morgans and notes them as 'agricultural buildings.'
- It is understood that surface water run off and sewerage from properties in Morgans discharge into the combined sewer at the Village College. It is not clear if the Flood Risk Assessment has taken account of other inputs to the combined sewer in coming to a conclusion. If this is the case, the FRA may be underestimating the risk of flooding.
- Object to extra 16 parking spaces adjacent to the garden boundary. The current spaces on the north boundary of the property are used by college staff during college hours and used by coaches at weekends and evenings. Staff use has not caused any issues, but use by coaches at weekends causes some periodic disruption (5-10 times per year). These can be parked as close as 2m to bedroom windows and start as early as 5.30am. Disturbance from noise and fumes has been experienced from coaches parked and leaving engines running for long periods. This occurs a few times a year during the summer.
- Proximity of spaces to boundary fence has resulted in some damage from cars hitting the fence.
- The 16 extra parking spaces will result in the property being surrounded on two sides by college parking spaces. This will result in increased disturbance and possibly further damage.
- The 16 spaces would also result in the loss of trees visible from the Protected Village Amenity Area. These are the most mature and tallest trees in this part of the college providing habitat for birds and wildlife. The 16 spaces would also degrade the character of the PVAA.

33. A local resident in High Street, Cottenham has also raised concerns in respect of the traffic implications of the proposed development. It is pointed out that, at several events run at the Village College, cars have parked illegally on the High Street and on pavements between the College and War Memorial. This obscures the view of pedestrians who use the nearby crossing, and driver's views of pedestrians trying to cross the road. There is hatching in the road to dissuade car parking on the High Street. 6th form students, who may arrive later than other students due to timetabling etc, may seek to park on the High Street as close to the Village College as possible. It would seem likely that a significant element of the new students will arrive by car. The provision of double yellow lines on both sides of the High Street around the area of the refuge-crossing and for a reasonable distance from the College towards the war memorial and Green should be considered to ensure optimum visibility for pedestrians using, and drivers approaching, the refuge crossing.

Planning Comments – Key Issues

Principle of the development

34. The proposed location of the extension and new building, together with the relocated positions of two of the temporary classrooms, fall within the existing built up part of the Village College grounds and inside the village framework. This aspect of the proposed development therefore complies with Policy DP/7 of the Local Development Framework, which seeks to direct new development to sites inside village frameworks.
35. The application also proposes to relocate one of the temporary classrooms and to provide five additional parking spaces on a strip of land sited between the tennis courts and the eastern boundary, which lies within the Green Belt. The use of land in the Green Belt for car parking is not classified as inappropriate development by

definition providing it would not result in harm to the character and openness of the area. In this instance, the car parking spaces would be sited between tennis courts, which are floodlit and enclosed by high fencing, and a belt of trees forming the eastern boundary of the site. The spaces would be demarcated using grasscrete in order to minimise their visual impact and would not extend beyond the southern edge of the existing tennis courts. As such, the use of the land for such purposes would not result in harm to the openness of the Green Belt.

36. The siting of a portable building on Green Belt land is inappropriate by definition and Planning Policy Guidance 2 on Green Belts makes it clear that such development should not be granted unless very special circumstances have been put forward to justify the proposal. Officers had queried with the applicant whether, in view of this situation, it would be possible for one of the temporary classrooms planned for removal upon completion of the 6th form extension, could be sited in this position instead (i.e. - so that there would be a guarantee the structure would be removed from the Green Belt in the foreseeable future). The applicant has responded stating that it has strong reasons for the situation as proposed. The two mobile classrooms that would be relocated during the construction period would be sited on a hard surface used for informal play/ball games etc. There is a very large playing field but very little hard play space that can be used by students during break time. To lose this space for a longer period would therefore have a significant impact on the day-to-day operation of the school. The Centre Special School, which is located on the site, is planning a rebuild (subject to planning permission) in 2012. If permitted, the mobile unit would be removed from the site, at an estimated date of 2015/16 depending on the availability of funding.
37. The above reasoning makes it clear that Cottenham Village College only wish to retain the third temporary classroom on the Green Belt land for a temporary period, albeit for a longer temporary period than the other two classrooms, and approving the classroom in this location would not therefore result in long-term in-principle harm to the Green Belt. During a meeting with the applicant, it was considered that a five year temporary permission would be appropriate as this should allow sufficient time for the submission and determination of any future application, as part of which the permanent removal of this classroom would be proposed. In the event funding does not become available or planning permission is not granted, the structure would need to be removed and/or an alternative location within the village framework sought.

Impact upon the setting of the Conservation Area, upon the Protected Village Amenity Area and upon the Openness of the Green Belt

38. The proposed development would be sited within the southern part of the Village College grounds. This part of the site does not lie within the Conservation Area or Protected Village Amenity Area - the boundaries of both lie on the north side of the front of the Village College. As such, the main issue to consider relates to the impact of the development upon the setting of both these areas.
39. The Village College is extremely well concealed in views of the site from the High Street as there are many mature trees within the area designated as a PVAA to the front of the school. When viewed from the southern extent of the access drive, the development would be largely concealed from view by the existing buildings along the frontage of the site and are not therefore considered to result in harm to the character of the Conservation Area. Whilst the Conservation Officer has not commented to date, no in-principle objections were raised during pre-application discussions, to the scale, location or general design of the buildings, and the main area of concern related to how well the 6th form extension would tie into the existing building.
40. Officers consider the proposed buildings to be of an extremely high architectural quality incorporating a range of contemporary materials such as zinc and sedum roofs

for the 6th form extension and cedar cladding and sedum/tensile roofs for the new technology building. The Cottenham Village Design Group has expressed general support for the imaginative designs and materials chosen, although has raised some minor reservations about the use of so much brown cedar for the technology building. These concerns, however, relate to potential maintenance difficulties of such a material, as well as of the white fabric roof, rather than to their impact upon the character of the area.

41. The application also proposes to create 9 additional parking spaces at the front of the College, on an area of land that falls within the Protected Village Amenity Area. This area is presently used for parking (albeit not authorised as such). Due to the distance of this area from the main road, together with a number of mature trees within the immediate area, the use of this land for parking is not considered to harm the character of this part of the Conservation Area or the Protected Village Amenity Area.

Location of the Development and Sustainability Issues

42. The Transport Assessment and Travel Plan submitted with the application highlight some problems with the accessibility of Cottenham, referring to poor access by modes other than the car (particularly by public transport and cycling) and indicating that some 94% of new students are anticipated to travel to the site by car. This proposal would have a far larger catchment area than the existing Village College, being County wide rather than catering for the nearby Fen villages, and this therefore raises concerns as to whether Cottenham is an appropriate location for such a facility, and whether, for sustainability reasons, this would be better located in a larger settlement such as Cambridge or Ely. The comments of the County Council's New Communities Team, in respect of the Travel Plan and Sustainability issues, are presently awaited and any comments received will be reported to Members in an update prior to the meeting.
43. In the meantime, the applicant has provided a response to these concerns, and has set out the following justification for siting the development at Cottenham Village College.
 - *Educational expertise* – The Village College has a long history of providing for students with a wide range of abilities. The proportion of special needs students is high at 10%. Results show these students perform better than similar students at other schools. The Village College also has specialist resources for students with a hearing impairment, language impairment and The Centre, a specialist provision for students with extreme emotional and behavioural difficulties. This has resulted in a talented team of staff giving the capacity to deliver the proposed vocational 6th form facilities.
 - *Funding* – The Village College has been judged as a high performing specialist school, a status given to only the top 30% of schools nationally and, with it, the College is able to assume new specialist roles and to apply for presumption arrangements, designed to enable successful 11-16 schools to extend provision to 11-18. Presumption was granted in April 2009 and funding secured to cope with the extra students. The College has worked closely with a wide range of bodies to develop a proposal that best meets the needs of the local area. Presumption arrangements aren't transferrable to another school or site and are time limited.
 - *Local Needs Assessment* – Studies have confirmed a need for enhanced vocational provision for 6th form students. Provision for able students is very good. Provision for less able students and those needing additional support is not so good. Proposals have a clear link to that provided by Cambridge Regional College and a strong working partnership between CRC and CVC has been established. The proposal would result in students with specific needs receiving a personalised

curriculum within a smaller-scale facility, and securing routes though to further education, training or employment.

- *Conclusion* – The Village College is not seeking to retain the majority of its current 11-16 year olds. They will continue to feed into other forms of further education in the city. Through the College's success as a High Performing Specialist School, they have been able to enhance provision for young people of lower ability and for those in need of additional or specialist support. If the application is unsuccessful, these needs will not be met elsewhere and the funding will be withdrawn.

Highway Safety

44. The Local Highways Authority has raised no objections in respect of the highway safety implications of the development but has requested that a condition be added to any permission preventing students from parking cars within the college grounds. The intention behind this condition would be to discourage students from driving to the college. Such a condition, however, would be virtually impossible to monitor and enforce, and would also force any students that drive to the College to park on adjacent streets. It is considered that such a condition would not be appropriate in this instance and the Highways Authority has indicated that it considers the approach set out in the following section would be an acceptable compromise.
45. The Local Highways Authority has been consulted about the Parish Council's request for a Section 106 Agreement requiring the provision of a traffic light crossing, implementation of the Safer Routes to School scheme and installation of a 20mph speed limit during school hours prior to commencement of development. A formal response is presently awaited. However, the LHA has explained that none of these measures would receive its support. Firstly, there is a zebra crossing nearby, which is preferred to a light controlled crossing. In addition, on street parking and traffic bumps in the area help to slow traffic speeds so the introduction of further limits is deemed to be unnecessary.
46. The LHA has also commented on a local resident's request for double yellow lines to be painted on the High Street in the vicinity of the Village College. Double yellow lines are not generally considered to be effective as it is legal to park and pick up/drop-off for a 20 minute period within these areas. They are normally only introduced for genuine highway safety reasons and not as a measure to control traffic flow.
47. The Village College presently has 111 parking spaces. Whilst this may be deficient to serve the needs of the existing facility, it would be unreasonable to expect the College to make up for any existing shortfall. It should, however, ensure that sufficient spaces are provided for the proposed development. The parking standards set out in the Local Development Framework require 1 space per 2 members of staff and 1.5 spaces per classroom. The development comprises 15 new classrooms and would employ 19 additional staff resulting in a requirement for a maximum of 32 additional spaces. An extra 29 spaces are proposed within the application which is broadly comparable to the required standards.
48. Cycle standards require 60% provision for pupils over 12, resulting in an official requirement for 144 spaces for the proposed scheme. Only 50 spaces are proposed, but, in view of the relatively low number of cycle trips that take place at present, this is considered to be adequate to cater for the use anticipated within the Travel Plan.

Residential Amenity

49. Concerns have been raised by the residents of Nos. 2 and 3 Morgans in respect of the implications in terms of noise and disturbance arising from the proximity of the proposed 16 additional parking spaces to their rear gardens. This has been discussed

with the applicant particularly with regard to some of the problems highlighted by the residents of No. 2 Morgans. In order to alleviate these concerns, it is considered that these spaces should be allocated for staff use only. This would minimise the amount of manoeuvring in and out of these spaces during the day, and would prevent this part of the site from being used by buses during the evenings and weekends.

Trees

50. Concerns have been raised by the Trees and Landscape Officers, the Parish Council, Cottenham Village Design Group and local residents to the loss of trees 66 and 67. The applicant has agreed to amend the plans in order to ensure the retention of both these trees and is intending to liaise with the Trees Officer regarding appropriate methods of no-dig construction for the parking areas.

Biodiversity

51. Further to concerns raised by the Council's Ecology Officer in respect of the proposed contractors compound, the applicant's agent has agreed to revise the shape of the compound such that no part of it would fall within 100 metres of the pond. The Ecology Officer has responded, stating that 100 metres is a reasonable distance from the pond (given that it is currently surrounded by a relatively built-up area). There is still a risk they may be impacting upon the habitat of great crested newts but, in the absence of any information to the contrary, the applicant's approach is considered to be acceptable providing it accepts an element of risk that, if the compound is found to provide a habitat for great crested newts, the operation would need to be suspended and a license secured. An informative should be added to any consent advising the applicant of its obligations in this respect.
52. The applicant has confirmed that the French drain would be covered. The Ecology Officer has stressed that an open drain would be preferred as it would be less prone to blockages and provide a habitat corridor. However, if a French drain is necessary, could there be a sunken swale/long grass feature above it to provide a habitat link? This issue will be raised with the applicant and Members update on the outcome of any discussions prior to the meeting.
53. The Design and Access Statement states that new bird and bat boxes will be installed in order to enhance biodiversity, and this could be secured via a condition of any planning permission.

Flood Risk/Drainage

54. The site lies within Flood Zone 1 (low risk) within which the surface water drainage implications of new development must be considered. The submitted FRA explains that soakaways are unlikely to be economic due to low infiltration rates of the soil. As such, it is proposed that a French drain be constructed along the southern boundary of the playing fields, providing both a SUDS compliant scheme and to allow for attenuation of flows before discharging into the ditch.
55. With regards to foul drainage, this is currently carried by local gravity sewer to a pump chamber and then discharges toward the site entrance via a pumping main. The new buildings would be connected into the existing system without the need for upgrading.
56. Comments are presently awaited from the Environment Agency, Anglian Water, Council's Drainage Manager and the Internal Drainage Board in respect of the foul and surface water drainage proposals and Members will be updated on any comments received prior to the Committee meeting.

Energy Efficiency/Renewable Energy

57. The proposed development has attained a BREEAM rating of excellent for the whole project. The supporting Design and Access Statement explains that insulation has been maximised in order to reduce heat loss and minimise heating requirements. The development has a reduced requirement for mechanical ventilation and the design seeks to achieve high daylight levels throughout in order to reduce the need for electrical light. The buildings have been orientated in order to maximise solar gain, and also incorporate natural stack ventilation using wind catchers. Software analysis has shown that emission rates would be lower than target emission rates.
58. The application initially proposed the use of an air source heat pump. The applicant then expressed an intention to omit this from the scheme and substitute it with a high efficiency gas fired boiler as the heating source for the 6th form building. This was due to the fact that the College was not convinced there was sufficient in-use experience of air source heat pumps to feel confident about their efficiency and reliability in winter months.
59. Following a meeting with this Council's Sustainability Officer, it was explained that the gas fired boiler approach would mean that the requirements of Policy NE/3 could not be satisfied. As a result, it is now proposed to replace the air source heat pump and photovoltaic panels with a ground source heat pump. A report and supporting calculations for the energy performance of the 6th form buildings based on the inclusion of a ground source heat pump has been submitted.
60. With regards to the issue of renewable energy, the proposed development incorporates photovoltaics and solar thermal hot water to heat the building and natural ventilation windcatchers to cool the building. These are claimed result in carbon emissions being reduced by 11%.
61. Any comments made by the Council's Sustainability Officer in respect of the above will be reported to Members in an update prior to the Committee meeting.

Archaeology

62. No comments have been received to date from the County Council's Archaeology team. However, in pre-application discussions it was indicated that they would be unlikely to raise any in-principle objections to the proposed development.

Other Matters

63. The application does not include a site waste management plan and advises that the contractor will develop one when appointed. The applicant anticipates that the provision of such a plan would be required as a condition of any planning permission. General site practices to be included as part of any plan would be: monitoring of water consumption on site, monitoring of construction waste, adoption of best practice policies relating to air pollution, adoption of best practice relating to ground and surface water, restriction of hours of noisy operation.
64. The application proposes external lighting which would be limited to fittings mounted on the faces of the new buildings ensuring no light spillage above the horizontal. The comments of the Environmental Health Officer in respect of the proposed lighting are presently awaited. Providing no objections are raised, any consent should be subject to a condition requiring details of any additional lighting to be submitted prior to installation.

Recommendation

65. Delegated approval subject to receipt of amended plans to resolve comments made by the Trees, Landscape Design and Ecology Officers as well as the Local Highways Authority:

Conditions

1. Standard Condition 1 - Full planning permission time limit
2. Sc5 – Landscaping
3. Sc6 - Landscape Implementation
4. Sc7 – Trees
5. Sc8 – Tree protection
6. Sc12 - Boundary Treatment
7. Sc13 – Materials
8. Sc15 - Car Parking to be provided in accordance with plans before occupation of the development
9. Sc16 – Cycle parking to be provided in accordance with plans before occupation of the development
10. 16 additional spaces adjacent to north-western boundary to be dedicated for staff use only
11. Sc38 – Noise during construction
12. Sc51 – Scheme of ecological enhancement
13. Sc57 – Fire hydrants
14. Sc58 – No external lighting other than that shown within the application
15. Sc64 – Temporary permission for the 3 mobile classrooms – 5 years
16. Sc93 – Site waste management plan
17. Highways method statement during the construction period.

Informatives

1. Great crested newts

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

- East of England Plan 2008
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents 2009
- Circular 11/95 Circular (The Use of Conditions in Planning Permissions) and Circular 05/2005 (Planning Obligations)-
- Planning File references S/1435/09/F, C/0521/60, S/1498/09/F, S/0375/01/F, S/0223/02/F and S/0046/08/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee13th January 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/0113/08/F - HATLEY**Temporary Siting of Caravan, Barn Farm, East Hatley for Mr and Mrs C P Hooks****Recommendation: Delegated Approval****Date for Determination: 21st January 2010****Notes:**

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

Site and Proposal

1. This retrospective application, as amended by letter dated 11 February 2009 and revised site plan received on 26 November 2009, proposes the stationing of an agricultural mobile home on land at Barn Farm, East Hatley for a temporary three year period.
2. Barn Farm is located at the southern end of East Hatley on the east of the road. It comprises 3.0ha of land contains a number of agricultural buildings. The mobile home is sited to the rear of the buildings. In addition the applicant owns a further 1.1ha of land on the opposite side of the road to Barn Farm. This area of land contains additional buildings.
3. The site is outside the village framework.
4. An appraisal of the need for residential accommodation on the site has been submitted by the applicant and now takes the form of three reports dated January 2009, April 2009 and December 2009. Full copies of the reports are available to view electronically.

Planning History

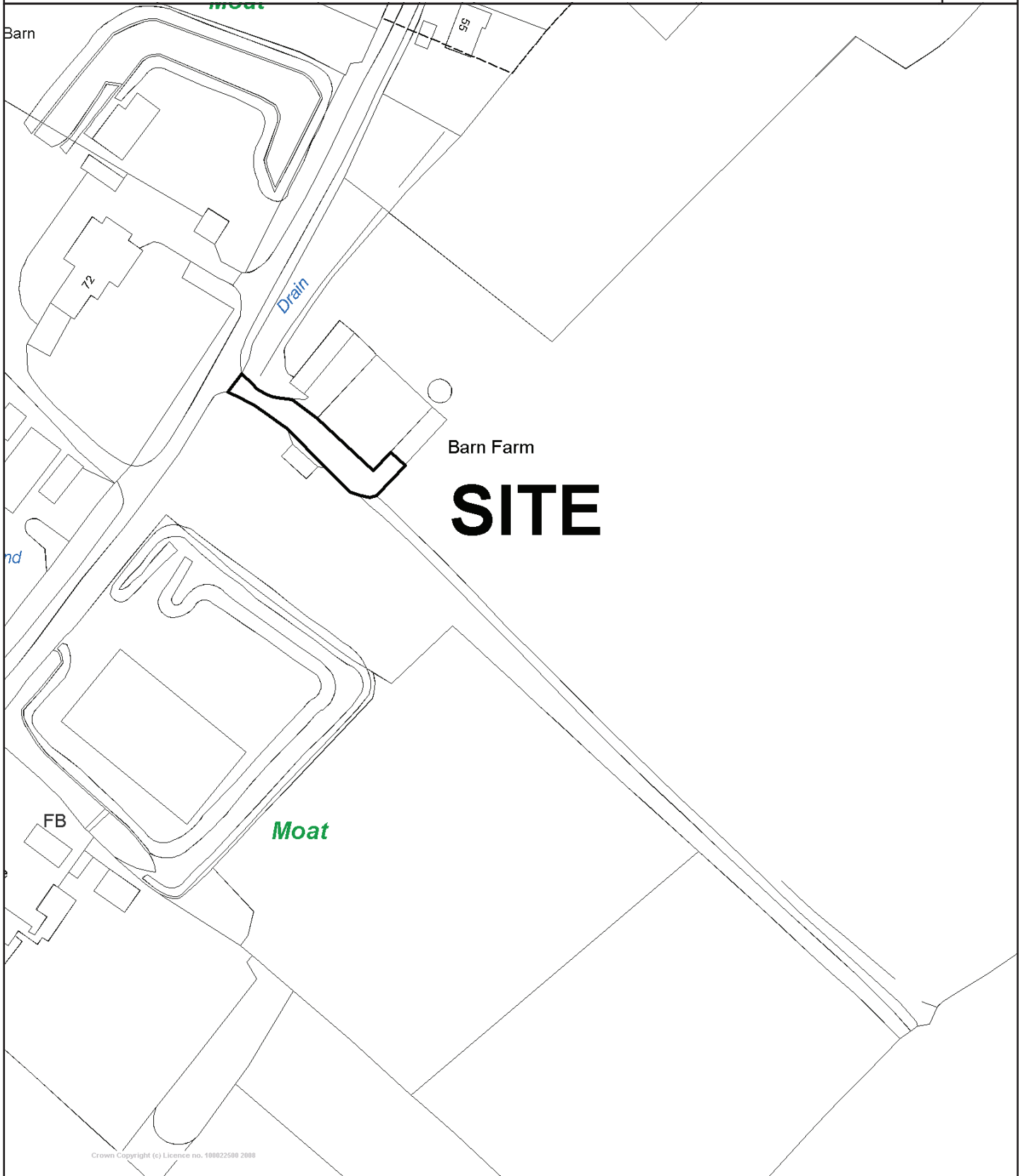
5. There has been no recent planning history on the site, however in 2003 an application was refused, and dismissed at appeal, for the conversion of a barn into a dwelling (**Ref: S/0599/03/F**)

Planning Policy

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

ST/7 – Infill Villages

S-0113-08-F



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Scale 1/1250 Date 16/11/2009

Centre = 528639 E 250324 N

December 2009 Planning Committee

7. 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/7 – Development Framework

HG/9 – Dwelling to Support a Rural-based Enterprise

8. Planning Policy Statements:

PPS7 – Sustainable Development in Rural Areas

Consultation

9. **Hatley Parish Council**

“There is considerable concern in the village about the standard of stockmanship and the welfare of the animals on Barn Farm at present. There is alarm at the prospect of the intensification outlined in the appraisal. The Hatley Parish Council considers that the appraisal paints a misleading picture of the present situation. The proposal in the appraisal appear to take into account neither the characteristics and constraints of the site nor the agricultural skills of the applicants. The business plan in the appraisal bears little relationship to the actual circumstances on the ground.

Background

The applicants have been farming the land since the summer of 2007. At some point in 2007 a touring caravan was brought onto the site and occupied as a residence. Planning permission was sought for temporary siting of a caravan there for one year. It is now more than a year since the matter was considered by Hatley Parish Council. Since then a mobile home has been brought onto the site without any planning permission as far as Hatley Parish Council is aware.

This response does not express an opinion whether or not the site is suitable for a dwelling house.

The Site

The soil in East Hatley is a strong clay derived from the glacial deposit Chalky Boulder Clay. The soil is productive if adequately drained and well farmed. Most of the land at Barn Farm is not naturally well drained and the falls in level are slight. The land can become poached in wet weather and therefore, except at very light and extensive stocking levels, the land is not suitable for stock in winter.

The two areas of land were recorded in the two sales particulars (December 2004 and about March 2007) as having a total area of 9.323 acres, which equates to 3.77 hectares. The appraisal states the area to be 10.25 acres (4.1 hectares) but the increased area of almost one acre is not explained.

Part of the site is occupied by buildings leaving a net area on which to keep stock of less than 3 hectares (7 acres). The present grassland is of poor quality. Part of it is covered in self-sown ash plants.

The site is in two parts and not conveniently shaped. The land is within the hamlet and adjoins, or is opposite 6 dwellings and close to several others. The methods of farming the land can have potential consequences for the quiet enjoyment of the neighbouring houses.

The buildings formerly served a 100 hectare arable farm. They are not well adapted to livestock husbandry. Some buildings are in poor condition.

The site has constraints and characteristics which limits its productive use.

Current Activities

We do not question the applicants' sincere intention to develop their farming activities and improve the holding.

Nevertheless over the last year the parish councillors have been made aware of widespread concern in the village about the present activities on Barn Farm. It is our function as a parish council to reflect these feelings. The concerns relevant to the appraisal relate to animal welfare. We understand that at least two inhabitants of Hatley Parish Council have felt strongly enough to report the matter to the RSPCA. We understand that DEFRA have also been consulted. The concerns expressed by many in the village, and some living outside the parish, include hens housed in coops some of which have been left standing in water forcing hens to stay on their perches in wet weather. In addition, up to the end of January 2009, pigs were kept continuously for 18 months on about 0.1 hectare of poorly drained land without any hard-standing, from which faeces, urine and uneaten or spilt food have never been removed, without access to clean water and with a minimal standard of housing in arks on the wet land and sometimes without adequate bedding. It would appear that the current farming could be in breach of Statutory Instrument 2003 No299 Animals, England Prevention of Cruelty. It is not Hatley Parish Councils role in this response to consider the merits of these views but the current methods of farming might be relevant when considering the projected outputs, the predicted profit margins and the proposed budget on the appraisal.

There is considerable disquiet on the village at the prospect of the intensification of the agricultural enterprises proposed in the appraisal.

Proposed Stocking Levels at Barn Farm

The appraisal appears to propose stocking rates as follows: 600 hens, 12 pigs/sows, 2 pig/boars, 100 pigs/fatteners, 8 horses and 20 goats (excludes goats kids).

Many of the inhabitants of the village and most members of the Hatley Parish Council know the character of the local soil and are familiar with the general characteristics of Barn Farm. It is not clear to them how it would be possible to keep this amount of stock on the 4 hectares (10 acres) of Barn Farm.

There are well-established norms for calculating grazing livestock units. Using such measures would seem to suggest that a holding of five times that size would be required, unless most of the stock were to be kept almost permanently indoors. The buildings are at present inadequate for the scale of the proposed enterprises. Due to the situation of the land in the village it would not be a suitable location for the erection of intensive livestock buildings.

Hatley Parish Council considers that the level of stocking proposed in the appraisal for Barn Farm is unrealistic.

Barn Farm and Other Land

At the Hatley Parish Council meeting on 3 February 2009 the applicant when asked about the level of stocking proposed stated that the stock numbers should be looked at in relation to Barn Farm and the 25 acres of land rented by the applicants which appear to be more than 40 miles distant from Barn Farm. The Hatley Parish Council does not know whether it is permissible to consider the appraisal in relation to Barn Farm and the rented land. However if it is permissible to do so it would wish to make these observations.

- (a) The appraisal contains no details of the rented land. It is stated in the appraisal that it is rented "on a seasonal basis which they use for grazing and haymaking". It is not clear how much security of tenure this provides if any.
- (b) The exact location of the land is not revealed. The rented land is not described nor the facilities on it.
- (c) The appraisal does not explain why Barn Farm is the suitable location for agricultural living accommodation if the bulk of the land farmed is more than 40 miles away.

Proposed Business Plan

The Hatley Parish Council is concerned that the appraisal is unsupported by any accounts or other evidence of outputs and sales, although the applicants have been farming this land for 18 months. In the absence of any such supporting figures the proposed budget appears to be only a theoretical conjecture.

To operate the proposed four enterprises at a profit would require more than normal levels of specialised agricultural knowledge and husbandry in these enterprises which has not been demonstrated.

It should be noted that the proposed budget projects gross annual sales from the poultry enterprise of £50,000 and the pig enterprise of £20,000. Even if the holding were large enough to carry the four enterprises, and even if a high level of farming skills were to be available, the outputs would appear over stated and the costs understated and consequently the level of profit greatly inflated.

The Hatley Parish Council was not able to know if the keeping of horses falls within the definition of 'agriculture' in Section 336 of the Town and Country Planning Act 1990. If it does not fall within this definition it is presumably right to disregard the parts of the appraisal related to horses.

The Alleged Need for a Residence

We are not persuaded by the appraisal that the proposed enterprises would provide a net profit equal to the pay of a standard farm worker. However even if this were shown to be the case there are many in Hatley Parish Council who question the need for an agricultural dwelling. The site is not isolated being within the hamlet of East Hatley where there are currently at least 4 houses on the market ranging from £120,000 to £500,000 and offering accommodation of 2 to 5 bedrooms. All are within easy walking distance of Barn Farm.

It is considered that the appraisal greatly exaggerates the agricultural advantages of living on the site.

Conclusion

The Hatley Parish Council was of the view that the appraisal does not provide clear evidence of a firm intention and ability to develop the enterprise concerned nor clear evidence that the proposed enterprise has been planned on a sound financial basis.”

10. The District Council has commissioned an Agricultural Consultants Appraisal, independent of the applicants' appraisal, which takes the form of two reports dated February 2009 and May 2009. Full copies of the reports are available to view electronically. The report concludes that only if the business fully develops as proposed, which will require the equine entity to bolster labour and income and direct sales maintained, will the functional/financial criteria, including full time labour requirement, be satisfied.

Representations

11. There has always been a presumption against allowing a dwelling on this site as it is outside the village stop-line. There is concern that permission might prejudice the outcome of future applications.
12. It is not clear from the application as originally submitted as to whether the proposal is to be considered as a temporary agricultural dwelling or not. If it is then the conditions of PPS7 Annex A should apply.
13. The new venture may possibly incorporate or be an intensification of the current use, or it may be substantially or completely of a different nature, for example one based on keeping horses. Unless it is clear what the future proposals are these future plans cannot be regarded as relevant to, or justification for, the current situation.
14. It should be clarified whether PPS7 does apply to the application as it is noted that permission would normally be allowed only for a limited period of up to three years during which time the applicants would have to satisfy certain conditions of need and viability after which, if satisfied, a permanent house could be built. If PPS7 does apply conditions should be imposed which reflect that and if not it should be made clear that the current application would not set a precedent in favour of any new application in the future and that occupation must cease at the end of the temporary period.
15. The applicant is asking for a 12 month permission on the grounds that time is needed to formulate new plans for the site and it is questionable whether a caravan needs to be stationed on the site for that period. Given that the caravan has been on the site for a period of 8 months prior to the submission of the application allowing a further 12-month period seems over-generous.
16. The application form is incorrect, as the caravan has been lived in since June 2007 and not November 2007 as stated.
17. As the site is well outside the village envelope a permanent dwelling should not be permitted.

18. Further information should be sought on the applicants' statement, as there is concern about the size and type of home that the applicants intend to live in for the period of 3-5 years. Where would the current employee live?
19. Whilst it is recognised that animal welfare is not a planning issue, the topic of barking the tethered dogs has been raised which may have led to Council officers visiting the site. Assurance is sought that the livestock are being properly cared for. The RSPCA has visited the site on more than one occasion.
20. There is not enough land to use as grazing to support 14 horses and a donkey which the report implies will be the final number brought to Barn Farm.
21. Some of the reasons put forward as to why persons are required on site, such as laminitis and horses needing to be calmed during a thunderstorm, are questionable.
22. The stable within the Nissan type hut is dangerous due to broken glass in the window panes.
23. The comment about gates on the public footpath are incorrect, there are stiles in place for walkers who wish to walk this route.
24. The number of chickens proposed will result in battery hen status, as there is not enough land to allow the hens to be free range. This will result in disease, smell and excess noise. As the country is now fighting towards better living conditions for hens for the food market the proposal goes against this.
25. The current accommodation of 20 moveable poultry arks and the fact that the birds are kept enclosed within the ark is again battery conditions and not acceptable.
26. The area over the road where the adult pigs are kept is disgusting with very deep mud, no obvious clean fresh water and the pens are in a dilapidated state. The smell is very physically sickening. It is also in very close proximity to a resident which goes against any planning ideals and is against any thoughtfulness from the applicants in respect of their neighbours.
27. The noise from the geese and ducks en-mass is a disturbance to the quietness of the village and when the dogs join in it is totally unacceptable.
28. The acreage of barn farm cannot sustain the current numbers of livestock let alone the proposed expansion in numbers and with the additional birds being incubated this will increase.
29. Needless to say there will be a lot of deaths from disease, foxes will be inevitable, no amount of supervision will stop a fox if it desires to take his dinner for the night. What is to happen to wastage?
30. The report comments on stray dogs entering and disrupting the breeding programme – currently there are two dogs tied up which bark at anything or anybody that goes by, surely this is not satisfactory in terms of disruption.
31. The comment regarding the site and buildings have been improved is a matter of opinion. One letter states that little sign has been seen of any improvement of the buildings and when the site was first purchased the applicant bulldozed precious Damson trees. Is this an improvement?

32. The issue of selling of freezer meat at the farm gate is also very disturbing. This quiet residential village and the closeness of certain residents should not have to live with intensive farming methods or endure excessive noise.
33. The proposed expansion will result in an intensive farming method covering numerous animal types is totally unacceptable for the location within a quiet residential village. The closes residents must be very unhappy to have to look upon and listen to this intensive farming method.
34. Is DEFRA involved? It is felt that it would have something to say and report on this business/farming proposal and the conditions the animals are kept in. Please bear in mind that local people see what is going on as opposed to the sanitised version when people visit for checks.
35. The occupiers of the Manor House originally raised no objection to the proposal but have subsequently written objecting on the grounds that noise levels have increased to a point where it now a nuisance. This started with dogs barking, then cockerels and dogs and now it is geese as well. The smell from the pigs can be unpleasant.
36. There is concern that future sales from the gate would increase the volume of traffic using this no-through road.
37. There are inaccuracies in the agricultural appraisal as the land could not handle the increased in livestock numbers suggested.
38. There is concern that a permanent dwelling might be allowed in the future, a couple of years after which the business will become unprofitable and go bankrupt and the applicant will have secured a dwelling where previous applications have been refused.
39. The appraisal does not detail other investments, running costs, feed, marketing or sales which suggests that the applicant has not thought through the planned activities from a commercial point of view.
40. The commercial activities listed in the appraisal concerning horses and 'farm gate sales' are not agriculture, therefore diminishing the overall income and reducing the need for an agricultural dwelling.

Applicants Representations

41. The initial agricultural appraisal submitted in January 2009 states that the applicants purchased Barn Farm (extending to 3.0ha) in February 2005 and a further 1.1ha two years later. The reason for the purchase was to expand and develop the farm business which they had established in Hertfordshire. Since purchasing the farm the report states that they have invested in and improved the farm buildings and have established free-range poultry, pig breeding, goat breeding, horse, and egg incubation enterprises. The poultry and egg incubation enterprises are based mainly on rare breeds with sales direct to the final customer/consumer.
42. The report states that the current farming system has a standard labour requirement of approximately two-full time workers. Mr Hook works full-time on the farm and is assisted on a part-time/casual basis by his wife, father-in-law and two children.
43. Mr Hook wishes to intensify his use of the holding to make the farm business more viable. He plans to expand the free-range laying flock, the egg incubation enterprise,

and both pig and goat herds. Some of the horses are still kept on the land in Hertfordshire and it is planned to bring them to Barn Farm in due course.

44. A budget for the proposed farming system shows a net profit of just under £35,000 which is well in excess of the average earnings of a full-time worker. The report states that these developments and the budgeted profitability will not be possible unless Mr and Mrs Hook are able to continue to live on the farm. The report states that it is essential that the applicants live within sight and sound of the farm buildings so that they are readily available to deal with emergencies which arise on the farm. These will include supervising the free-laying flock, the pig breeding herd, the goat breeding flock, the horses, and the egg incubation process, protecting the livestock from disturbance by intruders and protecting the security of the property generally. It is not considered that the level of out-of-hours supervision at the farm can be provided from any other dwelling in the locality.
45. The report concludes that the business satisfies the requirements of PPS7 Annex A, paragraph 12, for a temporary agricultural dwelling on the farm in that there is a clearly established existing functional need in that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times in case animals require essential care at short notice; there is clear evidence of a firm intention to develop the enterprise concerned (as evidenced by Mr Hook's long experience in agriculture, his investment in machinery, buildings and livestock, and his plans to further develop the business); there is clear evidence that the proposed enterprise has been planned on a sound financial basis and; the functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.
46. A recent submission by the applicants agricultural consultant comments on points raised by the Parish Council and local residents, including the condition of the land, suitability of the buildings for livestock and animal welfare issues. The letter comments on proposed numbers of livestock and suitability of the site to support those numbers.
47. The letter states that the land rented at Gransden is rented on a seasonal basis from a friend and there is no reason to believe that it cannot be used for a number of years to come. Barn Farm is considered the suitable location for residential accommodation rather than the larger area of rented land as the functional need is almost entirely related to the livestock and other activities at Barn Farm, rather than the activities elsewhere.
48. No accounts are currently available as the applicant has only been living on site for little more than a year. If the business can develop as proposed the letter states that it should produce a good profit and the budgeted figures have been based upon conservative estimates of standard figures. The letter points out that Mr Hook as been keeping livestock for the past 25 years. Whilst the keeping of horses does not fall within the definition of agriculture it is believed that such enterprises can be considered under Annex A of PPS7.
49. The letter makes detailed comments in response to the comments raised by local residents. A full copy of the report is available to view on line (December 2009).

Planning Comments – Key Issues

50. The application seeks consent for the siting of a mobile home for a temporary period. The use of the land for the various agricultural uses described in the application does not require planning consent and is not a matter for members to consider. The issues raised in this respect and those related to animal welfare are not material to the consideration of this application.
51. The key issues for Members to consider with this application are whether the criteria for permitting a temporary mobile home set out in Policy HG/9 and Annex A of Planning Policy Statement 7, particularly the functional and financial tests, are satisfied.
52. The advice states that if a proposal does not relate to a well established agricultural unit development of a temporary dwelling may be permitted for up to three years where there is clear evidence demonstrating a firm intention and ability to develop the enterprise concerned; that the proposed enterprise has been planned on a sound financial basis and; that the functional need cannot be fulfilled by another existing building on the unit or any existing accommodation. These criteria assume that there is a clear, existing functional need relating to a full-time worker or one who is primarily employed in agriculture.
53. The proposal relates to an agricultural enterprise that is currently being established on the site. The application is retrospective and the applicants have been living on the site since August 2008.
54. The agricultural appraisal submitted by the applicant identifies the need for a full-time worker living on the site in connection with the proposed livestock enterprise. The report includes a budget for the proposed farming system which indicates that the enterprise, if it fully develops as proposed, has the potential to become profitable. The figures put forward include an income generated from proposed horse sales and carriage driving lessons, although the income from the latter represents only some 2% of the total. Policy HG/9 advises that accommodation connected to the keeping of horses where the scale of the business meets the tests of a rural enterprise can be considered in accordance with the tests of the policy.
55. The independent agricultural appraisal carried out on behalf of the District Council raises some concerns about functional issues and the possible reliance on the equine entity to bolster labour, and the need to maintain income and direct sales to ensure that the functional and financial tests set out in Annex A of PPG7 are met. It advises that ultimately, if a three year temporary consent was sanctioned it would be up to the applicants to fully implement the proposals and justify this via subsequent records and accounts.
56. The approval of a mobile home for a temporary period does not prejudice the Local Planning Authority when determining any future application for a permanent dwelling on the site. Any application for retention of the mobile home, or the erection of a permanent dwelling on the site, will have to provide evidence to demonstrate the continued functional need for residential accommodation on the site, and in respect of a proposal for permanent accommodation, that it relates to an agricultural unit which has been established for at least three years, has been profitable for at least one of them, is currently financially sound, and has a clear prospect of remaining so.
57. Planning consents for temporary residential accommodation for an agricultural worker are normally restricted to a 3-year period, however given that this is a retrospective

application and the applicant has resided on site since August 2008, I am of the view that a further 2-year period would be more appropriate in this instance.

58. Concerns raised locally about the constraints of the site, possible poaching of the land, the skills of the applicant and the details of the budget put forward have been commented on by the applicant's agricultural consultant.
59. The mobile home is sited to the rear of the main farm building and is not easily visible from the main road, although the site can be viewed from the public right of way to the north. I am of the view that the proposed temporary siting of accommodation does not result in any permanent harm to the visual character of the area.
60. I am aware that the issues raised concerning noise from the site, including the barking of dogs, has been investigated by Environmental Health Officers.
61. I am of the view that it is appropriate to grant consent for the mobile home for a temporary 2-year period. A condition should be attached to any consent restricting the occupancy of the mobile home to agricultural use.

Recommendation

62. That temporary planning consent is granted for the mobile home subject to the following conditions.

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 January 2012 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority. (Reason – Approval of the proposal on a permanent basis would be contrary to the proper planning of the area and to ensure compliance with Policy HG/9 of the adopted South Cambridgeshire Local Development Framework 2007 and Annex A of Planning Policy Statement 7.
2. The occupation of the mobile home shall be limited to a person solely or mainly working, or last working in the locality in agriculture, forestry, or a widow or widower of such a person, and to any resident dependant s. (Reason – The mobile home is situated in a rural area outside the village framework of East Hatley where the Local Planning Authority would not normally grant planning permission for such development and this permission is granted solely in order to fulfil a need to satisfy the requirement of with Policy HG/9 of the adopted South Cambridgeshire Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework Development Control Policies 2007
- Planning Policy Statement 7 – Sustainable Development in Rural Areas
- Planning File Ref: S/0113/08/F
- Reports from Acorus Rural Property Services dated 11th May 2009

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

REPORT TO: Planning Committee 13th January 2010
AUTHOR/S: Executive Director (Operational Services)/Corporate Manager
(Planning and Sustainable Communities)

S/1547/09/F – HARDWICK
Proposed Extension, Alterations and Detached Garage
at 73 St Neots Road for Mr Andy Pearson

Recommendation: Refusal

Date for Determination: 18th December 2009

Notes:

This application has been reported to the Planning Committee for determination following referral from Chairman's Delegation Meeting on the 9th December 2009.

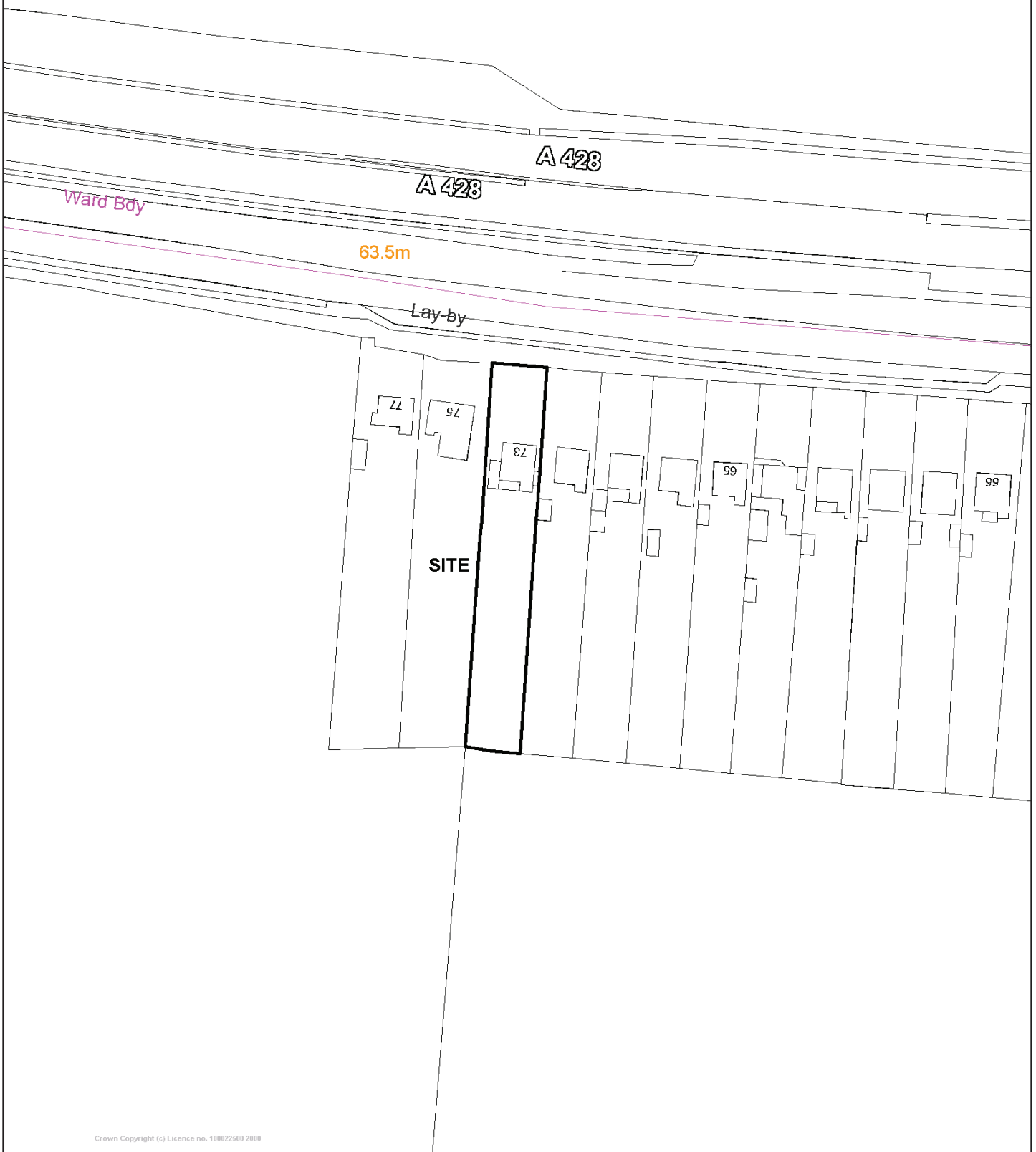
Site and Proposal

1. The site measures approximately 0.11 hectares. The detached single storey bungalow, built pre 1948, is located within the Cambridge Green Belt and outside the Village Framework. The dwelling is set back approximately 18 metres from the edge of the public highway. The existing maximum measurements of the dwelling are approximately 11 metres x 12.2 metres, with a height of 5 metres.
2. The application, received on the 21st October 2009, proposed extensions and alterations that would increase the dwellings maximum dimensions to 15.5 metres x 11 metres, with a height of 6.6 metres. The proposed garage would measure 6.4 metres x 6.4 metres, with a height of 4.8 metres. The proposed development seeks to create a new entrance hall and a conservatory on the ground floor. The proposal also seeks to create a 1st floor to accommodate three new bedrooms, two en-suites and storage space. This will increase the amount of bedrooms in the dwelling from four to five.

Planning History

3. **C/0526/58** – The proposed development for additions and alterations at 73 St Neots Road was approved.
4. **S/1687/95/F** – An extension and garage was approved at 77 St Neots Road.
5. **S/0150/03/F** – The extension at 77 St Neots Road was approved contrary to the Planning Officer's recommendation. The proposed extension led to a 64% increase in floorspace from the original dwelling.
6. **S/1198/06/F** – The proposed extension of the bungalow to form one and a half storey dwelling and erection of double garage was approved contrary to the Planning Officer's recommendation. The proposed development led to a 92 – 116% increase in floorspace from the original dwelling.

S-1547-09-F



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Scale 1/1250 Date 15/12/2009

Centre = 538006 E 259481 N

January 2010 Planning Committee

Planning Policy

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

DP/2 – Design of New Development

DP/3 – Development Criteria

DP/7 – Development Frameworks

GB/1 – Development in the Green Belt

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

HG/6 – Extensions to Dwellings in the Countryside

Consultation

8. **Hardwick Parish Council** – The Parish makes no recommendation or made any specific comments.

Representations

9. No representations have been received (9/12/09).

Planning Comments

10. The main planning considerations are development within the Green Belt, visual impact and neighbour amenity.
11. ***Impact upon the character of the area and the Green Belt*** – The proposed development is located 0.2 miles outside the village framework and is within the Cambridge Green Belt. A line of set back, single and one and half storey, dwellings define this side of the street. The existing bungalow is a small single storey bungalow painted white with reddish coloured tiles.
12. The proposed development seeks to change this single storey bungalow into a one and a half storey dwelling, with two side dormers to allow for the headroom in the en-suites. The building will be rendered with, timber cladding at first level and a slate roof.
13. The proposed development would lead to a 139% in floorspace of the existing building and leads to the height of the building being increased by 1.6 metres. The site has had a previous extension (**C/0526/58**) but the plans are of such poor quality it is not possible to work out where the extension was. The proposed development, therefore, does not comply with Policy HG/6 (1b + c). The proposal will also lead to the amount of bedrooms being increased from four to five. While no labelled floor plan has been submitted it should be noted that some of the existing bedrooms are considered to be very small in size. The proposed development due to the increase in floorspace and height is inappropriate development by definition within the Green Belt. The applicant has not provided any very special circumstances for why the development needs to be located within the Green Belt. The proposed development will, therefore, cause significant harm to the rural character and openness of the Green Belt of the area and therefore does not comply with Policies HG/6 (4), GB/1 and GB/2.
14. The proposed development will increase the height of the existing building and is, therefore, not in scale or character with the existing building. The creation of fairly

large dormers is also considered to add to the inappropriate scale of the development and is not considered to be part of the character of the building. The proposed development is not considered to comply with Policy HG/6 (1d).

15. The proposed detached double garage is located in front of the dwelling and is similar in design and location to what was approved at 67 St Neots Road. The proposed garage is, therefore, considered to be in keeping with the streetscene.
16. It is noted that the nearby properties of 77 and 67 St Neots Road have been extended above 50% and in the case of No.67 this included the addition of a 1st floor. However, each planning application must be assessed on its individual merits and the proposed development would have a detrimental impact upon the openness and character of Green Belt for the reasons stated above.
17. It is not considered that landscaping alone could assimilate the development into the countryside. The harm by definition to the Green Belt if the development was approved would be permanent.
18. The proposed development is also considered to result in the loss of a relatively small dwelling within the countryside. The preservation of small and medium sized dwellings within the countryside is identified as important in paragraph 4.20 in Policy HG/6, which states "housing needs in the District make it important to impose some limitation on the proportionate increase in dwelling sizes".
19. It may be possible for a single storey modest extension to be added to the bungalow if additional living space is required.
20. **Impact upon residential amenity** – The application site has two neighbouring properties located to the east (No.71) and west (No.75), with an open field located to the south (rear) of the property. The property to the west is set slightly further forward than the applicant's dwelling, with the property to the east being in line.
21. The proposed development will increase the height of the existing building by 1.6 metres; this increase in height is to provide headroom in the new 1st floor. The roof slopes away from both neighbours and for this reason the additional height is not considered to cause undue overbearing on these neighbours.
22. The two side dormers could cause significant overlooking of the adjacent neighbours, in particular to the western neighbour. The dormers are to provide headroom in the en-suites and if approved could be conditioned to be obscurely glazed. It is not currently proposed for these windows to be obscurely glazed and for this reason it is considered that the development would cause a significant loss of privacy.
23. The proposed rooflights on the western elevation are to provide light into the new kitchen and cloakroom space. If the application was approved these would be conditioned to remain at 1.8 metres above finished floor level in order to prevent loss of privacy.
24. The proposed increase in height of 1.6 metres will not cause any significant loss of light to either neighbour and any light lost will be either early morning or late afternoon.
25. The proposed development as it currently stands would cause harm upon residential amenity due to loss of privacy to neighbouring properties. This could be overcome by condition if the application was approved.

Recommendation

26. Refuse

1. The existing property is a single storey dwelling located within the Cambridge Green Belt. The proposed development will significantly increase the floorspace by approximately 139% and increase the height of the building by 1.6 metres. The proposed extension is, therefore, not in keeping with the scale and character of the existing building due to the increase in bulk and height. This significant increase in size to the existing dwelling is by definition harmful to the Cambridge Green Belt and no very special circumstances have been given to justify this harmful development. The proposal will, therefore, lead to harm to the rural character and openness of the Green Belt. The proposed development will also lead to a reduction in the stock of small and medium sized dwellings in the countryside. The proposed development is therefore contrary to Policies GB/1 (Development in the Green Belt), GB/2 (Mitigating the Impact of Development in the Green Belt) and HG/6 (Extensions to Dwellings in the Countryside) of the South Cambridgeshire Local Development Framework Development Control Policies, adopted in July 2007.
2. Notwithstanding the above, the proposed side dormer windows that are not obscurely glazed will cause significant overlooking into the neighbouring properties and will therefore be harmful upon residential amenity, in particular to No.75 to the west. The proposed development is therefore contrary to Policy DP/3 (Development Criteria), due to the loss of residential amenity the occupiers of the neighbouring properties currently benefit from.

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- Planning File Ref S/1547/09/F

Contact Officer: Andrew Phillips, Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee13th January 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1418/09/F - HASLINGFIELD**Erection of 9 Affordable Houses following Demolition of 3 Existing Dwellings
at Land Comprising 12 Wisbey's Yard and 1 and 3 Fountain Lane, Haslingfield for
Metropolitan Housing Trust****Recommendation: Delegated Approval****Date for Determination: 25th November 2009**

This Application has been reported to the Planning Committee for determination because an objection on material planning grounds has been received on the application where the District Council is the landowner.

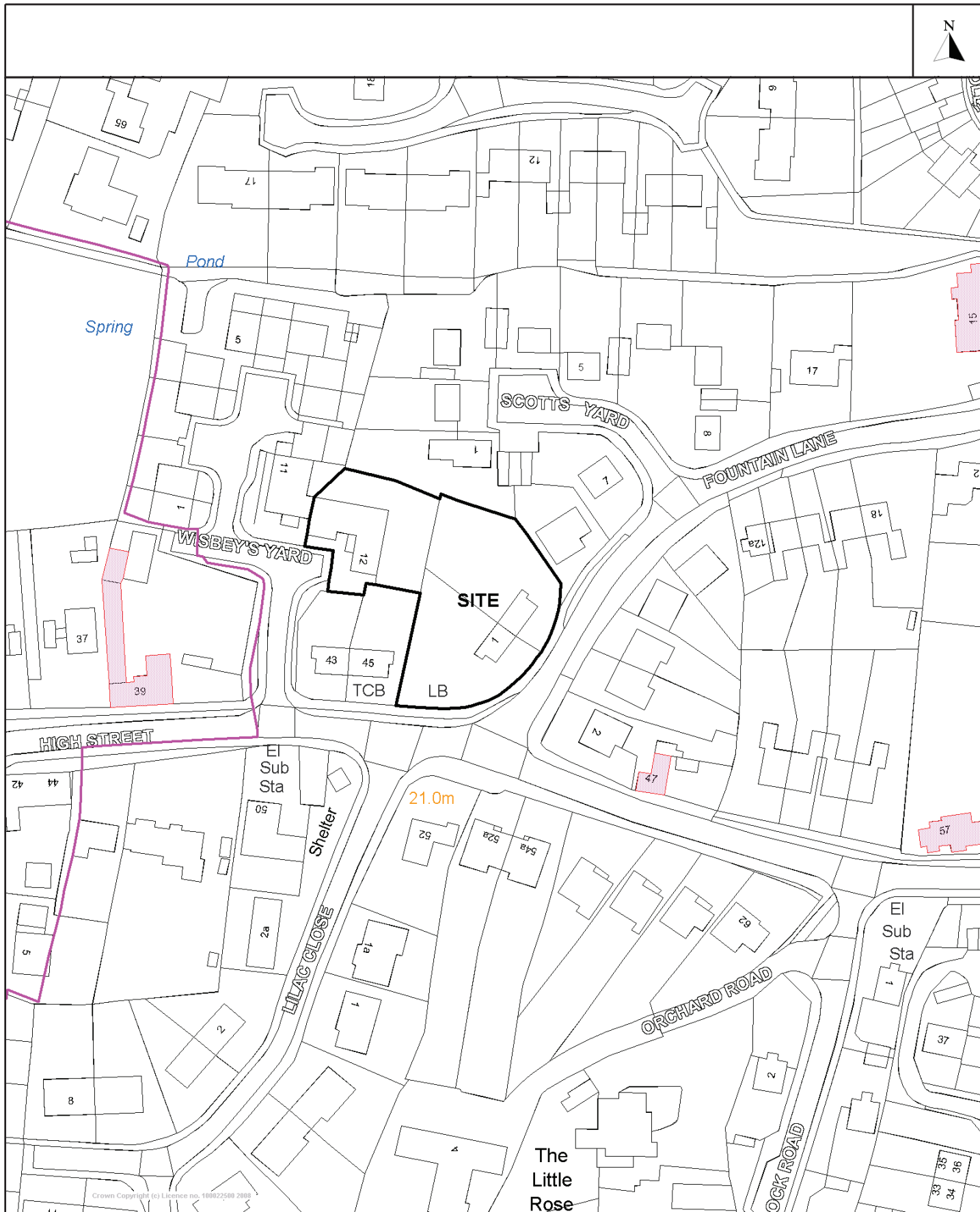
Members will visit this site on 13th January 2010

Site and Proposal

1. The application site is located within the Haslingfield village framework, and represents an area of land that currently occupies the properties and gardens of 12 Wisbey's Yard and 1 and 3 Fountain Lane. The site has an area of approximately 0.2164 hectares, and is within the ownership of South Cambridgeshire District Council.
2. The site is surrounded by other residential properties. To the north is Scotts Yard, a small cul-de-sac of two-storey detached dwellings. To the northeast is no. 5 Fountain Lane, a detached two-storey application. The two-storey semi-detached properties of nos. 43 and 45 High Street are located to the southwest, and the properties of Wisbey's Yard are set to the west of the site. Members should be aware that the plans submitted show nos. 1 and 2 Fountain Lane to be removed, but the numbering is incorrect and it is nos. 1 and 3 Fountain Lane.
3. The full application, received on 30th September 2009, seeks the removal of the three existing dwellings in the site area, and replacement with a scheme for nine dwellings on the land. This would include the addition of a new access road from Wisbey's Yard, and works to the Fountain Lane frontage. All units would be affordable dwellings. The application is accompanied by a Design and Access Statement, and Ecological Appraisal, a Tree Survey, an Arboricultural Implications Assessment and a Landscape Strategy Document. Small statements regarding Affordable Housing, Utilities, Open Space, Sustainability, Renewable Energy and Water Conservation are also included.

Planning History

4. The Wisbey's Yard development for nine bungalows, one wardens house and garage, communal facilities and an eight-bedroom group home was approved under application **S/0424/91/F**.



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Scale 1/1250 Date 14/12/2009

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5. There are various other historical planning applications in the area, although none are considered to be directly relevant to the determination of this application.

Planning Policy

6. Local Development Framework Core Strategy 2007: **ST/6** – Group Villages. Local Development Framework Development Control Policies 2007: **DP/1** – Sustainable Development, **DP/2** – Design of New Development, **DP/3** – Development Criteria, **DP/4** – Infrastructure and New Developments, **DP/7** – Development Frameworks, **HG/1** – Housing Density, **HG/2** – Housing Mix, **HG/3** Affordable Housing, **SF/10** – Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** – Open Space Standards, **NE/6** – Biodiversity, **NE/15** – Noise Pollution & **TR/2** – Car and Cycle Parking Standards
7. **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.
8. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

9. **Haslingfield Parish Council** recommends approval of the original scheme and the amended scheme.
10. The **Housing Development and Enabling Manager** supports the scheme and has been working with Granta Housing Association (Metropolitan Housing Trust) and the Local Member for some considerable time. The dwellings to be removed do not meet the Council's decent homes standards and would need considerable investment to bring them up to standard. The Housing Portfolio Holder has already considered a report on this matter and has agreed to allow for these units to be disposed of and for the land to be transferred to the Housing Association. The proposed dwellings would meet Code for Sustainable Homes Level 3 and will be built in accordance with Homes and Communities Agency Design and Quality Standards.
11. The **Landscape Officer** wishes to see a landscape condition to be applied if the scheme is approved, as the landscape drawing is considered inadequate as it stands. Details are provided of potential changes. It is also noted tree no. 26 does not seem to be protected, and it is considered an important tree.
12. The **Local Highways Authority** notes they would not seek to adopt the site as the proposed development does not serve five or more properties and therefore serves no highway function. Conditions are recommended regarding the closure of the existing access to no. 1 Fountain Lane, facilities for the parking, turning, loading and unloading of all vehicles during construction, drainage of the access, parking space dimensions, pedestrian visibility splays, and materials for the accesses. Informatives are also recommended regarding works to the public highway and any impact upon public utilities.
13. The **Trees Officer** has stated there is no objection to the proposal. Whilst some of the trees to be removed contribute to the green character, there is no objection to their removal subject to suitable replacements on the site. Conditions would be

required for tree protection during construction, and for foundation details where development encroaches into Root Protection Areas.

14. The **Ecology Officer** is yet to formally comment, and Members will be updated on any comments made.

Representations

15. A letter has been received on behalf of the occupiers of no. **5 Fountain Lane**. This recognises concerns regarding the design of the scheme, due to the increased density. Concerns noted are the loss of frontage vegetation, the absence of vernacular form and architectural detailing and poor materials proposed. A “face-lift” for the scheme is suggested. Conditions removing permitted development rights and protection of the walnut tree are requested to prevent any loss of amenity and to protect the tree. A further concern is raised regarding drainage and flooding and the capacity of the area to cope with the additional hardstanding.

Planning Comments – Key Issues

16. The key issues regarding the scheme are the principle of development, the impact upon the street scene, the impact upon the amenity of the occupiers of adjacent properties, highway safety, provision of public open space, impact upon trees, and drainage.

The Principle of Development

17. Haslingfield is classified as a Group Village in the Local Development Framework Core Strategy 2007, where residential development and redevelopment up to an indicative maximum scheme of eight dwellings could be permitted. Development may exceptionally consist of up to about fifteen dwellings in Group Villages where this would make best use of a single brownfield plot. The proposal seeks the removal of three dwellings and the erection of nine dwellings, giving a net increase of six dwellings. The scale of development is therefore suitable for the village, subject to site-specific issues.
18. The proposal would see the loss of three dwellings. All three are not considered to be of significant architectural merit that they should be retained. I note comments from the Housing Development and Enabling Manager regarding the status of these dwellings. They do not meet the Council's decent homes standards and would require considerable future investment. The Housing Portfolio Holder has agreed for the units to be disposed of and the principle of transferring the land to the Housing Association. I do not consider there to be any principle objections to the removal of the existing three dwellings on the site
19. The site has an area of approximately 0.2164 hectares. A scheme of nine dwellings would relate to development at a density of 42 dwellings per hectare. Policy HG/1 of the Local Development Framework Development Control Policies 2007 seeks residential developments to make the best use of land by achieving net densities of at least 30 dwellings per hectare, and higher densities of at least 40 dwellings per hectare should be achieved in more sustainable locations. The site is capable of providing dwellings at this density, and the aims of policy HG/1 are met. The scheme is for 100% affordable housing, and therefore would meet the aims of policy HG/3.

Impact upon the Street Scene

20. There are two key street scenes to evaluate as part of the proposal. The most important is the impact when viewed from High Street and Fountain Lane. This is a prominent corner given the junction between the two roads, the slight bend in the road of High Street, and the openness created by the shop adjacent the site on Fountain Lane. Currently, nos. 1 and 3 Fountain Lane front this junction. It is relatively green, with a good hedgerow across the front of dwellings, which contributes significantly to the character of the area. There are also a number of trees on the site that further contribute to this character.
21. Four dwellings are proposed along this prominent junction. Plots 8 and 9 are two-storey semi-detached dwellings. These are three bedroom units that would visually front onto High Street, although vehicle access would be to the rear. They would be viewed against the existing semi-detached properties of nos. 43 and 45 High Street. The proposed units would be located approximately 6m from no. 45 High Street, and would be situated approximately 1.5m forward of these dwellings. Nos. 43 and 45 High Street have a hipped roof, and plots 8 and 9 have been designed to match, although the ridge height is 0.7m taller. However, the plots as a whole are significantly smaller in width, reducing the potential impact of this increased height.
22. Plots 6 and 7 are larger dwellings, designed as spacious two-bedroom units. These are proposed on a similar footprint to the existing units of 1 and 3 Fountain Lane, but are set approximately 4m closer to the road itself. They are smaller in height than plots 8 and 9 by approximately 1.2m. They have been designed to front into the site, meaning the northwest elevation is the frontage elevation. This does however allow the retention of the frontage hedge, and would allow the existing pedestrian access to be filled with further planting, with a new pedestrian access located closer to plot 8. Originally the rear elevation facing Fountain Lane had a regimented window arrangement. An amended plan has been provided showing reduced windows to the bathrooms. This serves to break up the elevation whilst retaining the character of the plot, and would tie in with the smaller windows to the front of plots 8 and 9. Subject to the retention of the green frontage, required through a landscape condition, I consider the proposal would have a neutral impact upon the street scene of High Street and Fountain Lane
23. The proposal requires a new road to be constructed, extending from Wisbey's Yard, which would serve the parking areas to all plots except plot 6, which continues to use the existing access from Fountain Lane. Plots 1-5 would create a new frontage on the land adjacent to the existing communal facility. This facility is a single storey building, with a height of 4.3m along the new road. Plots 1 and 2 are bungalows of simple design, with a roof height of 5.5m. Plots 3-5 are two-storey properties, with frontage dormer windows and a roof height of 7.4m. The development scales up in height along the road, and therefore does not look out of place in terms of the scale of development. I do not consider the introduction of dormer windows would have a negative impact upon the street scene, and the design of this area would not create a negative street scene.
24. Plots 6-9 do also form part of the street scene elevation to this Wisbey's Yard road extension. 1.8m high fencing is proposed to the rear of plots 8 and 9, which would be at the end of the turning head. A 1.8m high brick wall is proposed at the end of the roadway. However, this would be fronted by parking spaces and a small area of planting, designed to reduce the hard nature of the wall and to blend it in to the greenery of the site. The wall and fencing is needed to provide privacy for the main garden areas of the dwellings. Although not an ideal situation, I do not consider the

proposal, with a suitable landscaping scheme, would create a harmful street scene in this area.

Impact upon the Amenity of the Occupiers of Adjacent Properties

25. The removal of no. 12 Wisbey's Yard opens up the scheme in this area. The adjacent building is the communal facility for the estate. No. 12 is attached to this building, and no new side elevation for communal facility has been provided. This can be asked for by a planning condition to ensure an adequate relationship between it and plot 1.
26. To the north of the site is no. 1 Scotts Yard. It is a two-storey dwelling, with bedroom windows facing onto the site. It does not have a deep back garden, measuring approximately 8m at its closet point to the application site. These windows currently allow some overlooking to the rear gardens of no. 3 Fountain Lane. There are a number of small trees along this boundary, and the proposal seeks a 1.8m high fence along this shared boundary. Plots 1-5 all have very short rear gardens, measuring between 6m and 7m. There will be some overlooking from no. 1 Scotts Yard. However, given the existing arrangement and the boundary planting, I do not consider this relationship serious enough to warrant a refusal.
27. There would be a distance of approximately 14.3m between no. 1 Scotts Yard and plots 3 and 4, which are two-storey dwellings. They do have rear facing bedroom windows with rooflight openings. The amended plans show these rooflights to have a cill height of 1.7m, which prevents overlooking to the rear garden of no. 1 Scotts Yard. A condition can ensure no further windows are added in these rear elevations. Although the distance between the dwellings is 14.3m, I do not consider that either dwellings would appear overbearing when viewed from the rear gardens of windows of the other. This view is enhanced by the low eaves height of the proposed dwellings.
28. I note the comments from the occupier no. 5 Fountain Lane regarding the proposal. This property has a blank facing elevation. Plot 6 is set closer to the road and slightly further away from no. 5 than the existing. I do not consider the proposal would have a negative effect on no. 5 Fountain Lane. Plot 5 does have a bathroom window facing the rear garden of no. 5. If altered to a habitable room in the future, this would cause some overlooking. A condition can ensure the window is obscure glazed, and can ensure no further windows are added to this elevation. The occupiers of no. 5 also request permitted development rights are removed for all units. Given the small amenity areas, and proximity to existing dwellings, I believe this would be an appropriate requirement, and such a condition should be added.
29. Nos. 43 and 45 High Street have long rear gardens. Given the distance from the dwelling, there should be no significant noise disturbance from the new access at the end of the dwelling. This is particularly the case for no. 43 as a small landscape belt is proposed along its rear fence. No. 45 should not be significantly affected by plot 9. No. 45 does have a facing ground floor window that would look at plot 9. This would be seven metres from the new dwelling. However, the window is a secondary window, and although the dwelling would be easily visible, I do not consider that any harm caused would seriously detract from the outlook to this room. There is a proposed side facing bathroom window, which will need to be obscure glazed, and no further windows should be added to this side elevation. Plot 9 would result in the loss of a small amount of light to the rear garden of no. 45. However, this is minimised by the hipped roof. I do not consider any harm to the occupiers of no. 45 High Street to be significantly enough to warrant refusal of the application.

30. Overall, despite the tight nature of the site and the high density of development, I do not consider that any significant loss of amenity would occur to the occupiers of the existing dwellings around the site, or for the future occupiers of the proposed dwellings.

Highway Safety

31. The Local Highways Authority has noted it would not be seeking to adopt the site. The road does serve eight of the plots, but three are dual-fronted, and plot 1 replaces no. 12 Wisbey's Yard. This issue can be relayed to the applicant through an informative.
32. The Local Highways Authority has recommended a number of planning conditions regarding the scheme. Conditions should be added regarding the closing of the existing access to no. 1 Fountain Lane that is no longer needed, the siting of parking, turning, loading and unloading of vehicles during construction, driveway materials, and pedestrian visibility splays. Conditions regarding dimensions for parking, and the drainage of the accesses are not considered necessary. The new access is 5m wide, and also has a footway allowing easy pedestrian access to the dwellings. The scheme is considered to allow safe access for vehicles subject to the conditions described above.
33. Each dwelling has two designated parking spaces, except plot 9 that only has one designated space. The scheme as a whole meets the parking requirements set out in the Local Development framework Development Control Policies. Each unit is also proposed a shed that would allow for the storage of bicycles on site.

Provision of Public Open Space

34. The scheme does not provide any open space or play space within its layout. The applicant has noted in their open space assessment that no such provision is possible without a reduction in the number of dwellings to be provided. They note they anticipate a condition requiring a scheme for open space provision for the village. This will be secured through a planning condition.

Impact upon Trees

35. As noted, the site has a green character, particularly along Fountain Lane. The applicant has provided a Tree Survey, and Arboricultural Implications Assessment and a Landscape Strategy. The proposal does result in the loss of internal vegetation, but also allows replanting in line with existing species in the area. Tree and hedge protection measures are proposed. I note the comments from the occupiers of no. 5 Fountain Lane who note the walnut tree in their rear garden is not shown to be protected. This tree is close to the shared boundary and adds some further greenery to the setting of the site. A condition should ensure it is also protected during construction.
36. I note the comments from the Trees Officer regarding the Tree Survey. She notes that there is no objection to the removal of the existing trees, subject to adequate replacement where possible. The applicant has shown a desire to retain some trees and allow replanting to retain the green character. Conditions will be required regarding tree protection and foundation details where necessary.
37. The Landscape Officer notes that tree 26 on the proposed landscape plan is also not offered protection during construction. It is described as a mature tree of poor

physical condition. However, it should again be offered protection as it would provide more mature greenery whilst new planting establishes itself on the site. The Landscape Officer recommends some changes to the landscape layout, particularly relating to the species to be used. A landscaping condition can be added to ensure the correct species and numbers are used on site to retain the character of the area.

Drainage

38. The scheme lies within Flood Zone 1 of the Environment Agency matrix. As such, there is no requirement for a Flood Risk Assessment to be provided as part of the consent. The application forms state that foul water will be disposed of into the mains sewer, whilst surface water will be disposed of through soakaways. The applicant also notes that given the limited nature of the development, it is expected the existing system would have the relevant capacity, although this is not confirmed.
39. I note the comments from the occupiers of no. 5 Fountain Lane regarding flooding in Cantelope Road, and the overflowing of the drains outside no. 3 Fountain Lane. The applicant has provided the necessary detail to allow for the determination of the planning application, as the detail and capacity would be assessed through Building Regulations. I do not consider conditions necessary on this matter. However, if Members do seek further assurances, conditions regarding foul and surface water disposal could be added to any consent.

Other Matters

40. A planning condition would be required to ensure an affordable housing provision on the site. A condition would also be required to provide an elevation to the new east elevation of the Wisbey's Yard Communal Facility building to prevent a negative relationship with plot 1 of the scheme. This was not submitted as part of the consent.

Recommendation

41. The application is recommended for approval, as amended by plans date stamped 19th November 2009, `subject to any comments received from the Ecology Officer.

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 samples of the materials to be used in the construction of the external surfaces of the buildings and details of the fencing and walls, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
3. The development shall not begin until a scheme for the provision of the affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. The numbers, type and location on the site of the affordable housing provision to be made;
- ii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- iii. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

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

4. No development shall begin until details of a scheme for the provision of outdoor playing space and informal open space infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/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 provision of outdoor playing space and informal open space in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)
5. No development shall take place until full details of both hard and soft landscape works, including materials to be used for all driveways, 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.)
6. 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.)
7. No demolition, site clearance or building operations shall commence until tree protection comprising weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres shall have been erected around trees (including tree no. 26 in the rear garden of no. 5 Fountain Lane where necessary) to be retained on site at a distance agreed with the Local Planning Authority following BS 5837. Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of development operations. Any trees removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development

operations shall be replaced in the next planting season with trees of such size and species as shall have been previously agreed in writing with the Local Planning Authority. (Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

8. No development shall take place until foundation details for the construction of dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority, where the development encroaches upon the Root Protection Area of the trees to be retained. Development shall be carried out in accordance with the approved details. (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.)
9. No development shall take place until details of the altered east elevation of the Wisbey's Yard Communal Facility 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 safeguard the privacy of the future occupiers of plot 1 in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. Apart from any top hung vent, the following proposed first floor windows, hereby permitted, shall be fitted and permanently glazed with obscure glass; plot 3 – bathroom window in the west elevation, plot 5 - the bathroom window in the east elevation, plot 8 – the bathroom window in the east elevation, and plot 9 – the bathroom window in the west elevation. (Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed at and above first floor level in the following elevations unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf; plot 3 – north and west elevation, plot 4 – north elevation, plot 5 - north and east elevation, plot 7 – northwest elevation, plot 8 – east elevation, and plot 9 – west elevation. (Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. The proposed rooflights in the north (rear) elevation of plots 3-5, hereby permitted, shall be installed with a sill height of not less than 1.7m above the finished internal floor level and thereafter retained as such. (Reason - To safeguard the privacy of adjoining occupier in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, C, and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – To prevent development that would not

usually require planning permission that may impact upon the amenity of the occupiers of neighbouring properties and create a cramped form of development in a high density site in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

14. No development shall take place until details of the garden sheds hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
15. During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
16. Prior to the occupation of either plots 7 and 8, the existing vehicle access currently serving no. 1 Fountain Lane shall be permanently and effectively closed. (Reason – To prevent over provision of parking on the site and to allow planting in this prominent location in accordance with Policies DP/3 and NE/6 of the adopted Local Development Framework 2007.)
17. The proposed access road, footway, parking areas and turning areas shall be provided before the dwellings hereby permitted are occupied and thereafter retained as such. (Reason - In the interests of highway safety and to allow safe access to the site on foot in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
18. Before development commences, a plan specifying the area and siting of the land to be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of demolition and construction, shall be submitted to and approved in writing by the Local Planning Authority; such space shall be maintained for that purpose during the period of demolition and construction. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
19. Visibility splays shall be provided on both sides of all accesses and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

The applicant should be aware the Local Highways Authority has stated they would not seek to adopt the new section of road.

The scheme involves work to the public highway that will require the approval of the County Council as Highways Authority. It is an offence to carry out any works within the public highway, which includes a public right of way, without the permission of the

Highway Authority. It is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Public Utility apparatus may be affected by this proposal. Please contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

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

- Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007).
- Planning Files Ref: S/1418/09/F & S/0424/91/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee13th January 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

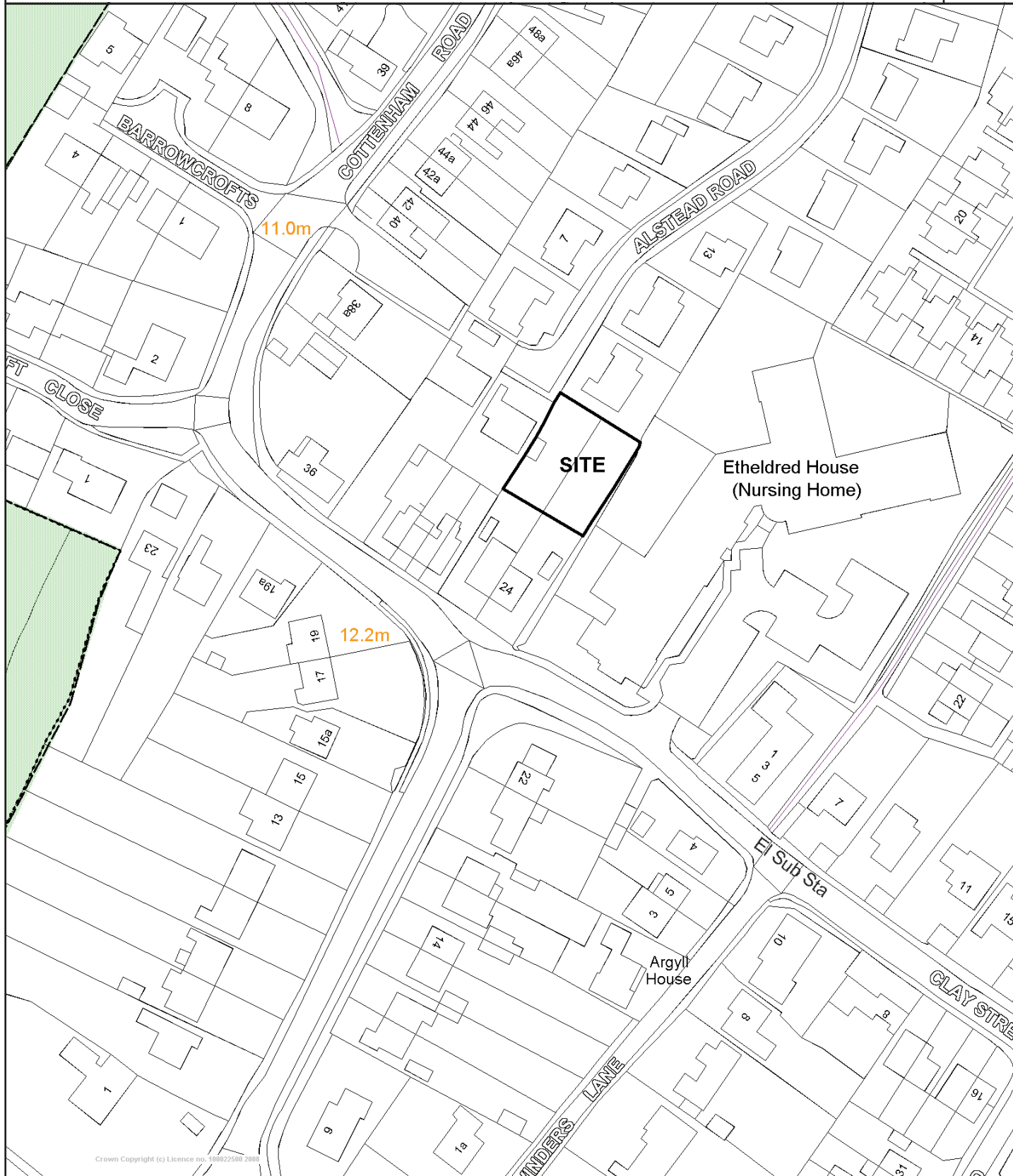
S/1492/09/F – HISTON
Erection of Bungalow and Double Garage at Land to the North East of 24 & 26
Cottenham Road for Mr and Mrs Hogger**Recommendation: Approval****Date for Determination: 7th December 2009****Notes:**

This Application has been reported to the Planning Committee at the request of local Member Cllr Mason who supports the Histon and Impington Parish Council's recommendation of refusal.

Site and Proposal

1. The 0.05 hectare (ha) application site once consisted of the rear most part of the back gardens of nos.26 and 24 Cottenham Road. The site is within the Histon development framework with Histon being defined as a Rural Centre by the Core Strategy, 2007. The site has been cleared in preparation for development. The site is not within the Histon Conservation Area and no trees within or on the periphery of the site are afforded statutory protection. To the north of the site is the residential cul-de-sac Alstead Road. This road consists of a narrow, no-through road with the immediate houses abutting the application site being detached bungalows (nos.10 & 11 inclusive). This road is a quiet cul-de-sac of relatively low-density, detached housing in a linear layout, comprising 20 dwellings.
2. This full planning application, received on 12th October 2009, proposes the erection of a single, detached, 3-bedroom chalet bungalow, which would be situated adjacent to no.10 and at a right angle to no.11 Alstead Road. The dwelling would be similar in scale and appearance to adjacent properties. It would be accessed via an opening onto Alstead Road, which at present consists of a secured mesh fence with a telegraph pole and street lamp onto the public footpath. The street lamp will be moved. The density equates to 20 dwellings per hectare. This application differs to that previously approved under Planning Application S/0248/09/F by virtue of the accommodation within the dwelling's roof space, increase in ridge height of 1m to a height of 6m and the addition of a single garage.
3. The proposals were been amended on 26th November 2009 to address concerns of officers. Two front dormers have been replaced by high level rooflights (1.7m above internal floor level); the double garage has been reduced to a single garage and is moved away from the boundary with no. 11 Alstead Road; and an obscure glazed, right hung window added to the west elevation as a means of fire escape.

S/1492/09/F - Histon



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Scale 1/789 Date 15/12/2009

Centre = 543701 E 264180 N

January Planning Committee

Planning History

4. Planning Application ref: **S/2059/09/F** for the erection of a dwelling was refused on 11th February 2009 on grounds of failure to provide adequate pedestrian visibility splays, thereby harming highway safety, contrary to Policy DP/3 of the Local Development Framework 2007.
5. Planning Application ref: **S/0348/09/F** for the erection of a dwelling considered at the 6th May 2009 Planning Committee Meeting was approved on the 11th of May 2009 as the inclusion of a right hand pedestrian visibility splay was deemed to address the previous reason for refusal.

Planning Policy

6. **East of England Plan 2008:**
SS1 Achieving Sustainable Development
7. **South Cambridgeshire Local Development Framework, Core Strategy, DPD, 2007:**
ST/4 Rural Centres
8. **South Cambridgeshire Local Development Framework, Development Control Policies, DPD, 2007:**
DP/1 Sustainable Development
DP/2 Design of New development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/1 Housing Density
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
9. **South Cambridgeshire Local Development Framework, Supplementary Planning Guidance:**
Trees and Development Sites, adopted in January 2009
Biodiversity, adopted in January 2009
Public Open Space in New Developments, adopted in 2009
10. **Circular 11/95** – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
11. **Circular 05/2005** - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

12. Histon Parish Council – Recommends Refusal on the following grounds:
 - The original permission fitted in with its surroundings, however the current proposal to raise the roof and converting the property into a chalet bungalow would be out of keeping with the character of the area.
 - The proposal would conflict with the pattern of development having a poor relationship with adjoining buildings.
 - Traffic flows may be increased as a result of the increased size of the property.

- Bungalows are in high demand within the village and the failure to provide one may hinder housing need.
13. **Landscape Design** – A landscape condition should be imposed to ensure that the view into the site is favourable. The beech trees on the site and neighbouring ash tree need protection during construction. They are an important part of the outlook from Ethelred House.
14. **Local Highway Authority** – No significant adverse effect upon the public highway should result from this proposal should it gain the benefit of planning permission. The Highway Authority accepts that the 1m x 1.5m pedestrian visibility splay is the best that can be achieved within the land that is in the applicant's control, also taking into consideration a low level of pedestrian movement.

Representations

15. Both Local Members **Cllr Mason** and **Cllr Davies** request that this application be determined at the full planning meeting. They are aware of considerable local concern on this application commenting that the current proposals do not represent a modest single storey 'bungalow'.
16. Letters of objection in relation to the original scheme have been received from occupiers of nos. 4, 7, 8, 9, 10, 11 and 15 Alstead Road, the contents of which are summarised below:
- The proposals further intrude upon the privacy of no. 11 with views across their patio area which is already affected by the development at Ethelred House;
 - The pitched roof garage would result in a loss of sunlight to the patio area of no. 11;
 - The approved cobbled visibility splay appears to have been removed as part of this proposal, this is a concern due to the risk of users of the footpath crossing past the site entrance;
 - The proposal is not a bungalow but a chalet bungalow;
 - None of the properties within Alstead Road have dormer windows or roof light windows (dormers should be upon the back where they would not be visible);
 - The proposal would infringe upon the amenity of adjacent properties and would devalue their house prices;
 - All trees on site have been removed, so the proposal would be highly visible from Alstead Road;
 - There would be no space to maintain the garage due to its close proximity to the common boundary with no. 11;
 - The application incorrectly states that the owners of nos. 10 and 11 Alstead Road have no objections to the proposals;
 - The visibility splay must be maintained with bollard and cobbles to ensure it is effective;
 - The proposed visibility splay would not be effective and is simply a diagram upon a plan;
 - The pavement being lowered at the point of entrance would make it unusable for pedestrians;
 - Due to the narrow access, visitors will park within the turning head, resulting in on street congestion;
 - There is poor provision for turning a vehicle within the street and, therefore use of the road will intensify resulting in a danger to highway safety, as the existing dwellings are 5m high to the ridge.
 - The road and pavements within the road are in a poor state of repair and need maintenance;

- The proposal would result in a 1m increase in ridge height to that previously approved making it appear out of character with the rest of the street;
17. Following the submission of amended plans and the extended consultation period four further letters of objection have been received from occupied at nos. 5, 9, 10 and 15 Alstead Road, which conclude that the proposal would be out of keeping with the surrounding area due to the increase in height, inclusion of roof light windows and high pitched roof garage.

Planning Comments – Key Issues

18. The principle of a dwelling on this site has been established through the extant planning permission. The site would provide a residential density of approximately 20dph, which is considered acceptable for a modest 3-bed detached dwelling within this location, having regard to the character of development in Alstead Road and access considerations. Histon is a Rural Centre, as defined by the Core Strategy; this allows development without restriction of the size of a scheme within village frameworks. Rural Centres are by definition the larger sustainable villages with good links to public transport and local services. The application site is considered to be well located in relation to the village centre, with good access to its services. Due to the site only being capable of accommodating one dwelling, the development would not be required to provide any affordable housing. The key issues to consider, therefore, in the determination of this application are the impact that the proposed development would have upon the public realm, neighbour amenity and highway safety.

Public Realm

19. The proposed dwelling would be built in line with the subtle stagger of the existing properties at nos. 9 and 10 Alstead Road. The building envelope would sit at a right angle to no. 11 Alstead Road; such as no. 9 does at present to no. 8 and the building would be of a similar size and design to those within the street scene it is officers opinion that the proposal would be sympathetic to the planned layout of the area. The development would provide adequate private amenity space for the proposed dwelling, as well as the existing properties at nos. 24 and 26 Cottenham Road.

Highway Safety

20. The dwelling would be only partially visible from Alstead Road due to its corner position within the street scene. No. 10 Alstead Road provides a high level close board fence along its northern elevation adjacent to the application site and the opening that would provide the vehicle access to the site would in officers opinion provide an acceptable appearance to the turning head. Whilst it is acknowledged that the design of the dwelling is of no particular architectural interest, it would not be incongruous within the street scene due to it being sympathetic and in keeping with the properties that surround it, hence assisting its assimilation as part of Alstead Road.
21. The Local Highway Authority is of the opinion that given the likely low impact of traffic generation that would result from a single dwelling in this location, the proposed access is of sufficient width and location, to ensure that it would not be detrimental upon highway safety. It is acknowledged that the access does not provide the normal required standards of pedestrian visibility splays. However, pedestrians approaching from the west would be clearly seen by drivers leaving the access. Pedestrians approaching the access from the north would be afforded some visibility by the proposed 1.5m x 1.0m splay. It is considered necessary to define the visibility splay on the ground so that it is maintained and serves its purpose. This is to be achieved by the provision of a bollard and a cobbled finish.

22. The two nearest properties to the application site, nos. 10 and 11 Alstead Road, do not have access points within close proximity to the proposed access (no.10 has its access upon its western boundary, whilst no. 11 has its access upon its northern boundary. Therefore it is considered that on the grounds that vehicles can enter and egress the site within a forward gear that very little traffic conflict would occur through its use. Pedestrians would be unlikely to use this corner of the turning head in large numbers. Nevertheless, given the layout of the turning head the access would be highly visible to both vehicles and pedestrians upon approach.

Neighbour Amenity

23. The proposed dwelling is a one and half storey detached chalet bungalow. It would share the same relationship to other properties of the surrounding detached dwellings within the street scene and would be of a similar scale but with an increased ridge height of 1m. Given the low density and detached nature of Alstead Road Officers are of the opinion that the building would not result in any overlooking, overshadowing or overbearing impact upon any of the surrounding properties.
24. The proposed bungalow would be served via a vehicle access off Alstead Road upon the northwest corner of the site. This access involves the creation of an opening, which currently consists of a metal-mesh security fence fronting the turning head to Alstead Road. The access is approximately 2.9m wide and would lead to a driveway, which could accommodate at least two off-road car parking spaces, including the proposed single garage. Given the sustainable nature of the site in terms of public transport and services, 2 car parking spaces are considered the maximum level of parking required for a 3-bedroom dwelling. The plans illustrate that these spaces can be achieved on site and that they provide adequate turning provision to allow vehicles to enter and egress within a forward gear.
25. The dwelling would result in a potential 5% increase of traffic movements within Alstead Road. Officers are of the opinion that vehicles entering and exiting the site within low gears would not be too dissimilar to vehicles manoeuvring within the turning circle and therefore the likely impact in relation to noise and disturbance to existing residents would be minimal.
26. Given the narrow access to the site concerns have been raised over the potential conflicts of noise and disturbance and traffic conflicts during the construction of the development. These matters can be overcome by planning conditions restricting hours of operation of power driven machinery as well as the requirement of a method statement in relation to construction management.
27. The proposal would include roof light windows within its front and rear roof slopes. The roof lights within the rear roof slope would be approximately 22m from the rear elevations of nos. 24 and 26 Alstead Road and would therefore not result in a material loss of the privacy that these properties currently enjoy. The proposal has been amended by removing dormer windows from the front roof slope and replacing them with roof light windows with an internal sill height 1.7m above the internal floor level. As a result of these changes these windows would not result in a material loss of privacy upon the amenities of no. 11 Alstead Road. The two first floor windows within the side elevations of the dwelling are to be obscure glazed and serve as a means of escape to the two first floor bedrooms. The window within the east elevation would be a significant distance away from the care home, Eltheldred House, to not result in any material loss of privacy when open. The window within the west elevation would face a blank elevation of no. 10 Alstead Road and would be hung upon its right hand side with views north towards Alstead Road only.

28. The proposed garage has been revised from a double-bay, 5m high structure sited hard onto the common boundary with no. 10 Alstead Road to a single-bay, 4m high structure located 2m off the common boundary with no. 10 Alstead Road. As a consequence this structure is not considered to detrimentally impact upon the amenity that the occupier of this property currently enjoys. The garage would be located well away from direct public views and would only be visible from the access point of the site. Its pitched roof although departing from other garage designs within the street scene is not considered to be harmful to the character and appearance of the surrounding area.

Other Matters

29. The applicant has acknowledged the need to provide for off-site informal open space infrastructure and has agreed to provide a scheme to the level of a 3-bedroom dwelling. This would equate to an approximate sum of £3,104.38 which is to be secured by condition.

Recommendation

30. Approve as amended by plan nos. EDG/09/36/9b and EDG/09/36/6b date stamped 26th November 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. The development hereby permitted shall be carried out in accordance with the following approved plans PL2(21)02 Rev B & PL2(21)01 Rev B.
(Reason – For the avoidance of doubt and in the interests of proper planning)
3. The 'studio' shown on the plans does not form part of the planning permission hereby granted.
(Reason – For the avoidance of doubt and in the interests of proper planning.)
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. The dwelling, hereby permitted, shall not be occupied until details of a scheme for the provision of outdoor sports and play space and informal open space infrastructure to meet the needs of the development in accordance with Policies DP/4, SF/10 and SF/11 of the Local Development Framework Development Control Policies 2007 has been submitted to and approved in writing by the LPA. (Reason - To ensure the development provides a suitable level of public open space for occupants of the development, in accordance with Policies DP/4, SF/10 and SF/11 of the South Cambridgeshire Local Development Framework 2007.

6. 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 the dwelling or in accordance with a programme agreed in writing by 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.)
7. The proposed access and turning area shall be provided before the dwelling hereby permitted is occupied and thereafter retained as such. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. The proposed access way shall be hard paved for a distance of not less than 6m from the boundary of the adopted public highway and the site. (Reason - To prevent debris spreading onto the adopted public highway, which may represent a danger to other highway users in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. A visibility splay shall be provided on the north east side of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 1.5m x 1.0m measured from and along respectively the back of the footway. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing by the Local Planning Authority. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
11. No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) Contractors' access arrangements for vehicles, plant and personnel;
 - ii) Contractors' site storage area(s) and compounds(s);
 - iii) Parking for contractors' vehicles and contractors' personnel vehicles; Development shall not be carried out other than in accordance with the approved details.(Reason - In the interests of residential amenity in accordance with Policies DP/3 and DP/6 of the adopted Local Development Framework 2007.)

Informatives

1. See attached Environment Agency advice regarding soakaways.
2. In relation to condition 3, above, the provision of recreational infrastructure to meet the need as of the development, in accordance with Policies DP/14 and SF/10 of the South Cambridgeshire Local Development Framework 2007, amounts to a financial contribution of (£3,104.38), as calculated at the date of this decision. The applicant has agreed to such a contribution and a document under S106 (scheme) is required to secure this.

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD (2007)
- South Cambridgeshire Local Development Framework 'Trees and Development Sites' 'Biodiversity' and 'Public Open Space in New Developments' SPDs (2009)
- Circular 11/1995
- Circular 05/2005
- South Cambridgeshire Local Development Framework Core Strategy DPD
- Department for Transport, Manual for Streets, adopted in 2007.

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 13th January 2010
AUTHOR/S: Executive Director (Operational Services)/Corporate Manager
(Planning and Sustainable Communities)

S/1467/09/F – IMPINGTON
Erection of a Dwelling at Land to the North-East of 37 Cambridge Road
for Ms Dianne Reeve

Recommendation: Approval

Date for Determination: 15th December 2009

Members will visit the site on Wednesday the 13th January 2009

Notes:

This Application has been reported to the Planning Committee at the request of Local Members Cllr Mason and Cllr Davies who support the Impington Parish Council's recommendation of refusal.

Site and Proposal

1. The application site consists of part of the rear garden of no.37 Cambridge Road, with an area measuring approximately 0.01 hectares. The site abuts the residential curtilages of properties within Cambridge Road and Burrough Field. The site's frontage abuts a turning head within the cul-de-sac Burrough Field; it is at this point that the development would be accessed. This boundary consists of a 1.8m timber fence along with a street lamp and semi-mature sycamore tree. The site at present is laid to lawn with a shed-like structure in situ.
2. Burrough Field is a cul-de-sac of residential dwellings comprising detached, two-storey houses finished in buff brickwork with concrete pan-tiles. There are examples of extensions within the street scene; however, the street is of low density housing with most properties benefiting from off-road car parking, front and rear gardens.
3. The full planning application, received on 20th October 2009, proposes the erection of a two-storey, two-bedroomed dwelling at land to the rear of no.37 Cambridge Road, accessed off Burrough Field, in-filling a gap within the street scene between nos.19 and 32 Burrough Field.

Planning History

4. Planning application ref **S/1088/08/F** for the erection of a dwelling was withdrawn as it was recommended for refusal. The application was recommended for refusal due to the impact the proposals would have had upon neighbour amenity and highway safety.
5. Planning application ref **S/1688/99/F** was refused and dismissed upon appeal for the erection of a dwelling to the rear of no.37 Cambridge Road on the grounds that it would be detrimental to the character and appearance of the surrounding area.

S/1467/09/F - Impington



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Scale 1/1250 Date 15/12/2009

Centre = 544273 E 262353 N

January Planning Committee

6. Planning application ref **S/0837/09/F** was approved for a first floor rear extension to no.19 Burrough Field.

Planning Policy

7. *East of England Plan, 2008:*
SS1 Achieving Sustainable Development
8. *South Cambridgeshire Local Development Framework Core Strategy DPD, 2007:*
ST/4 Rural Centres
9. *South Cambridgeshire Local Development Framework, Development Control Policies DPD, 2007:*
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
HG/1 Housing Density
NE/1 Energy Efficiency
NE/6 Biodiversity
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
10. ***South Cambridgeshire Local Development Framework, Supplementary Planning Guidance:***
Open Space in New Developments SPD, 2009.
Trees and Development Sites, SPD, 2009.
11. ***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.
12. ***Circular 05/2005 - Planning Obligations:*** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

13. **Impington Parish Council** – Recommend refusal, supporting the objections raised by local residents:
- Over-development of the site- the site is too cramped and the development would be out of keeping with the houses within the vicinity;
 - Burrough Field is a complete, single, cohesive design concept throughout and the proposal would fracture this unity;
 - There is a concern over the proposed inadequate access due to the need to reverse into an area where children play;
 - Inaccuracies within the plans such as: plot width, lamp post and neighbouring store omitted from plans;
 - Concern over the first floor terrace providing direct views over nos.19 and 39 Cambridge Road;
 - The proposal would sit forward of no.32 resulting in shading to the garden of this property as well as nos.30 and 28;

- The loss of a substantial tree would be detrimental to the character of the area.
14. **Local Highway Authority** – Raise no objections to the proposals providing the car parking space is provided and retained at the dimension 2.5m x 5m. In addition, the access shall be constructed with adequate drainage measures, the use of bound material and in accordance with Cambridge County Council construction specification. Furthermore, the one 2m x 2m visibility splay shall be provided prior to occupation and thereafter retained, clear of obstruction to a height above 600mm. It is also noted that the development would require works to the public highway that will require the approval of the highway authority as well an impact upon public utility apparatus, which will need all alteration requiring the necessary agreement with the service providers at the cost of the applicant.
 15. **Landscape Design Officer** – Raises no objections to the proposals providing that the planting bed is provided, as shown on the plan, and is retained in the future. No details are required for this detail of the planting within this area.
 16. **Trees and Landscaping Officer** – Raises no objections.
 17. **Environmental Health Officer** – No comments have been received.
 18. **Urban Design Officer** – The scheme is a design concept, which responds positively to the restrictions of the site and efficiently makes use of available land. The attempt to integrate the unique design into the existing urban environment, whilst being sympathetic to its suburban context is welcomed.

Representations

19. Local Members **Cllr Mason** and **Cllr Davies** request that this application be determined at the full Planning meeting. They are aware of considerable local concern over this application and feel that the site is narrow and that the proposal would be out of character with surrounding properties, resulting in overlooking and vehicle and access difficulties.
20. Letters of objection have been received from occupiers at nos. 19,26,28 and 32 Burrough Fields, the contents of which are summarised below:
 - There has never been a vehicle access to the site from Burrough Field;
 - The proposal is out of keeping with the character of the properties within Burrough Field;
 - The application does not take into consideration the private driveways opposite the application site;
 - It would be difficult to park a car within the proposed carport and therefore it is likely that vehicles will park upon the road;
 - The application site is too small and narrow to accommodate a dwelling;
 - There is no provision to turn a vehicle within the site and vehicles reversing out of the site would result in dangerous manoeuvres;
 - Visitors to the site are likely to park within the road resulting in highway congestion;
 - The application and correspondence from the architect suggest that the application outcome has already been determined;
 - There are a number of factual errors within the application such as the position and extent of a lean-to garage extension to the south of no.32 Burrough Field;
 - The proposed roof terrace would overlook the garden of nos.32 and 19 Burrough Field resulting in a loss of privacy for its occupants;

- The full height rear first floor bedroom window would overlook a side access area used for bin storage and a garden shed;
- The single storey, rear, flat-roof element of the proposal would be located next to the side access to no.32 Burrough Field and the use of a W/C within this location may result in odour and noise;
- There is a strong objection to the element detailed as a studio, which appears to not be part of the application, this element would be highly visible and would result in a loss of privacy;
- The proposal would be sited within close proximity to the first floor bedroom window of no.32 Burrough Field, resulting in a overbearing nature;
- The building's design and use of materials would be out of keeping with the planned design of the houses within the area;
- The application fails to relate to the lamp post at the site's frontage, which would have to be re-located (there is no other suitable location for this lamppost);
- It may be necessary to remove part of the grass verge to the front of the site to achieve access;
- The plot's width is 5.9m and not 6.2m as stated;
- The proposal's side access would not be wide enough to manoeuvre a bicycle or bin from the rear of the plot to its frontage;
- There are very few lean-to porches within the cul-de-sac and the Design and Access Statement is inaccurate in this regard;
- The proposal would block light to the garden and rear windows of no.19 Burrough Field, as the building is almost the full length of the garden;
- The roof terrace and full height front window would overlook the side and rear windows of no.19 Burrough Field;
- The building's height and proximity to no.19 Burrough Field would be overbearing, oppressive and claustrophobic to the detriment of the wellbeing of the occupiers at no.19 Burrough Field;
- The building could not be maintained due to the limited space between its elevations and the common boundaries of the neighbouring properties;
- The building would de-value the properties within the area;
- No.19 Burroughfield was refused planning permission to extend the full width of the front and rear of the dwelling due to the impact upon the adjacent neighbour and the impact upon the character of the area.

21. Following the submission of amended plans and the extended consultation period three further letters of objection have been received raising the following new considerations:

- The amendments have not addressed the design of the proposal, which would be out of character with the rest of the properties within Burrough Field;
- The confirmation of the narrow plot width would make construction and maintenance difficult;
- The proposed studio now appears to form part of the planning application;
- The reduction in ridge height is 0.5m and not the 1m that was requested by the case officer;
- Whilst the roof terrace has been removed the bedroom still has full height doors that would be able to access this roof space;
- Concern as to how is the green roof proposed is to be managed to ensure that it is maintained and that debris does not fall onto neighbouring properties;
- The design is inaccurate, as it shows a frontage width of 5.7m but the dwelling's width is scaled at 5.8m;

- The site has an irregular stepped frontage due to the boundary wall to no.19 Burrough Field. As a consequence the access would only achieve a 2.3m width and not 2.5m as shown.

Planning Comments – Key Issues

22. The material considerations in the determination of this planning application are the impact that the development would have upon the public realm, neighbour amenity, highway safety, public open space infrastructure and biodiversity.
23. The application site would provide a residential density of approximately 53dph, which is considered acceptable for a modest 2-bed detached dwelling within this location, despite being above the threshold of 40dph as identified within Policy HG/1. Impington is a Rural Centre as defined by the Core Strategy; this allows development without restriction of the size of a scheme within village frameworks. Rural Centres are, by definition, the larger sustainable villages with good links to public transport and local services. The application site is considered to be well located to the village centre, with good access to its services. Due to the site only being capable of accommodating 1 dwelling, the development would not be required to provide any affordable housing.

Public Realm

24. The proposals as submitted, have been amended to address issues raised during the consultation period. This involved the removal of the balcony to the rear elevation, correction of the plot width, reduction in the building's ridge height, increase in width of the side access, omission of windows within the north and south elevations and an increase in the area of flat, living roof system. The studio building shown as 'not part of this application' is not for consideration, as it does not form part of this planning application. For the avoidance of doubt this can be specified in a planning condition.
25. The proposal's design would be incongruous within the street scene by virtue of its contemporary form and use of a fragmented gabled frontage. Nevertheless, the proposal is deemed to be of a high quality design that provides a visual interest by combining a contemporary design whilst maintaining the context of the surrounding area. The proposal sits within a gap of an existing built frontage, maintaining the stagger within the tight urban grain of the street scene. The dwelling would also use buff brick to ensure that the prominent elevation fronting the street scene would assimilate into its surroundings. There are examples of extensions within Burrough Field that introduce front and rear first floor extensions with hipped roofs, all of which depart from the original planned layout and design of the cul-de-sac. Therefore, whilst the proposal would be an alien introduction to what is a cul-de-sac of uniformed architecture the proposal is not considered to be harmful to the character and appearance of the surrounding area due to it being compatible by virtue of its scale, mass, proportion and use of materials. It is acknowledged that the plot width is narrower than the existing built form within the cul-de-sac; nevertheless, due to the proposal's subservient form this is not deemed to be harmful to the character and appearance of the surrounding area.

Other Matters – Non-Material Considerations

26. A number of issues that are not material planning considerations were raised during the consultation period, including the impact the proposal would have upon the surrounding property value; errors within the proposed plans and Design and Access Statement and that the site has not had a formal vehicle access in the past. The level of detail that the plans show for properties outside of the application site is not a

material consideration in the determination of this application. Although access may have been obtained to use the shed structure that is currently in situ.

Public Open Space Infrastructure

27. The applicant has acknowledged the need to provide for off site informal open space infrastructure and has agreed to provide a scheme to the level of a 2-bedroom dwelling. This would equate to sum of £2,224.90 (index-linked) to be secured by condition.

Highway Safety and Access

28. Burrough Field is a no through road (cul-de-sac) and it is considered that given the likely low impact of traffic generation that would result from a single dwelling in this location, the proposed access is deemed to be of a sufficient width and location, to ensure that it would not be detrimental upon highway safety. It is acknowledged that the access does not provide the normal required standards of pedestrian visibility splays. However, pedestrians are unlikely to approach from the south due to there being no footpath within this location. However, pedestrians approaching the access from the north would be afforded visibility by the proposed 2m x 2m splay. It is considered necessary to define the visibility splay on the ground so that it is maintained and serves its purpose. This is to be achieved by the provision of a landscaped bed. The Local Highway Authority has confirmed that they consider the parking area (within carport) and access to not compromise highway safety and subject to measuring 2.5m by 5.0m is acceptable for car parking.

Car and Cycle Parking

29. Given the sites sustainable location it is considered that the provision of a single parking space is adequate to serve the proposed two-bedroom dwelling. The site would provide cycle storage and is within short walking distance of the proposed Guided Bus stop and local bus services. The nearest facilities to the application site are located upon Cambridge Road and Station Road and are also within walking distance. The proposed side access is considered wide enough to allow cycles to be transported from the rear to the front of the site and vice versa.

Biodiversity

30. The proposed living roof system is considered to provide biodiversity enhancement to the site allowing increase habitat for invertebrates and in turn bird life. In addition this roof system will provide enhanced insulation and energy efficiency to the building by maintaining heat within the winter and cooling the space in the summer.
31. The existing sycamore tree in situ is not considered worthy of a Tree Preservation Order and therefore its removal would not be significantly detrimental to the visual amenity of Burrough Field or the surrounding area. The applicant at any point could remove the tree.

Neighbour Amenity

32. The proposal would be stepped, with two first floor sections maintaining the stagger within the existing building line. As a consequence, the dwelling would be located due south of no.32 Burrough Field allowing an adequate visual break from the first floor bedroom of no.32 and the proposed dwelling to ensure no material loss of sunlight to this bedroom would occur. The proposal would however impact upon sunlight to the front of the no.32, which comprises a garage and driveway; given the use of this space it is not considered that this would be detrimental to the amenity that the occupiers of no.32 currently enjoy. There are full height first floor windows within the rear of the proposal that are orientated westwards to the rear of the plot and to the rear garden of no.32. This orientation is not considered to be any different to that of existing properties within the street scene and would not result in a material loss of

privacy upon the amenity of this property. To the side of no.32 there is an area where a shed, barbeque and external storage are located with the ground levels in this location being higher than that of the application site. This is not considered to be an immediate amenity for this property; nevertheless, the overlooking of this area is not dissimilar to that of other dwellings within the locality

33. The proposal would include a full height, fixed and obscure glazed section to its first floor front elevation, which comprises a bathroom. Therefore no material loss of privacy would occur to the amenity that the occupiers of no.19 Burrough Field currently enjoy (no.19 being situated south of the application site). Due to the existing single storey rear extension to no.19 the full extent of the south elevation of the proposed dwelling, which would be adjacent to the rear garden of no.19 would be 14.5m. The majority of which, including the first floor aspect, being set more than 2m away from the common boundary.
34. In light of the above, the relationship between no.19 and the proposed dwelling would result in a similar relationship to that which exists between nos.17 and 19 Burrough Field at present. This being an approximate 9.7m brick elevation within a metre of the common boundary of no.17. As a consequence it is considered that the proposed development would not result in a detrimental outlook or have an overbearing impact on the amenity that the occupiers of no.19 currently enjoy. This opinion has been arrived at as the proposal has been designed to minimise the impact of this relationship with no.19 through elements such as the roof slope of the front first floor section of the dwelling sloping away from the boundary, the distance off the boundary of the rear first floor element and the use of materials such as timber cladding to soften the visual impact. The single storey element abutting the boundary with no.19 would be 0.6m higher than the existing boundary treatment and would comprise a living roof system, this is considered to further soften the impact of the proposal, providing a low, level, landscaped feature to the boundary. The rear garden of no.19 is due south of the application site and therefore no material loss of sunlight would occur.
35. A condition shall be applied whereby this roof space cannot be used as amenity space and that its planting must be agreed to ensure that the system will sustain a healthy planting scheme. Due to the modest amenity space proposed the use of a living roof is considered, essential in providing a positive, diverse habitat to mitigate the impact of the buildings footprint. As a consequence of this it is considered essential to remove the permitted development rights to this property to ensure that no further extensions or outbuildings can be built. This will ensure the amenity of neighbouring properties is maintained as well as the unique design of the dwelling.

Recommendation

36. Approve, as amended by plan nos. PL2(21)02 Rev B & PL2(21)01 Rev B, date stamped 26th November 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. The dwelling, hereby permitted, shall not be occupied until details of a scheme for the provision of outdoor sports and play space and informal open space infrastructure to meet the needs of the development in accordance with Policies DP/4, SF/10 and

SF/11 of the Local Development Framework Development Control Policies 2007 has been submitted to and approved in writing by the Local Planning Authority. (Reason - To ensure the development provides a suitable level of public open space for occupants of the development, in accordance with Policies DP/4, SF/10 and SF/11 of the South Cambridgeshire Local Development Framework 2007.)

3. Development Framework 2007. The proposed access and parking area shall be provided before the dwelling hereby permitted is occupied and thereafter retained as such. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. The proposed access way shall be hard paved for a distance of not less than 6m from the boundary of the adopted public highway and the site. (Reason - To prevent debris spreading onto the adopted public highway, which may represent a danger to other highway users in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. A visibility splay shall be provided on the north east side of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2.0m x 2.0m measured from and along respectively the back of the footway. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing by the Local Planning Authority. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
7. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, C and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - In the interests of character and appearance of the surrounding area and neighbour amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. Details of the living roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The green roof shall be:
 - a) Biodiversity based with extensive substrate base (depth 100-150mm);
 - b) Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works;

- c) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency. The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.
- d) Evidence that the roof has been installed in accordance with sub-points a) to b) above shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. (Reason - To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

Informatives

- 1. See attached Environment Agency advice regarding soakaways.
- 2. In relation to condition 3, above, the provision of recreational infrastructure to meet the need as of the development, in accordance with Policies DP/4 and SF/10 of the South Cambridgeshire Local Development Framework 2007, amounts to a financial contribution of £2,244.90, as calculated at the date of this decision. The applicant has agreed to such a contribution and a document under S106 (scheme) is required to secure this.

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

- South Cambridgeshire Local Development Framework Core Strategy DPD (adopted 2007)
- Planning file ref: S/1088/08/F, S/1688/09/F, S/0837/09/F and S/1467/09/F
- South Cambridgeshire Local Development Framework 'Open Space in New Developments SPD'; 'Trees and Development Sites SPD' (2009)
- Circular 11/95
- Circular 05/2005
- Department for Transport, Manual for Streets, adopted in 2007.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 13th January 2010
AUTHOR/S: Executive Director (Operational Services)/Corporate Manager (Planning and Sustainable Communities)

**C/6/9/1A – HISTON AND IMPINGTON
Discharge of Condition 5 –
Lighting at the Histon and Impington Bus Stops, Station Road
For Cambridgeshire Guided Busway**

Recommendation: Delegated Approval / 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.

The application has been deferred from 2nd December 2009 meeting.

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.

2. The details of the design and external appearance of each of the bus stops have been approved and the relevant condition 3(a) discharged in regard to these. The approved details include the number and siting of lamp columns.

Site and Proposal

3. 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:

Histon and Impington: 11 Lamp Columns.

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

4. Works went ahead to install the lights prior to the scheme being agreed. Bus shelter and column lighting has been causing light pollution to residential properties at Pepys Terrace and Villa Place. The issues relate to the level of lighting, as they have been causing light glare into residential properties, and hours of operation, as they had been left on all the time. It was also noted that the number of columns is greater than approved under the bus stop design.

Consultations

5. The Parish Councils of Impington and Histon and Environmental Health were consulted on the original scheme.

6. **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.”

7. **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.”

8. The **Parish Councils** are to be consulted on revised schemes, once received. An update will be provided.

Representations

9. The Parish Councils 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 objected 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 requested that the height and number of lamps be reduced and the bulbs are shrouded to stop light escaping far from the platform.
10. In response to the above comments from Histon and Impington Parish Councils, the Project Manager stated:
 - “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.”
11. 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.
12. In response to the comments from the occupier of 13 Villa Place, the County Guided Bus Team agreed it would check that the lighting levels meet the specification and would 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.
13. Since installing the lights complaints have also been received from the occupier at 7 Pepys Terrace on 3rd November 2009:
 - (a) “The fluorescent lights for the bus shelter itself are now on. They are significantly brighter than the high level lights, both previously and since the addition of the shades, and being at head height are a significant intrusion into our house and garden.
 - (b) The promised timers are not working still, as the lamps have been on all night, every night, since the test last week.”

14. The residents at Pepys Terrace are to be consulted on the revised schemes. An update will be provided.

Planning Comments

15. Members will recall that at its meeting on the 7th October 2009 it resolved to not approve the scheme submitted for the lights at the Histon and Impington bus stops. The concerns expressed related to the impact on neighbouring amenity. A decision was not made in order to allow officers to continue to assess the impact of the light columns on neighbouring properties and to seek from the developer either a reduced number of columns or the use of full cut-off luminaires that meet Institution of Lighting Engineers standards or a combination of these and any other effective alternative.
16. Following the October meeting Planning and Environmental Health Officers, accompanied by local Member, Councillor Mike Mason, met on site with the developer to discuss possible alternatives. Subsequently, initial details of an alternative scheme was to be submitted by the developer, which would be the subject of further consultation with local Members and the two Parish Councils. This scheme included the existing 8 metre high light columns, with light shields and timers to automatically cut of the lights when buses are not running.
17. BAM Nuttall was willing to re-assess the number and height of the lighting columns, however it has advised that the 8 metre high columns provide a good spread of light. If it were required to provide fewer columns Bam Nuttall advised that the height would have to increase to provide the necessary light spill area.
18. Revised drawings were submitted by Bam Nuttall, showing the position of the lights and noting that shields are to be provided to all lights on the 23rd October 2009. No details of the lights or shields were included. This information has been requested.
19. At its meeting on 4th November 2009, Members raised concerns that the lighting was still causing amenity problems. It was resolved to defer the application, in order to allow further negotiations to take place between officers, Histon and Impington Parish Councils, affected residents and local Members.
20. It was agreed that the Environmental Health Officer would visit the site after dark and view the lamps when illuminated from the bus stops and affected residential properties to gauge the effectiveness of these measures. Site visits were accordingly carried out to 13 Villa Place and 7 Pepys Terrace.
21. As a consequence of on-going work by the Environmental Health Officer remedial works have been carried out on site. This includes the installation of shields to column lights and works to resolve issues with the operation of the timing switches, i.e. the lights do now automatically switch off shortly after the last bus has passed at 11pm.
22. The issue of glare from the bus shelter lights remains to be resolved. 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. This is not considered to be unreasonable on security grounds or unacceptable for the shelters to be lit using photo-electric control units outside the hours of bus operation, provided they can be screened to address glare issues.

23. At a meeting with The Parish Councils, Local Members, County Councillor, and officers held on the 12th November 2009 it was noted that either a technical solution, such as light shields to the bus shelter lights or a boundary fence constructed to the affected Pepys Terrace properties, would need to be provided. A letter was sent to the County Council requesting this. The Environmental Health Officer was also advised that Bam Nuttall were in the process of trying to source a solution to the glare from the bus shelter lighting.

24. Following the Planning Committee meeting on 2nd December 2009, at which the matter was again deferred, officers fed back to BAM Nuttalls the serious concerns raised by Members. As a consequence, a scheme detailing a 2m high boundary fence to the properties at 3-13 Pepys Terrace has been submitted, which is to tie in with an existing fence at Anglian Fireplaces and the erected noise barrier. It is anticipated that the effect will be to provide screening from the bus shelter lights for the adjoining residential properties. The works are due to be carried out at the beginning of January 2010. Officers, including an Environmental Officer, will visit the site ahead of the Committee meeting, so an update will be provided for Members regarding the impact of these works on neighbouring amenity. It is anticipated however, that this will be sufficient to remove any remaining concerns.

25. Recommendation

25. Subject to the responses of residents, Parish Councils and Environmental Health in relation to further measures to reduce light glare from the bus stop lights, **APPROVAL** be granted to allow condition 5 to be discharged in regard to the details of the lighting system for the Histon and Impington bus stops.

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 Committee 13th January 2010
AUTHOR/S: Executive Director (Operational Services)/Corporate Manager
(Planning and Sustainable Communities)

S/1255/09/F – LINTON
Dwelling at 7 Bakers Lane for Mr C O'Malley

Recommendation: Approval

Date for Determination: 5th January 2010

Notes:

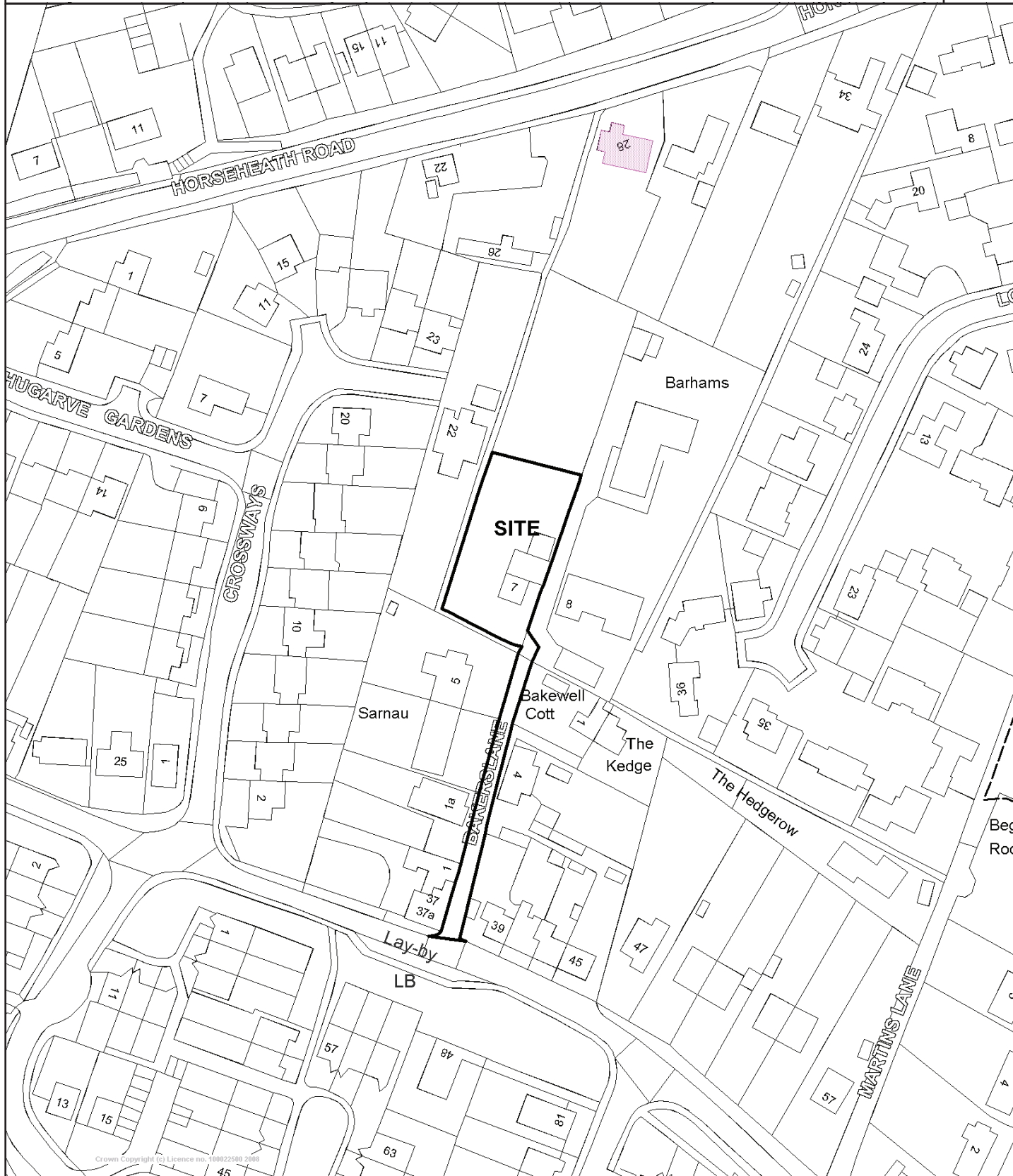
This Application has been reported to the Planning Committee for determination following a referral from Chairman's Delegation Meeting.

Members will visit this site on 13th January 2010.

Site and Proposal

1. The application site is a plot of land off Bakers Lane. It measures approximately 0.09 of a hectare in area. The site currently comprises a single storey mobile caravan with small single storey outbuildings. A public footpath lies along the south and west boundaries with 1m high hedges, however, evidence has been provided to show that over time this has crossed part of the site. The north boundary is open and the east boundary has low chain link fencing. To the west is no. 22 Crossways, a chalet bungalow with 1.8m high fencing and 2m high hedges along the boundary with the footpath. No. 22 Crossways has a dining room window and a garden room with patio doors to rear. No. 22 also has raised patio area with railings and garden area on falling ground. To the east of the site is a single storey dwelling, no. 8 Bakers Lane. It has a small garden with patio area adjacent to the access road enclosed by a boundary wall outside a south-facing bedroom window, and a larger patio outside the lounge to rear of the garden. No. 8 has two ground floor bedroom windows and two ensuite windows in the west side elevation facing the boundary wall. The application site is elevated with the ground level rising from the south to the north.
2. The full application, as amended to include the access leading to the adopted highway, was validated on 10th November 2009. It proposes a scheme for erection of a dwelling and garage to replace the existing caravan and outbuildings following a refusal of the previous application (reference S/0513/09/F). The proposed dwelling would be a 'L'-shaped building with an attached garage block projecting to the south set down from the main dwelling. Compared to the previous scheme, the overall height of the dwelling has been reduced from 7m to 5.5m; the length of the dwelling has been increased from 20.5m to 22m; and there will be no first floor openings/windows in the west, side, elevation facing no. 22 Crossways. A first floor north-facing window closer to no. 22 Crossways has been removed from the scheme.
3. The proposed development represents a density of 11 dwellings per hectare.

S/1255/09/F - Linton



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Scale 1/1250 Date 15/12/2009

Centre = 556979 E 246775 N

January Planning Committee

Planning History

4. **S/0513/09/F** – Planning application for a 7m high dwelling was refused by reasons of siting, scale and design that would have an unacceptable impact upon the street scene; and adverse impacts on residential amenity interests to occupiers at no. 22 Crossways.

S/0682/86/F – Planning application for siting of a caravan (renewal) was approved with conditions.

S/1432/83/O – Planning application for a dwelling was approved with conditions.

Planning Policy

5. **East of England Plan 2008:**
Policy ENV7 – Quality in the Built Environment
6. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007:**
Policy ST/5 – Minor Rural Centres
7. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**

DP/1 - Sustainable Development;
DP/2 - Design of New Development;
DP/3 – Development Criteria
DP/4 – Infrastructure and New Developments
DP/6 – Construction Methods
DP/7- Development Frameworks
HG/1 – Housing Density
SF/10 – Open Space
SF/11 – Open Space Standards
NE/6 – Biodiversity
NE/14 – Lighting Proposals
TR/1 – Planning for More Sustainable Travel
TR/2 – Car and Cycle Parking Standards
8. **South Cambridgeshire Local Development Framework Open Space in New Developments Supplementary Planning Document 2009**
9. **South Cambridgeshire Design Guide – Draft Supplementary Planning Document 2009**
10. **South Cambridgeshire Recreation Study 2005**
11. **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.
12. **Circular 05/2005** – Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

13. **Linton Parish Council** objects to this application and states:
 - “The Parish Council is concerned that there is no legal access to the site;
 - The Parish Council considers that the roof height is still too high despite our request to lower it to less than 5.5m above ground level. It will still dominate the street scene;
 - We re-iterate our previous comments: this application would appear to contravene Policy DP/3 of the South Cambridgeshire Local Development Framework which seeks to ensure that new development does not have an unacceptable adverse impact on residential amenity;
 - The Parish Council has found it difficult to consider this application as there is no indication of scale and form but it appears to dominate Bakers Lane; and
 - There are concerns regarding the boundary of the property and the accuracy of the hedge line;
 - Despite changes regarding position of hedge it is felt that, if this becomes overgrown, the footpath would soon become impassable or unpleasant to use. The height and proximity of the fence to the path would be oppressive and overbearing to this very regularly used footway. This route is used as a safe route by children attending Linton Heights Junior School;
 - There are concerns over the legality of the access to the site; one access crosses a public footpath. The proposed drive is accessed by crossing land owned by another resident of the lane. Boundaries of neighbouring gardens have been taken into account in these plans; the available access is actually narrower than indicated;
 - The Design and Access Statement is not accurate. It is not a replacement dwelling as described on the Design and Access Statement. Previously the site was occupied by a caravan and sheds. The housing adjacent to the site is single storey, two-storey housing is at some distance from the site. Recent housing has been single storey and cut into the slope to reduce their impact;
 - The planting scheme is considered to be detrimental to neighbouring properties, the proposed trees being too large and inappropriate for the area;
 - There are concerns over the lack of sustainability features (solar panels etc.) in the plans; and
 - There are concerns regarding the impact of traffic to the site. We note that Highways has not been consulted”.
14. **Trees and Landscape Officer** - recommends conditions relating to landscaping scheme and boundary treatment.
15. **The Chief Environmental Health Officer** - raises no objections in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that conditions and informatives be attached to any permission.
16. **Local Highway Authority (LHA)** – requests conditions requiring a method statement relating to the process of erection and demolition and any effects the proposal may have on the adopted public highway; and the public right of way shall be retained and maintained free from obstruction.
17. **County Definitive Map Officer** – has concerns regarding the effect of the proposed development on the public right of way (Public Footpath No. 24, Linton). Highway records indicate that the legal line of Footpath No. 24 is within the development area and appears to be obstructed by the footprint of the proposed new dwelling. The

current 'walked' line is several metres to the west of the legally recorded route. The discrepancy may be resolved. The County Council object to the proposed enclosure of the path by 1.8m high close-boarded fencing along the side boundary of the application site, with the present hedges and fencing to either side of the path which would, result in an increasingly confined and uninviting route; 1m high hedges would be more acceptable. Historically, this public right of way was open and unenclosed. The applicant is reminded that the footpath has a legally recorded width of 4 feet and this width should not be encroached upon. It has recommended planning conditions to be added to the permission if granted.

Representations

18. Residents at 1 Bakewell Cottage, nos. 5 and 8, Barhams Bakers Lane, and no. 22 Crossways object to the proposal on the following grounds:
- The revised design does not address the original objections, proposed changes are minimal and cosmetic;
 - The size and height of the dwelling and the visual domination within an open area of the lane;
 - The height of the dwelling not being in keeping with surrounding development as a result of the ground level difference;
 - Loss of light, loss of privacy and spoilt views;
 - Increase in traffic using the access as the previous occupier did not have a car;
 - Blind access to Bartlow Road and it is not sensible to allow more traffic;
 - The lack of right of way across a privately owned section of the access and no. 5's front garden;
 - The proposed chimney stack on the eastern elevation encroaches on the land of Barhams, Bakers Lane and would impose a width restriction on the private access;
 - Objection to the fencing adjacent to public footpath; and
 - The root development of the proposed 4 Beech trees along the north boundary could affect the wall foundation of no. 22 Crossways; a hedge/fence would be more acceptable.

Planning Comments – Key Issues

19. The key issues to consider in the determination of this application are:
- Principle of residential development;
 - Housing density;
 - Siting, scale and design;
 - Residential amenity interests;
 - Highway safety interests;
 - Landscape character and boundary treatment;
 - Open space contribution;
 - Public right of way; and
 - Other issues.

Principle of Residential Development

20. The application falls within Linton village framework and Linton is a Minor Rural Centre with a good range of services and such settlements allow residential development and redevelopment up to an indicative maximum scheme size of 30 dwellings, as defined in Policy ST/5 (Minor Rural Centres). Therefore, the proposed redevelopment of the site for a dwelling to replace the existing caravan is acceptable

in principle. The existing caravan and outbuildings are in a poor state of repair, it is considered that an appropriate scheme for a replacement dwelling would improve the appearance of the site.

Housing Density

21. The site measures approximately 0.09 of a hectare in area. The proposal for one dwelling represents a density of 11 dwellings per hectare. It is noted that this is below the density requirement from the LDF Policy of 30 to 40 dwellings per hectare. Given the development pattern in the locality in relation to the size of dwellinghouses and garden areas; ground level difference and residential amenity interests; and a narrow access road leading to the site, a scheme to accommodate more than one dwelling would not be acceptable. It is considered that there are exceptional circumstances in this case that would allow the erection of one dwelling on the site without achieving the housing density requirement.

Siting, scale and design

22. The site is set back from the main road and in its present state, with a caravan and single storey outbuildings, is not considered to form an essential part of the village character. The site is elevated approximately half a metre above the neighbouring property to the south, no. 5 Bakers Lane. The level difference between the south and north boundaries is approximately 0.9m. The height of the proposed dwelling has been reduced from the original design of the previous application from 7m to 5.5m with the garage block set down from the main ridge following the falling ground level in the south. The height difference between the garage and the main dwelling breaks up the overall bulk of the whole dwelling, together with the removal of dormer windows above the garage. The revised design reduces the scale of the resultant dwelling. Neighbouring properties are predominately single-storey dwellings: no. 5 Bakers Lane is approximately 4.74m high, no. 8 Bakers Lane is 5.3m high and no. 22 Crossways, which dwellinghouse is set on a higher ground level, is 5.8m high. Having considered the height of the neighbouring properties and the land level difference, it is considered that the proposed dwelling would be in keeping with the character and appearance of the area. The proposal is considered to address the first reason for refusal of the previous application.
23. The use of buff bricks, stained weatherboarding and plain tiles is considered appropriate given that the surrounding area does not have a specific palette of local materials.

Residential amenity interests

24. The width of the proposed dwelling is 17.8m in the rear elevation, and the side elevation which runs along the garden area of no. 22 Crossways has been slightly increased from 20.5m to 22m. No. 22 is positioned approximately 10m from the proposed dwelling. The overall height of the dwelling has been reduced from 7m to 5.5m compared to the previous scheme. It is considered that the reduction in the height addresses the issue of the bulk of the dwelling in the third reason for refusal of the previous application reference S/0513/09/F. The proposed dwelling would not result in an unduly overbearing mass when viewed from the windows, patio area and garden of the neighbouring property at no. 22 Crossways.
25. There is no first floor window in the west elevation of the dwelling that would result in a loss of privacy to the neighbour at no. 22 Crossways. The first floor bathroom dormer window in the north elevation would be set off from no. 22 Crossways and would be at an oblique angle that would not lead to overlooking to its lounge window. The proposal addresses the second reason of refusal of the previous application regarding overlooking and loss of privacy.

26. The proposed dwelling is not considered to seriously harm the amenities of the neighbours at Barhams, nos. 5, 6 and 8 Bakers Lane.
27. Whilst it is acknowledged that the dwelling would be orientated to the southwest of the dwelling and garden of Barhams, it is not considered to be unduly overbearing in mass or result in significant loss of light to that property, due to the falls in land levels and its distance from the main part of the dwelling. The first floor window to bedroom 3 would not result in loss of privacy to Barhams, due to the oblique angle of view and distance of 20m to the rear of that property.
28. The first floor ensuite window to bedroom 4 in the east elevation of the dwelling would not lead to overlooking to the garden of the neighbour at Barhams or the bedroom windows of no. 8 Bakers Lane providing it is fixed shut and obscure glazed.
29. The first floor master bedroom dormer windows and rooflights in the east elevation of the dwelling would not result in overlooking to the ground floor bedroom windows in the west elevation of no. 8 Bakers Lane or its garden area, as the bedroom windows are situated 17m away from the bedroom windows of no. 8 and behind a wall, and the main patio area is situated over 30m away.
30. The first floor window to bedroom 4 in the south elevation of the dwelling would not result in a loss of privacy to no. 6 Bakers Lane, as it would be situated 25m from the main garden area of this neighbouring property.
31. It is acknowledged that the dwelling would be on higher land than the bungalow at no. 5 Bakers Lane. Given the height and location of the proposed dwelling, oriented to the north and behind the garage at no. 5, it is considered that the proposal would not result in an unduly overbearing mass or lead to a significant loss of light to the garden area of no. 5.

Highway Safety Interests

32. It is noted that Bakers Lane is a substandard access, approximately 3m wide, which would result in vehicles waiting on Bartlow Road to enter the site whilst other vehicles are exiting. This would cause an obstruction to the free flow of traffic along Bartlow Road. The poor visibility in both directions at the junction with Bartlow Road would also cause a hazard, as vehicles would need to pull out into the road to be able to see whether any traffic is approaching. Given the limitation of the access road leading to the site, it is considered that the erection of more than one dwelling would lead to intensification in the use of the access that would be detrimental to highway safety.
33. The existing caravan is an established residential unit; therefore, the proposal for a one-for-one replacement dwelling is acceptable in principle and is not considered to result in intensification in the use of the access. Although the previous owner may not have had a vehicle, they would have still have had a right to use the section of Bakers Lane leading to Bartlow Road, as it is adopted public highway.
34. The right of way across the small part of private access to the north of nos. 5 and 6 Bakers Lane is a legal matter that is not a material planning consideration.
35. Conditions will be attached to any consent to agree details of where contractors' vehicles would park during demolition and construction and the storage of building materials to allow Bakers Lane to remain unobstructed, and a method statement relating to the process of construction and demolition and any effects the proposal may have on the adopted public highway.

Landscape Character and Boundary Treatment

36. The proposed landscaping and boundary treatment are not considered sufficient to assure that the development is satisfactorily assimilated into the character and appearance of the area and would enhance biodiversity. A condition would be attached to any consent for a landscape scheme.
37. The erection of a 1.8m high fence adjacent the footpath would create a dark and uninviting place that would not be safe and not in accordance with the principles of 'secured by design'. This would not, however, be a reason that would warrant refusal of the application.

Open Space Contribution

38. The applicant's agent is aware of the need to provide a contribution towards off-site informal open space in accordance with Policies SF/10 and SF/11 of the South Cambridgeshire Development Local Development Framework Control Policies DPD 2007. A two-bedroom dwelling would require an approximate sum of £3,515.08 (index-linked) and the applicants are willing to make such a contribution and they understand that this would be secured through a scheme (S106 agreement) by way of a condition.

Public Right of Way

39. The proposed dwelling would obstruct Public Footpath no. 24, the legal route of which crosses the site. The applicant can apply to divert the footpath. It is considered that the diversion of the footpath could be along the walked route to the south and west of the site. Conditions and Informative can be attached to any consent to address the legal line of the footpath and to ensure the public footpath that surrounds part of the site will not be obstructed. Planning conditions are also recommended to ensure that an acceptable boundary treatment to the footpath boundary is secured and excluding the 1.8m high close-boarded fence proposed

Other Issues

40. Any consent could be subject to a condition that limits the times of operation of power-operated machinery in order to limit noise disturbance to nearby residents. Informatives in relation to foundations, demolition works and bonfires would also be included.

Recommendation

41. Approve, as amended by drawing number DD 431.01E, date stamped 12th November 2009.

42. **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. The development hereby permitted shall be carried out in accordance with the following approved plans: dwg no. DD431.01 E and SCDC1 (site section). (Reason - For the avoidance of doubt and in the interests of proper planning).
3. No development shall begin until details of a scheme for the provision of open space infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policies DP/4 and SF/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 open space in accordance with Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)

4. No development shall take place until a site survey plan showing the ground levels of the application site and the surrounding land, and a site section plan showing the finished floor levels of the proposed dwelling in relation to the existing and proposed ground levels of the surrounding land have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. (Reason – Insufficient information was submitted with the application to assure the Local Planning Authority that the dwelling would be not greater than 5.5m high from the natural ground level in the interests of residential and visual amenity, as required by Policy DP/3 of the adopted Local Development Framework 2007.)
5. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
6. Notwithstanding the approved dwg no DD431 01E, the 1.8m close-boarded fence to the southern and western site boundaries are specifically excluded from the planning permission hereby granted. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for the dwelling shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the Footpath no. 24 retains an acceptable-degree of openness and remains an inviting route and 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.)
7. No development shall commence until a scheme detailing the position, width, surfacing and boundary treatments of the proposed new route of Public Footpath no. 24, Linton has been approved in writing by the Highway Authority.)
(Reason - To ensure that the proposed new route of the footpath is acceptable to the Highway Authority and to the public.)
8. 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.)
9. 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.)

10. No development shall commence until Public Footpath no. 24, Linton, has been satisfactorily diverted under S.257 of the Town and Country Planning Act 1990. (Reason - To ensure that the proposed new route of the footpath is acceptable to the Highway Authority and to the public.)
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Class A of Part 2 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - In the interests of the amenity enjoyed and safety of users of Public Footpath no. 24 in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in all elevations of the dwelling at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
13. The proposed first floor ensuite window to bedroom 4 in the east elevation of the dwelling, hereby permitted, shall be fixed shut, fitted and permanently glazed with obscure glass. (Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
14. During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
15. Before development commences, a plan specifying the area and siting of land to be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of demolition and construction, and the storage of building materials, shall be submitted to and approved in writing by the Local Planning Authority; such space shall be maintained for that purpose during the period of demolition and construction. (Reason - In the interests of highway safety and residential amenity in accordance with Policies DP/3 and DP/6 and of the adopted Local Development Framework 2007.)
16. No development shall commence until a method statement relating to the process of construction and demolition and any effects the proposal may have on the

adopted public highway with reference to the control of debris, mud and dust, pedestrian and vehicle movements have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved method statement. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

17. The proposed parking and turning area shall be provided before the dwelling hereby permitted is occupied and thereafter retained as such. (Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

1. In relation to Condition 3, above, the provision of recreational infrastructure to meet the need of the development, in accordance with Policies DP/4 and SF/10 of the South Cambridgeshire Local Development Framework 2007, amounts to a financial contribution of £3,515.08, (index-linked) as calculated at the date of this decision. The applicant has agreed to such a contribution and a document Section 106 (scheme) is required to secure this.
2. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
3. During demolition and construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
4. The applicant's attention is drawn to the comments made by the County Council's Definitive Map Officer that the proposed dwelling would obstruct the legal line of Public Footpath no. 24. The applicant is advised to contact the County Council to resolve the discrepancy between the current 'walked' route and the legal line of the public footpath.
5. The County Council's Definitive Map Officer objects to the proposed enclosure of the path by 1.8m high close-boarded fencing that would result in a confined and uninviting route. As part of the landscape scheme required by Condition 9, the applicant is advised to consider replacing the 1.8m high fencing by low hedge along the southern and western boundaries.
6. The development must not encroach onto the footpath. Any encroachment would constitute an obstruction, which is an offence under s. 137 of the Highways Act 1980. If the developer requires advice on where the boundaries of the right of way are the applicant should contact the Definitive Map Officer for assistance.
7. The footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it.
8. No alteration to the surface of the footpath is permitted without the County Council's consent. It is an offence to damage the surface of a public right of way under s1 of the Criminal Damage Act 1971.

9. The developer's attention is drawn to the fact that the grant of planning permission does not entitle the developer to obstruct the public right of way. Development, is so far as it affects the right of a way, must not be started, and the right of way kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, for the diversion or extinguishment of the right of way, has come into effect. It should not be assumed that because planning permission has been granted an order will invariably be made or confirmed.

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

East of England Plan 2008

South Cambridgeshire Local Development Framework Core Strategy DPD 2007

South Cambridgeshire Local Development Framework Development Control Policies DPD 2007

South Cambridgeshire Local Development Framework Development Open Space in New Developments Supplementary Planning Document

South Cambridgeshire Design Guide – Draft Supplementary Planning Document

South Cambridgeshire Recreation Study 2005

Circular 11/95 – The Use of Conditions in Planning Permissions

Circular 05/2005 – Planning Obligations

Planning application references and S/1432/83/O, S/0682/86/F, S/0513/09/F and S/1255/09/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee13th January 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

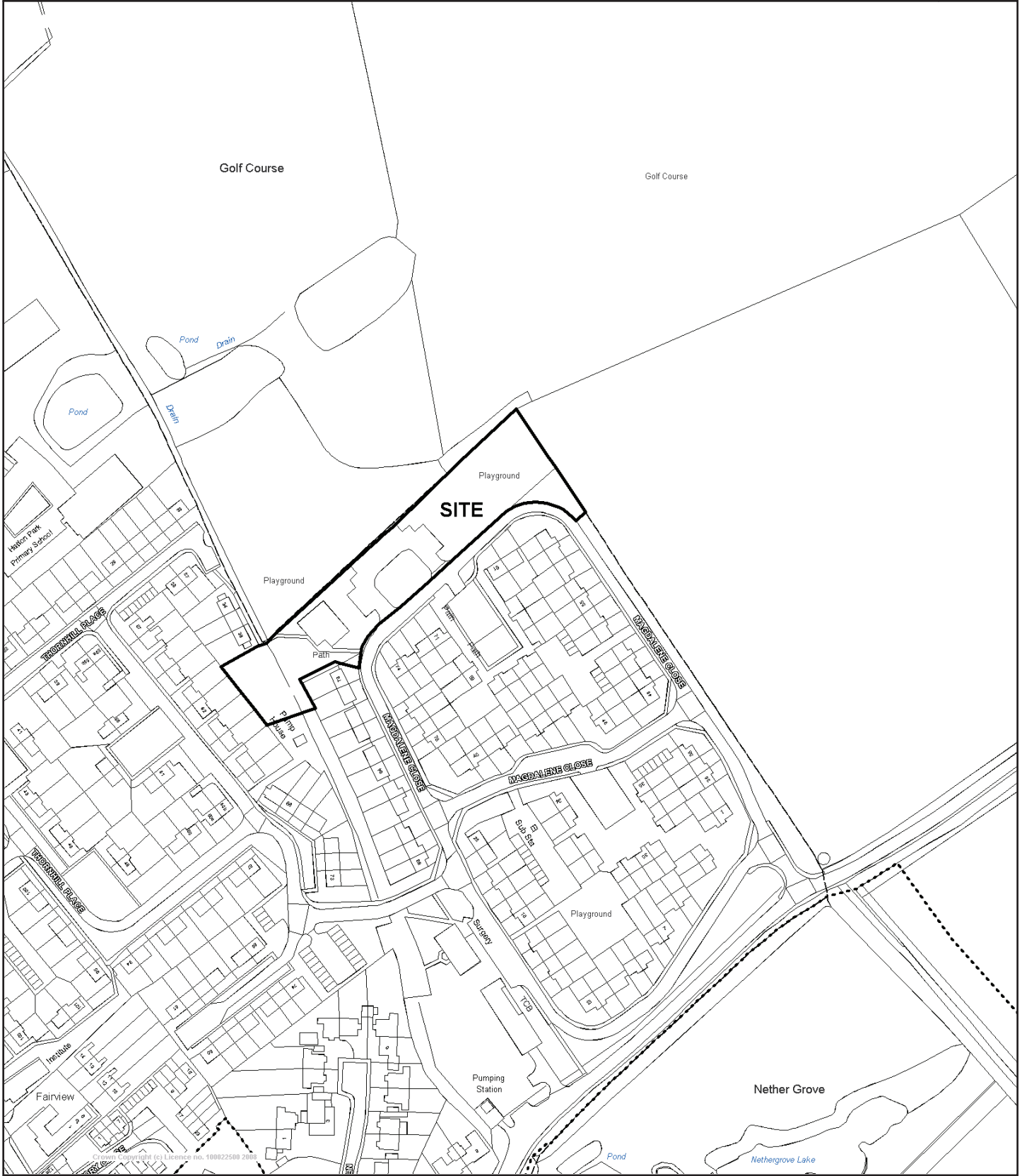
S/1695/09/F – LONGSTANTON**Erection of 8 Dwellings with Associated Access and Parking at Land
to the North-West of 71-74 Magdalene Close for Annington Developments Ltd****Recommendation: Delegated Approval****Date for Determination: 14th January 2010****Notes:**

This application has been reported to the Planning Committee for determination because a similar scheme was previously refused by Planning Committee

Site and Proposal

1. The 0.6 ha site is located to the north of Magdalene Close, adjacent to former MOD (married quarters) housing. The site was purchased by Annington Property Ltd in 1996, together with the rest of the married quarters estate. The site is bounded to the north by the golf course, that will eventually be part of the Northstowe development, to the east by agricultural land, that will also eventually be part of Northstowe, and to the south by housing and west by a grassed amenity area.
2. The site can be broken down into two distinct uses. The western and eastern ends of the site are formal open space with equipped children's play, with the central part of the site open with hard standing and grass. The hard standing previously contained a number of garages for the MOD housing. The land is currently used as an overspill car parking area, however local residents have also indicated that children use the hard standing area informally on an ad-hoc basis as a kick about area.
3. The western play area within the site is 300sqm, slightly larger than a Local Area of Play (LAP). Traditionally LAPs within South Cambridgeshire do not contain equipment, however this one does and it is principally aimed at children aged between 4-6 years. The eastern play area is 1775 sqm. However, the activity area (land currently occupied by equipment) is approximately 700 sqm and it is principally aimed at children aged between 4-8 years. In total this is substantially larger than the national standard for both LEAPS (400sqm) and NEAPS (1000sqm).
4. As part of the current proposal, the applicant has indicated that they intend to remove the existing play areas to the west and the east, reinstate the western area as a grassed amenity area, and install new play equipment on the eastern play area as well as a new kick about area with a goal and protective fencing.
5. The application proposes four two-bed houses, three three-bed houses and one four-bed house. The dwellings are of a traditional style similar to those within Magdalene Close and the former MOD married quarters. The proposed dwellings are semi-detached and two storeys in height. Three of the dwellings will be provided as

S-1695-09-F



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January 2010 Planning Committee

affordable units. The application provides 16 car parking spaces, with access to these directly off Magdalene Close.

6. Six trees will be removed as part of the application, four poplars' on the north-western boundary and two to the south of the site. Three existing trees to the south of the site will be retained and are incorporated into the developments landscaping.
7. The scheme would equate to a density of 40 dwellings per hectare.

Planning History

8. **S/1037/00/F** – Erection of 17 dwellings (Refused)
S/1126/06/F - Erection of 11 dwellings (Withdrawn)
S/0620/07/F – Erection of 8 dwellings (Withdrawn)
S/1884/08/F – Erection of 8 dwellings (Withdrawn)
S/0534/09/F - Erection of 8 dwellings (Refused)
9. The submitted application follows the determination of the previous application (ref. **S/0534/09/F**), which was refused for the following reason:
10. “Whilst the proposal to provide eight dwellings within the group village of Longstanton, as defined in Policy ST/4 of the Local Development Framework Core Strategy, adopted January 2007, is acceptable in principle, the loss of this site as a informal kick about area for children in this part of Magdalene Close without clear indication of its replacement is contrary to Policy SF/9 of the Local Development Framework Development Control Policies, adopted July 2007, which seeks to protect land providing a recreation use unless it is replaced by an area of equivalent or better quantity or quality in a suitable location or the proposal includes provision of sports and recreation facilities of sufficient benefit to recreation to outweigh the loss or there is a excess of provision in quantitative and qualitative terms taking into account potential future demand.”
11. When the previous application was considered, the principle of eight new dwellings within the village of Longstanton was acceptable in principle. No new policy has been adopted since that decision was taken, hence the layout, number, appearance, mix, and tenure of dwellings proposed in the development remains as per the previous application.
12. It is anticipated that an appeal will be submitted for the previous planning application. An update on this issue will be provided in advance of the committee meeting.

Planning Policy

13. East of England Plan (2008) Policies:
SS1 - Achieving Sustainable Development, **ENV7** - Quality in the Built Environment.
14. South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007 Policies:
ST/3 – Re-Using Previously Developed Land and Buildings, **ST6** – Group Villages, **DP/1** - Sustainable Development, **DP/2** – Design of New Development, **DP/3** - Development Criteria, **DP/7** – Development Frameworks, **HG/1**- Housing Density, **HG/2** - Housing Mix, **HG/3** – Affordable Housing, **SF/9** Protection of Existing Recreational Areas, **SF/10** - Outdoor Playspace, Informal Open Space and New

Developments, **SF/11** - Open Space Standards, **TR/1** - Planning for More Sustainable Travel, **TR/2** - Car and Cycle Parking.

15. **Open Space in New Developments Supplementary Planning Document**, adopted, January 2009:
16. **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.
17. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

18. **Longstanton Parish Council** – Comments awaited.
19. **Tree Officer** – No objection.
20. **Landscape and Design Officer** — Comments awaited.
21. **Environment Operations Manager** – Comments awaited.
22. **Housing Development & Enabling Manager** – Comments awaited.
23. **Environmental Health Officer-** Comments awaited.
24. **Joint Urban Design Team** – Comments awaited.
25. **Cultural Services Manager** – Comments awaited.
26. **Ecology Officer** — Comments awaited.
27. **Local Highway Authority** – Comments awaited.
28. **Land Drainage Officer** – Notes that there is a piped public award drain on the site boundary and that there is no surface water sewer available for disposal of run-off from the development. Byelaw consent will be required for connection to the award drain and no increase in the rate of run-off will be permitted. A scheme of surface water drainage should be secured through condition.
29. **S106 Officer** – Has attended several meetings with the Parish Council and the applicant in order to determine the most appropriate contributions to mitigate the impact of this development. The proposals accurately reflect the discussions that have taken place and represent a positive outcome for local residents. The application, with the draft section 106 Agreement, seeks to secure the areas of open space and to also improve the standard of play equipment. The applicant has proposed a flexible scenario whereby the remaining open space would be transferred to the Parish Council with either a commuted sum, or play equipment to the total value of approximately £40,608 (with any variation in between). The Parish Council can determine the amount of equipment to be installed as part of the application, with the remaining sum to be paid to maintain the equipment and land. This contribution is excessive to the requirements as per the Open Space in New Developments SPD. In

accordance with the SPD, the required planning obligations would be an open space area of 70m² and a commuted sum of £22,551.62. This application provides a greater level of community benefits and is more appropriate given the local need than the previously refused application.

30. **Cambridgeshire County Council, Education** – Comments awaited
31. **Cambridgeshire County Council, Countryside Access** – Note that a public footpath runs along the eastern boundary of the site. Request that no boundary treatments (walls, hedges, fences etc) should encroach upon the width of the public right of way or restrict light reaching the path. Recommend informatives be attached to any permission setting out the law relating to public rights of way.
32. **Cambridgeshire Fire and Rescue** – Comments awaited
33. **Police Architectural Liaison Officer** – Has reviewed the plans and concluded that it will probably be required to achieve Part 2 Secured by Design standards. The development would have benefited with the footpath to the west being moved off the diagonal to a right angle from Magdalene Close, however, he understands that this is not possible. In terms of crime risk, this area is of lower risk than other areas of Longstanton. He would expect each of the boundary treatments to be 1.8m high with matching gates, close boarded would suffice in this area. To the rear of the proposed plot of land is waste ground with 1.8m chain link fencing separating the two. For both privacy and security he would expect the rear boundary to be close boarded as well. The site plan shows good defensible space covering the fronts of each of the properties, he would expect this to be made up with sufficient planting and would recommend with the path across the front of each of the properties that this be reinforced with railing or diamond rail, this is of particular importance with plots 7 & 8. All parking provided is within view of each of the units, normally a resident should be able to view their own space. This cannot be the case with plot 8 however as stated all the spaces are within view from plots 1 - 7. I would recommend that utility metering be at the front of properties to minimise the risk from bogus callers, this is a requirement for Secure by Design.
34. **Environment Agency** – The development falls within flood zone 1. Therefore the likelihood of flooding from a main river is significantly reduced.
35. **Anglian Water** – Comments awaited.

Representations

36. 4 letters of objection have been received from the owner/occupiers of 4, 31, 59 and 66 Magdalene Close together with a petition, with 56 signatories, and 40 copies of the same letter of objection signed individually by 40 residents raising concerns about the following:
 1. Loss of valuable community and recreational open space currently used by children and dog walkers;
 2. Concerns about whether public right of way affected;
 3. Need for housing in Longstanton, with Northstowe proposed to be built so close by;
 4. Concerns that existing play areas will be lost or adversely affected;
 5. Concerns regarding the loss of visibility between the two play areas;
 6. Loss of privacy;

7. Character of new development not in keeping with existing dwellings;
8. Loss of trees, particularly 3 mature trees;
9. Concerns whether wildlife would be affected;
10. Maintenance of existing play areas;
11. Management charge local residents pay to Annington should mean that they get a say in what development happens;
12. Whether there is sufficient car parking;
13. Flood risk;
14. Lighting;
15. Inadequate new play provision.
16. Loss of views to the open space.
17. Increase in level of cars generated by new houses.
18. Loss of current overflow car parking area for residents.
19. Lack of consultation between residents and SCDC.

Planning Comments – Key Issues

37. The key considerations in determining this application are:

1. Principle of Development
2. Design & Residential Amenity
3. Car parking
4. Affordable housing and Mix
5. Open Space & Replacement Provision
6. Trees / Landscaping/Ecology
7. Flood risk
8. Lighting
9. S106

Principle of Development

38. The proposal seeks to erect eight dwellings within the village of Longstanton, adjacent to the golf course. Longstanton is designated as a Group Village within the LDF, suitable for residential development up to an indicative maximum scheme size of 8 dwellings. Therefore the principle of the proposed development is acceptable and in accordance with LDF Policy ST/6.
39. The site lies within the village framework and has previously provided garaging for the adjacent MOD housing. Although the garages have been removed, the hard standing still remains and the area acts as an overspill car parking area as well as now being used as an informal kick-about area. Policy DP/7 indicates that development/redevelopment of unallocated land within development frameworks will be permitted provided that its retention in its present state does not form an essential part of the local character, it is sensitive to the character, location, local features of landscape, ecological or historic importance and the amenities of neighbours, there is necessary infrastructure capacity to support the development and it would not result in a loss of employment, local services or facilities protected by policies ET/6, SF/1 and SF/9.
40. The ex MOD estate, has several areas of small amenity space within it which form part of the estates character. The proposal to construct eight dwellings on the previously developed part of the site would not have a detrimental impact on the character of the estate, as the retained amenity land will mitigate against this and the development will only occupy part of the site. The proposed development would, in

effect, finish the street scene off, creating a firm edge to the village within this part of Longstanton.

41. There are no ecological or historical features within the site. The impacts on neighbour amenities are considered later in this report, in paragraphs 46-50, and the infrastructure requirements are considered in paragraph 64. As the site is used informally as a kick-about area the proposal will be fully assessed against Policy SF/9, which seeks to protect existing recreation space. This is discussed fully in paragraphs 58-60.
42. Two residents have objected to this development on the grounds that it is not required because Northstowe will be built nearby. Whilst the new town of Northstowe will eventually be built nearby, this is not a sufficient reason to refuse suitable development that is in accordance with the development plan within the village of Longstanton. The Northstowe Area Action Plan is a site specific planning document covering a defined geographical area. It is not possible to consider this planning application against the Northstowe AAP, as this site lies outside the area covered by the Northstowe AAP. However, it will be necessary to ensure that consideration is given to the degree of separation between the village of Longstanton and Northstowe when the Northstowe planning application is considered by the Local Planning Authority.
43. Paragraph C2.2 of the Northstowe Area Action Plan indicates that the village character of Longstanton and Oakington and the individual landscape character in the areas adjoining them will be taken into account in the development of an appropriate Masterplan for the new town.
44. The principle of residential development on this site is considered acceptable and is in accordance with LDF Policies ST/3 and ST/6, DP/7.

Car parking

45. The development allocates 2 car parking spaces per dwelling. Although this is slightly above the average of 1.5 dwellings per dwelling as set out in the LDF, it is considered acceptable as the development has no designated visitor parking within the scheme. The LDF does allow for developments to provide a maximum of 2 spaces where the dwelling has more than 3 bedrooms, therefore this slight over provision of car parking is considered acceptable, particularly given the concerns raised by local residents regarding the loss of existing ad-hoc car parking spaces.

Design & Residential Amenity

46. The context of the surrounding area is suburban in nature, with the existing properties within Magdalene Close defined by wide fronted, two storey semi detached properties, slightly set back from the street to allow for car parking spaces to the front. Policy DP/2 requires new development to be of an appropriate scale and nature. The layout of the development has regard to the prevailing character of the area through the inclusion of two storey, wide fronted, pairs of semi-detached dwellings, which are set back from the street.
47. The proposed dwellings take key elements from the style and massing of the surrounding development and therefore preserve and enhance the character of the local area. The layout of the dwellings is sympathetic with the street scene and provides suitable surveillance to the new play area through the inclusion of windows

that overlook the children's play area and the parking spaces to the front of the dwellings. Details of materials are not included within the application but can be dealt with by planning condition to ensure that they are compatible with the location. Therefore it is considered that the proposals are in accordance with Policy DP/2.

48. The proposed density of the development is 40 dwellings per hectare, which is in accordance with Policy HG/1. Although this constitutes a slightly higher density than elsewhere on the ex MOD estate it is still sympathetic to the existing and in keeping with the character of the surrounding area.
49. In terms of residential amenity, the proposed dwellings are 31 metres from the adjacent existing properties (front to front). This distance is more than the distances between existing properties further along Magdalene Close which range between 20-27 metres for front to front and would not give rise to loss of privacy. Therefore it is considered that there is no residential harm in terms of loss of privacy or over-looking.
50. In terms of crime prevention, the Police Architectural Liaison Officer has confirmed that the proposed development would meet Part 2 Secured by Design standard. He has also stated that the layout provides good defensible space covering the fronts of each of the properties. His requests regarding planting and close-boarded fencing to the rear of the properties can be dealt with by recommended conditions 3, 4 and 6.

Affordable housing and mix

51. The proposed development provides three affordable houses, which equates to 37.5% of the scheme comprising affordable housing, which is slightly less than that required by Policy HG/3. However, the provision of four dwellings for affordable housing would be significantly higher than what is required by Policy HG/3. Comments are awaited from the Housing and Enabling Manager, however when the previous application was considered they raised no objection to the overall number of affordable units to be provided. As there have been no changes to policy since this application was last considered it is accepted that the provision of three affordable units on site is acceptable.
52. The application comprises of four two-bed houses, three three-bed houses and one four-bed house, of which the proportion of market dwellings are: two two-bed, two three-bed and one four-bed. This mix broadly accords with Policy HG/2 as 40% of homes have one or two bedrooms, 40% of homes have three bedrooms and 20% have four bedrooms. This is therefore considered acceptable.

Open Space and Replacement Provision

53. 4 Representations, and the 40 copies of an objection letter, have been received which object to the site being redeveloped for residential use, on the grounds that it will result in a loss of open space.
54. The previous application was refused solely on the grounds that it was contrary to Policy SF/9. It was considered that the erection of eight dwellings on land used on an ad-hoc basis as informal open space, without the provision of an area of equivalent or better quantity or quality in a suitable location, or a proposal that included the provision of sports and recreation facilities of sufficient benefit to recreation to outweigh the loss, was not sufficient to approve the application. It was also considered that there was not excessive provision in quantitative and qualitative terms taking into account potential future demand within the local area.

55. Following the refusal of the previous application, the applicant has met with the Parish Council and Planning Officers to explore the options to address the Council's objection relating to the loss of informal play space. They have sought to address the reason for refusal in the following ways:
- (a) Change to the red line boundary to include the existing play areas to the east and west of the proposed residential development;
 - (b) Removal of the play area to the west of the site and creation of a significantly enhanced new play area and kick-about area, together with new play equipment for the benefit of the new residential population and the wider community of Longstanton.
56. The current equipped play areas consist of 2 swings, a climbing frame and a couple of benches on the western play area and 2 swings, a climbing frame, a small see-saw and a couple of 'picnic' tables on the eastern play area. They are owned and maintained by the applicant with funding for maintenance being partly funded by the residents of the estate. As a private landowner, the continued provision and maintenance of the equipment is at the applicant's discretion. The applicant's children's play equipment consultants have advised that play equipment design and use has moved on significantly since the existing facility was installed and that it would not be best practice to replicate what is currently provided.
57. Policy SF/9 states that planning permission will not be granted for proposals that result in a loss of land or buildings providing for recreational uses expect where:
- (a) They would be replaced by an area of equivalent or better quantity or quality and in a suitable location; or
 - (b) The proposed development includes provision for open space, sports and recreation facilities of sufficient benefit to recreation provision to outweigh the loss; or
 - (c) An excess of provision in quantitative and qualitative terms is clearly demonstrated in all functions it can perform, taking into account potential future demand and in consultation with local people and users.
58. The proposed development would result in the loss of a hard surfaced area (which was previously occupied by garages) and which is now used for overspill car parking and for informal children's recreation. The applicant has sought to ensure that this facility is replaced by removing the equipment from the two existing play areas and replacing it with seven pieces of new play equipment on the eastern end of the site. They also intend to provide a 34sqm kick about area with a goal and protective fencing within this location. The western play area would become a grassed amenity area. Given that the play equipment only occupies a small amount of the eastern play area at the moment, there is sufficient space to provide new play equipment and a kick-about area.
59. Whilst the existing children's play areas are conventional in their appearance they do not provide for the needs of children with mobility or disability needs. Although the new play equipment and kick about area would not be a like for like replacement it is considered that it would provide an equivalent area of better quality that could be used by a greater variety of users. The merging of the two different play areas would provide better supervision for parents of children of different ages as the play areas would not be as spread out. The benefit of the new play area is considered to be of sufficient benefit to outweigh the lost of the existing kick about area.

60. There is a Public Right of Way, which forms the eastern boundary of the site. The proposed development would not encroach on the Right of Way. The route of this right of way would be maintained at all times should planning permission be granted

Trees/Landscaping and Ecology

61. The development proposes to remove six trees, four to the north-western boundary and two small trees to the road frontage. These trees will be replaced by four new trees to the road and Public Right of Way frontage. Condition 4 would prevent the removal of any other trees within the site and would ensure that adequate protection is provided to trees to be retained at all times. The Tree Officer has raised no objection to the removal of these trees and although comments from the Landscape Officer are awaited, when the previous application was considered they indicated that the removal of the poplar trees from the proposed rear gardens of plots 7 and 8 would be beneficial. The proposals include areas for indicative new planting to the street frontage and planting to the fronts of the dwellings. Full details of this and other hard landscaping can be dealt with by conditions 3 and 4.
62. In terms of the ecological impact of the proposed development, the Council's Ecology Officer has raised no objections to the development, when the previous application was considered however they requested the native hedge be extended and provision of nest boxes on the dwellings. These issues can be covered by conditions 3, 4 and 8.

Flood Risk & Drainage

63. The location of the development site falls outside of the Environment Agency Flood Zones 2 and 3 where a Flood Risk Assessment is required. The main flood risk issue to consider is the management of surface water run-off. Drainage from the development must not increase flood risk either on-site or elsewhere. The Drainage Manager has confirmed that the development could connect to the Council's Award Drain provided that evidence is provided that there would be no increase in rate of run-off. This issue is covered by recommended condition 12.
64. In terms of foul drainage there are no public foul sewers within the locality, however, there are private foul sewers. Capacity and consent will need to be confirmed by the owner, otherwise the applicant will either need to construct its own foul and surface water sewers and sewage disposal works and submit them to Anglian Water or, alternatively, the applicant will need to find an alternative method of drainage for foul water that meets local environmental and amenity needs, which will then need to be agreed with the Local Planning Authority following consultation with the Environment Agency. This issue is covered by condition 16.

Lighting

65. The proposed development does not affect the existing street lighting that is currently provided. Additional lighting is proposed within the application. However, this would be the subject of recommended planning condition 10, which would ensure that it is suitable within the street scene.

S106 Contributions

66. The proposal to erect eight new dwellings, three of which would be affordable, does not, in itself, require the provision of any onsite open space in accordance with Policy SF/10. However, it does generate a requirement for offsite provision with five years maintenance. The S106 contribution that could be sought under this policy is £22,551.62. However, the applicant has submitted a draft Section 106 with the planning application, which secures the removal of the existing equipment and making good of the land; the installation of new pieces of play equipment and a kick about area with goal; and a commuted sum payment of £20,000 (provided the land is transferred to the Parish Council). This is considered more than sufficient to meet the requirements of the Council's SPD.
67. During pre-application discussions with the applicant and the Parish Council, the Parish indicated that if the development was considered acceptable they might wish to install the play equipment themselves following consultation with local residents. Following discussions with the applicant they have indicated that they would be prepared to enter into a S106 Agreement to secure a sum of money in the region of £22,000 towards new children's play equipment, which the Parish Council could spend on equipment of their choice. This would be supported by a commuted sum payment of £20,000 for the maintenance of the equipment.
68. The S106 Agreement will also secure the provision of affordable housing in terms of the amount, tenure and location.

Conclusion

69. Although it is understandable that local residents have raised some concerns regarding the erection of eight new dwellings within the village of Longstanton, the principle of this proposal is in accordance with Policy ST/6. The new dwellings would provide a good quality edge to the village, in keeping with those of the surrounding area. The proposal would not harm the character of this part of the village, as this land accords with Policy ST/3, DP/7 as well as Planning Policy Statement 1 (PPS1) which seeks to re-use previously developed land to deliver sustainable development.
70. Although the proposal falls slightly short of meeting the requirements of Policy HG/3 (40% affordable housing) it does provide 37.5% affordable housing onsite and this is considered acceptable.
71. Whilst this proposal may result in the loss of a small area of open land, which is used by children and by cars for parking, it would be replaced by a facility of better quality. The merger of the two play areas in one location would provide a great degree of surveillance for parents. Therefore on balance it is considered that the application should be approved

Recommendation

72. Delegated approval, subject to the signing of a S106 agreement securing a financial contributions towards, open space and children's play and securing affordable housing on-site with the mix and tenure to be agreed and subject to the following conditions:

Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

17426/201A – Location Plan
17426/202A – Exiting Site Layout
17426/202B – Proposed Site Layout
HTC/210 – House Type A Plans and Elevations
HTC/211 – House Type B Plans and Elevations
HTC/212 – House Type C Plans and Elevations
HTC/213 – House Type D Plans and Elevations
Tree Protection Plan Page 32 Arboricultural Report dated 15th November 2009
(Reason – For the avoidance of doubt and in the interests of proper planning.)
2. 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.)
3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason - To ensure the development is satisfactorily assimilated into the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. 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 dwellings 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 and the visual amenities of the area in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details and thereafter retained unless otherwise agreed 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.)
7. No development shall take place until a schedule of materials (including render colours) and finishes for the doors, windows, walls, and roofs of the dwellings on a plot by plot basis, hereby permitted to include samples of the materials and method of window opening to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
8. No development shall begin until a scheme for the provision of bird nest boxes has been submitted to and approved in writing by the Local Planning Authority; the dwellings shall not be occupied until the next boxes have been provided in accordance with the approved scheme. (Reason - To enhance nature conservation interests in accordance with Policy NE/6 of the adopted Local Development Framework 2007.)
9. Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been submitted to and approved in writing by the Local Planning Authority. (Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policy NE/6 of the adopted Local Development Framework 2007.)
10. No external lighting shall be provided within the site other than in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. (Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
11. Demolition, delivery or construction works shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays. (Reason - To safeguard the amenities of the

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

12. 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 works/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 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 Policy DP/1 of the adopted Local Development Framework 2007.)
13. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site. (Reason - To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy DP/3 of the adopted Local Development Framework).
14. Prior to the occupation of the first dwelling, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. (Reason: In the interests of highway safety and to ensure satisfactory access into the site and in accordance with Policy DP/3 of the adopted Local Development Framework).
15. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600m within an area of 2 m x 2m measured from and along respectively the highway boundary. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
16. 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 works/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 with the Local Planning Authority. (Reason - To prevent the increased 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.)
17. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the Local Planning Authority with a report/method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228 –Part 2: “Code of Practice for noise and vibration control on construction and open sites – Part 2: Vibration”. Development shall be carried out in accordance with the approved details. (Reason – To safeguard the residential amenity of adjacent occupiers and in accordance with Policy NE/15 and DP/6 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies Development Plan (adopted July 2007)
- Planning File Ref:S/1695/09/F, S/1037/00/F, S/1126/06/F, S/0620/07/F, S/1884/08/F, S/0534/09/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee13th January 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

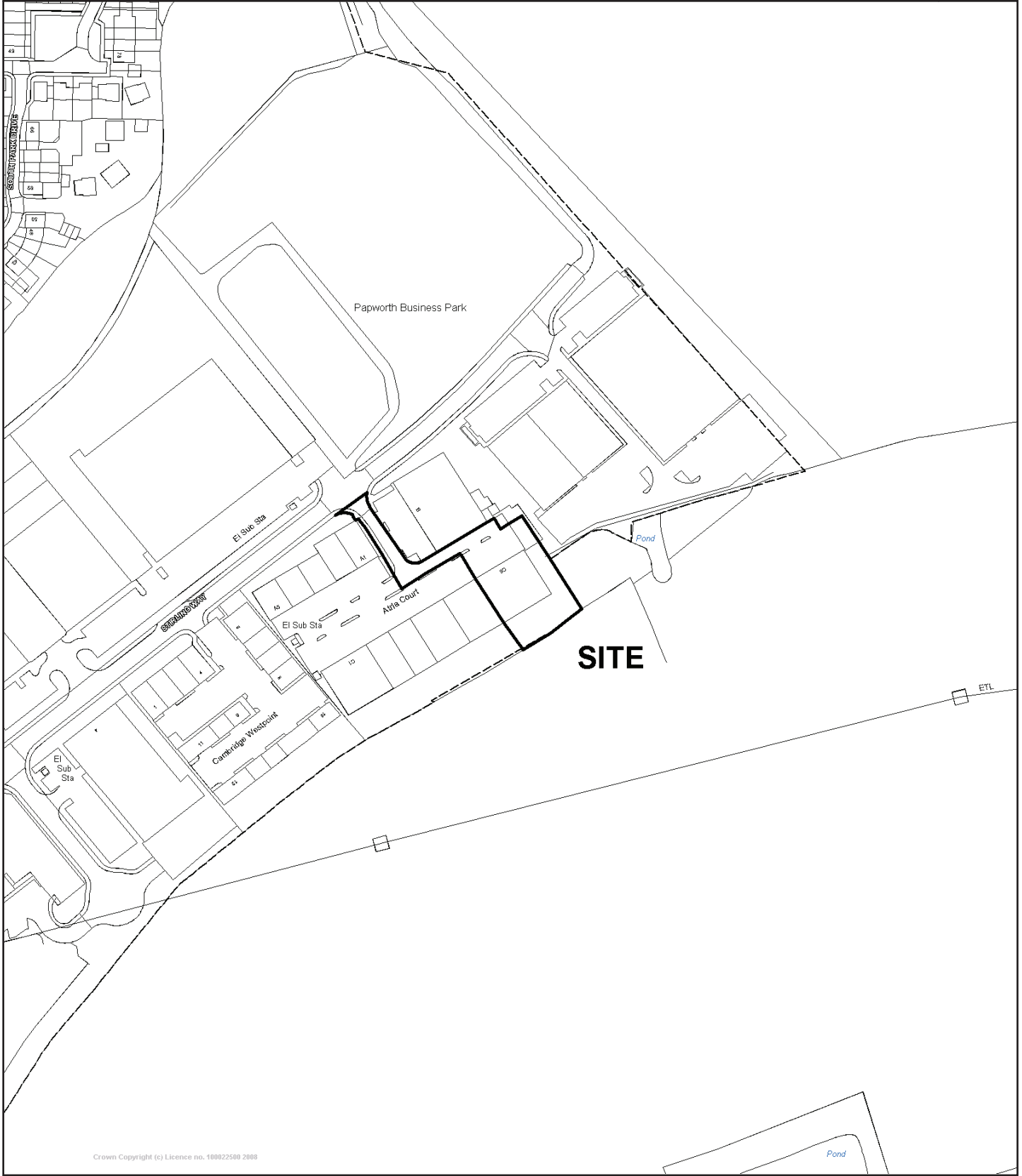
S/1145/09/F – PAPWORTH EVERARD**Variation of Condition 2 of Planning Permission S/0402/09/F to Extend Delivery Hours,
Extension to Mezzanine to Provide 1 Office and Installation of 3 Condenser Units
at 64 Papworth Business Park, Stirling Way for Cambridge Foods Ltd****Recommendation: Delegated Approval/Refusal****Date for Determination: 3rd November 2009****Notes:****This Application has been reported to the Planning Committee for determination following referral from the Chairman's Delegation meeting of 2nd November 2009.****Site and Proposal**

1. The site lies at the southern end of the village of Papworth Everard, within the village framework. The site is accessed from Stirling Way, which serves Papworth Business Park. A new junction has been completed between Stirling Way and Ermine Street South, and the Papworth by-pass is also now open. To the north of the site is an open area that has an extant permission for business use, and to the south beyond an existing tree belt is open countryside. Atria Court is a courtyard development of business units, and no. 64 (unit C6) is the eastern unit of the site.
2. The full application, validated on 8th September 2009, is in three parts. Firstly, it seeks a variation to condition 2 of planning permission S/0402/09/F. This condition states "no deliveries for any B8 use implemented shall be taken at or despatched from the site outside the hours of 08.00-18.00 on weekdays and 08.00-13.00 on Saturdays (nor at anytime on Sundays and Bank Holidays)". The reason for the condition was "to protect residents from noise disturbance in accordance with Policy NE/15 of the adopted Local Development Framework 2007". The final two parts to the application are the addition of a mezzanine extension, and three condenser units on the rear elevation. The application was accompanied by a Planning, Design and Access Statement, and a recently submitted Noise Impact Assessment.

Planning History

3. Planning application **S/0402/09/F** granted consent for the change of use of the unit from B2 (General Industry) to B2 and B8 (Storage and Distribution) in the alternative. This application was approved by Members at Planning Committee on 10th June 2009, and had three planning conditions, one of which restricts delivery times for B8 uses and one restricts mezzanines. Similar applications were also determined for unit C1/2 (**S/0400/09/F**) and Unit C5 (**S/0401/09/F**) at the same Committee meeting.
4. Planning application **S/0297/06/F** was approved dated 12th May 2006 for the erection of 12 industrial units in Class B2 and associated parking and landscaping. Condition

S-1145-09-F



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January 2010 Planning Committee

8 of this consent restriction the addition of mezzanines without further planning permission.

5. Outline planning application **S/1475/99/O** was approved dated 25th January 2002 for the laying out and use of land for employment purposes (Use Classes B1 and B2). This was the north-eastern part of the site and includes Atria Court. This consent was followed by application **S/2292/04/F**, approved dated 24th February 2005, for the variation of condition 1 to allow further time for the submission of reserved matters.

Planning Policy

6. South Cambridgeshire Local Development Framework Development Control Policies (LDFDCP) 2007: **DP/1** – Sustainable Development, **DP/2** – Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **ET/4** – New Development in Villages, **NE/15** - Noise Pollution & **TR/2** – Car and Cycling Parking Standards.
7. Policy **EM2** of the South Cambridgeshire Local Plan 2004 has been saved, and allocates the site for Class B1 and B2 employment use. Policy **SP/10** of the draft Local Development Framework Site Specifics Policy 2006 allocates the site for employment development within Classes B1, B2 and B8.
8. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation

9. **Papworth Everard Parish Council** recommends refusal of the scheme based on a number of policies in the Local Development Framework, and specifically Policy NE/15. The comments in the Planning Committee report for application S/0402/09/F stated concerns by the Environmental Health Officer and the need for a condition. The applicant has stated that there would be numerous vehicles at unsocial hours given the nature of the business, and it may leave noisy refrigeration units parking on Stirling Way or Ermine Street, clearing the way for business's own vehicles to be loaded at the unit.
10. The **Environmental Health Officer** originally had concerns regarding the relaxation of the times for vehicle movements to and from the site. However, it was recommended that a planning condition could request a noise management scheme be submitted to allow further consideration. On receipt of the Noise Impact Assessment, there are no objections to the methodology and findings of the report. If suitable planning conditions could be worded, then this could be suitable to limit the noise disturbance. Members will be updated on further comments from the Environmental Health Officer.

Representations

11. No further representation has been made.

Planning Comments – Key Issues

12. The key planning issues relate to impact upon the amenity of neighbouring properties caused by noise disturbance from any early vehicle movements to and from the site,

and parking issues relating to the mezzanine. The B8 use was established during application S/0402/09/F.

Impact Upon the Amenity of Neighbouring Properties

13. The site is located to the southern end of the business park, with the nearest dwelling at Ermine House set approximately 200m from the site. Beyond that, further dwellings are situated to the north along South Park Drive and Musker Place at a distance of approximately 225m from the site. There is a tree belt between the industrial estate and these dwellings. The nearest dwelling to the entrance of the Business Park is approximately 90m to the north of the entrance on Ermine Street South. Consent has been granted for 365 dwellings on the Summersfield site in the village, the access to which is opposite that serving the Business Park. No construction work has begun on this scheme as yet.
14. Members should be aware that the B2 General Industry units at Atria Court have no planning conditions restricting time use. Vehicles are free to come and go as they please. The nature of a B8 use is such that more vehicle journeys can be expected. The applicant is The Cambridge Food Company, who moved to premises at Cowley Road, Cambridge in 1997. They currently employ 16 full time members of staff and operate from 07.00 to 16.00 Monday to Friday. They have outgrown their current premises, and the Atria Court unit would allow for further expansion.
15. The applicant has applied to vary the start time for vehicle movements from the approved time of 08.00 to 06.00. They note the main business hours begin at 07.00 at their current site, but they do have a limited number of deliveries outside these hours. The supporting statement shows the business currently generates up to 15 deliveries to/from the site between 07.00 and 12.00, with more limited movements thereafter. It is predicted that only one or two further vehicle movements would occur before 07.00.
16. The reason for the condition was to protect residents from noise disturbance. The Environmental Health Officer has indicated that if suitable conditions are worded, he may be able to support the scheme. Members will be updated on further comments receiving following a more in depth analysis of the Noise Impact Assessment. It is also hoped that Members will be updated prior to Planning Committee on these comments, and the associated reasons for approval with planning conditions, or reason for refusal. This would give Members clarity prior to the determination.

Parking Demand

17. The proposed mezzanine measures approximately 6m by 6m, and would be located adjacent to the existing mezzanine. Conditions restricted further mezzanines were added to the original consent for Atria Court (S/0297/06/F) and repeated on S/0402/09/F. The reason on both occasions was to limit the demand for additional vehicle parking. The site currently has 14 parking spaces, and no further parking is proposed. Given the proposed floor space, a B2 use would require a maximum 15 parking spaces and a B8 use 8 parking spaces in line with the Council's parking standards. Given the small increase in floor space and the parking available, I do not consider the mezzanine would be contrary to the aims of the original condition, and would not cause additional demand for parking over and above the spaces available.

Other Matters

18. Members should be aware that the three condenser units are not considered to cause any serious harm. They are located on the rear elevation, and there are no public views given the adjacent tree belt. The nearest residential property is over 200m from the units on the opposite side of the Business Park. There would be no serious noise and disturbance as a result.

Recommendation

19. Delegated approval/refusal, subject to additional comments by the Environmental Health Officer. If Members vote to support the scheme, conditions will be required to limit deliveries to the supported time and not before, and to further restrict additional mezzanines for the building.

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

- Local Development Framework Core Strategy (adopted January 2007).
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007).
- South Cambridgeshire Local Plan 2004 Saved Policies.
- Local Development Framework Site Specific Policies Submission Draft 2006.
- Planning File Ref: S/1145/09/F, S/0402/09/F, S/0400/09/F, S/0401/09/F, S/0297/06/F, S/2292/04/F & S/1475/99/O.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 13th January 2010
AUTHOR/S: Executive Director (Operational Services)/Corporate Manager (Planning and Sustainable Communities)

S/1669/05/F - TEVERSHAM
Erection of Eighteen Flats Following Demolition of Two Houses
Including Part Demolition and Extension
at 750-754, Newmarket Road (the site is now known as Redwings)
for Gibson Developments

Recommendation: Delegated Approval

Notes:

This Application has been reported to the Planning Committee for determination because of a material change to the Section 106 agreement from the Heads of Terms previously reported to Members.

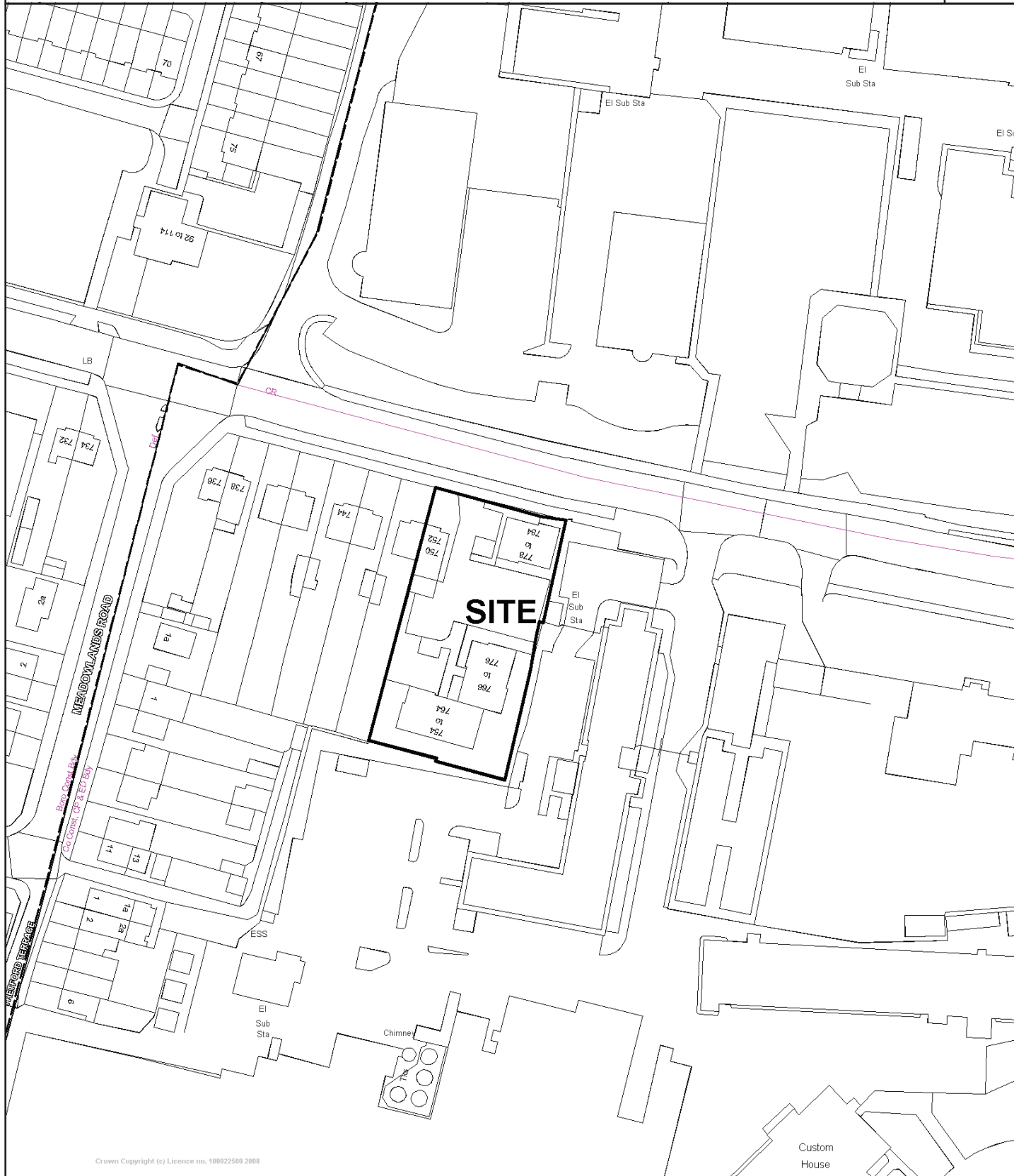
Site and Proposal

1. The application site is a recently completed residential development comprising eighteen flats on 0.195 hectares.
2. The developer of the site is seeking a Deed of Variation to the Section 106 legal agreement attached to this planning permission, to permit:
 - (i) The renting of the affordable units on the market on an Assured Shorthold Tenancy basis for a period until 30th June 2011; and
 - (ii) Detach the occupation of the free market dwellings from the occupation of the affordable units;or;
 - (iii) Accept a commuted sum in lieu of on-site provision and allow all units to be let or sold on the free market.

Background

3. The original Section 106, which was secured by way of a Unilateral Undertaking, requires the developer to have entered into an agreement with a Registered Social Landlord (RSL) to deliver the affordable provision, prior to the occupation of the private units. All of the affordable units are for the purposes of shared ownership.
4. The developer had an agreement in place with an RSL, but unfortunately this was not completed and fell through. A new contract with an alternative RSL is yet to be completed. Although the Housing Development and Enabling Manager has been assisting in this process, the market conditions are such that it has not been possible to secure an alternative RSL. The developer has been liaising with the Council during the past year to ensure that all reasonable avenues have been explored.

S/1669/05/F - Teversham



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Scale 1/1250 Date 21/12/2009

Centre = 548554 E 259177 N

January Planning Committee

5. In February 2009, Members of the Planning Committee agreed to allow the Variation of the Section 106 such that the private units are prevented from being sold, but allows them to be occupied on an assured shorthold basis for a 12 month period.
6. The current, on-going, difficult market conditions are having an impact on all sectors of the housing market, including affordable housing and particularly shared ownership units.
7. The developer is therefore requesting a further variation to the legal agreement, whilst an alternative RSL is found or that a contribution in lieu of provision on site be accepted. The attached appendix (Appendix 1) includes a letter from the developer's agent setting out their position and should be read in conjunction with this report.
8. A meeting is to be held with the developer's agent ahead of the Planning Committee meeting; an update will be provided.

Planning History

9. The planning application for this development (ref. **S/1669/05/F**) was reported to Members on 2nd November 2005. Permission was subsequently granted on 30th November 2005, following submission of a Unilateral Undertaking by the previous owners, which included the provision of affordable housing and contributions in respect to Public Art to the Council and a Transport contribution to the County Council. For information, the Council has received the Public Art contribution.
10. Prior to this approval, permission was refused in 2004 (ref. **S/0281/04/F**) for eleven flats due to issues concerning the impact on a neighbouring property.
11. A resubmission (ref. **S/1419/04/F**) for eleven flats was subsequently granted permission in November 2005. This included a Unilateral Undertaking in respect to the provision of affordable housing.
12. A further application (ref. **S/0722/05/F**) for a similar scheme was withdrawn prior to determination

Planning Policy

13. **Policy HG/3 Affordable Housing** of the South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted July 2007 is of relevance.
14. **Affordable Housing SPD (Draft), 2009** of the South Cambridgeshire Local Development Framework (LDF) has been consulted upon (consultation ended on 4th December 2009). It advises in chapter 5 that where financial viability is an issue a full economic appraisal is required of the costs of development and of returns from the sale of housing to show what sum could be made available for affordable housing. The acceptance of anything other than on-site provision is purely at the Council's discretion and is not an option available to developers / landowners / agents where it is simply their preference. It will only be looked at as a last resort where provision of affordable housing on-site cannot reasonably be secured. It will not be appropriate for major developments (10 or more dwellings) to provide financial contributions in lieu of on-site provision.
15. **Planning Policy Statement 3 (Housing)**

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 and reasonable in all other respect.

Consultation

17. **Legal Services** has not formally commented; an update will be provided.
18. The **Housing Development and Enabling Manager** has not formally commented; an update will be provided.

Representations

19. The views of the Local Member will be sought and an update provided.

Planning Comments – Key Issues

20. The issues in determining this matter are whether an acceptable mechanism for the delivery of affordable housing can be agreed.

Option A: The renting of the affordable units on the market on an Assured Shorthold Tenancy basis for a period until 30th June 2011; and Detach the occupation of the free market dwellings from the occupation of the affordable units;

21. In principle this option will ensure that the affordable units are secured and in time will be delivered. Tying the sale of market units to occupancy of affordable units is normally a mechanism used to ensure that the affordable units are constructed. This is not the case in this situation. Therefore, subject to suitable wording of a deed of variation to the Section 106 agreement, such that short-term letting be provided as a fall-back until transfer to an RSL can be resolved and that a time period for this is specified, this clause is not required.
22. The Council's solicitor has questioned whether the tenure could be varied from shared ownership to social rented in order to attract an RSL. This will be taken up with the Housing Delivery and Enabling Manager and the developer and an update will be provided.

Option B: Accept a commuted sum in lieu of on-site provision and allow all units to be let or sold on the free market.

23. In policy terms this option is not currently considered to be acceptable due to the size of the scheme and as no assessment of the scheme's viability has been submitted for assessment. However, it is informally considered that, as an exception to normal operation of the affordable housing policy, in this case, due to the time lapsed and lack of success in securing an RSL due to the market situation it is necessary to invite the developer to explore, as if the development funding falters it will be difficult to secure anything on the site. The developer's agent will be invited to submit an assessment using the Housing Corporation model. Should this option prove to be acceptable, a further variation to the Section 106 will be necessary.
24. A meeting with the developer's agent is to be held and an update will be provided in relation to the above matters.

Recommendation

25. That **delegated approval** be given to allow officers to:
- A. seek a variation to the Section 106 agreement to allow the renting of the affordable units on the market on an Assured Shorthold Tenancy basis for a period until 30th June 2011; and detach the occupation of the free market dwellings from the occupation of the affordable units and replace it with suitably worded alternative safeguarding clause;

and,

 - B. subject to an agreed valuation exercise being undertaken and receipt of evidence from an independent valuation on behalf of the Council clearly showing that the that the viability of the scheme is at risk, accept a commuted sum in lieu of affordable housing on-site.

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- South Cambridgeshire Local Development Framework Affordable Housing SPD (Draft), 2009.
- Planning Policy Statement 3 (Housing)
- Circular 05/2005 (Planning Obligations)
- Planning File Refs. S/1669/05/F, S/0281/04/F, S/1419/04/F and S/0722/05/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

13 January 2010

AUTHOR/S: Executive Director (Operational Services)/Corporate Manager (Planning and 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**HR Properties Ltd – Outline application for affordable housing – Land adjacent to St George's Court, Impington – Appeal dismissed**

2. This application for the development of an 'exception site' was refused because of its relatively isolated position away from the centre of the village. Because of the site's location within the Green Belt, the inspector identified the main issues to be whether the scheme would constitute inappropriate development in the Green Belt; the effect on Green Belt openness; and whether the harm caused by inappropriateness and any other harm would be clearly outweighed by other considerations.
3. The Council had concluded that the proposal was not inappropriate development in the Green Belt. The inspector's stance was to argue that if the scheme did not comply with the relevant exceptions site policy (Policy HG/5), it would constitute inappropriate development in the Green Belt. Histon and Impington are designated as a Rural Centre. In addressing the distance of the site from the centres of the two villages, the inspector was satisfied that overall the site is not well related to services and facilities in the Rural Centre. However, he considered that the relevant test was to ensure the site is well related to services and facilities within the village and not the Rural Centre. Many of the services available locally were in Histon. That being so, the site was still reasonably well related to the facilities that do exist within Impington.
4. Nonetheless, the inspector was still persuaded that the site's relatively remote location meant there were limitations on the use of transport other than the private motor car. Future residents would be car dependent and this would conflict with policies designed to promote walking and cycling. It followed that the proposal did not fulfil all of the criteria in the exceptions site policy. It was therefore inappropriate development in the Green Belt. The inspector went on to conclude that the erection of 23 dwellings would dominate the former paddock and diminish the openness of the Green Belt. (It should be noted that the inspector dealing with a previous appeal for 20 dwellings on this site came to a different conclusion).
5. Based on the evidence submitted, the inspector was also uncertain if other sites closer to the centre of Impington could, either individually or cumulatively, provide the number of dwellings proposed. There were no other considerations, which clearly outweighed the identified harm and the appeal was dismissed.

Turnstone Estates Ltd – Erection of 120 bed hotel and restaurant – Land between A14 eastbound on-slip road and Cambridge Road, Milton – Appeal dismissed

6. This application involves part of what is known locally as the Teardrop Site on the side of Cambridge Road opposite the car park to the Tesco store. A small part of the site is within the administrative area of Cambridge City Council. Both applications were refused and considered at a single hearing, which took place at Cambourne. Cllrs Hazel Smith and Richard Summerfield as well as the chairman and a councillor from the Parish Council attended and spoke at the hearing.
7. The inspector identified the main issues as being the impact on the openness of the Green Belt and the purposes for including land within it; the effect on the character and appearance of the area; highway safety and traffic flows, the effect of traffic noise from the A14 on the living conditions of future hotel guests; and whether the harm caused by inappropriateness and by any other harm would be clearly outweighed by other considerations.
8. Both parties agreed that the proposal was, by definition, inappropriate development. The inspector was in no doubt that the development would have a marked effect on openness and this added significant weight to the harm by inappropriateness. As part of the recent Examination into the Site Specifics Policies DPD, the inspector's agreed that site should remain in the Green Belt. The appeal inspector agreed that the site performs an important function in preventing the coalescence of Milton and Cambridge and that it provides a clear visual separation between the two built-up areas. While each application should be considered on its merits, the inspector also agreed that to allow the development would make it difficult to resist further applications on what was left of the undeveloped part of the site.
9. The site helps to identify Milton as a separate entity and gives a semi-rural feel to the approach into the village. While the design of the building had been amended to address concerns from the Council's Urban Design Team and the landscape itself was not particularly attractive, the site still lies in the countryside and the development would lead to a further urbanisation of the area to the detriment of the ambience and character of the village.
10. Issues regarding highway safety could be addressed by a suitably worded condition. Both the Highways agency and the local highway authority supported this. Similarly, the Council's environmental health officer was satisfied that the impact of traffic noise could be controlled by condition. The developer had agreed to pay contributions towards the Northern Corridor Area Transport Plan and an agreement was signed to this effect. While the parties accepted the agreement in principle, the inspector ultimately declined to accept it due to drafting difficulties.
11. Balanced against the harm was the need for a budget hotel in this location. The Council did not dispute the evidence base for this and the inspector also found this was a sustainable location, which added weight to the case for the proposal.
12. For the appeal to succeed, the other considerations must clearly outweigh the totality of the harm. In this respect, the inspector gave significant weight to the need for hotel accommodation, the lack of alternative sites and the sustainability and suitability of the site. Despite this, it was the inspector's view that this would still not clearly outweigh the totality of the harm. The appeal was therefore dismissed.

INDEX OF CURRENT ENFORCEMENT CASES
13th January 2010

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

Ref No	Location	See Page No for full update	Remarks
			protected by an earth bund and will be monitored. No activity recorded, monitoring to continue, remove from Active List.
19/03	Land adjacent to Moor Drove Cottenham Road HISTON	15-18	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	18-20	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. Injunction Order granted 4 th November 2009 by His Honour Justice Seymour, requiring the Owners to cease residential occupancy by 2 nd December 2009. Site inspection carried out on 3 rd December 2009 revealed that the Order had not been complied with. Legal Officer informed.
13/05	Plots 5, 5a, 6, 10 & 11 Orchard Drive COTTENHAM	20-22	Planning Appeal dismissed. Further report to be considered by Planning Sub Committee.

Ref No	Location	See Page No for full update	Remarks
18/05	Land off Schole Road (known as Cadwin Lane) WILLINGHAM	22-24	<p>Three year temporary planning permission granted for 3 plots. Injunction granted on 18th 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.</p> <p>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 29th July 2009. Appeal successful, three year temporary consent granted – Costs awarded against SCDC. Conditions to be monitored.</p>
4/06	Plot 15 Water Lane Smithy Fen COTTENHAM	24-26	Appeal dismissed on 29 th January 2007. File submitted for an application for an injunction.
8/06	1 London Way Clunchpits MELBOURN	26-27	<p>Appeal allowed in part and dismissed in part.</p> <p>Partial compliance. Landscaping scheme now approved. Highways & Environmental Health issues reviewed on site. Findings to be published shortly.</p>
12/06	Unit J Broad Lane COTTENHAM	27-29	<p>Planning application S/0334/08/F refused and Appeal lodged. At Cambridge Magistrates Court on 29th 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 3rd September 2008. Appeal Inquiry date 2nd & 3rd December 2008.</p> <p>Appeal allowed - Conditions to be monitored.</p>

Ref No	Location	See Page No for full update	Remarks
7/07	The Drift Cambridge Road BARTON	29-30	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	30-31	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 - Appeal dismissed.
16/07	38 Silver Street WILLINGHAM	31-32	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. Owner interviewed regarding failure to instigate remedial works. Timetable agreed.
1/08	7 Flitmead CAMBOURNE	32	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.

Ref No	Location	See Page No for full update	Remarks
			Insufficient evidence to proceed – File remains open. No further evidence received, remove from Active List.
5/08	27/28 Newfields Fen Road Chesterton MILTON	33	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. Application S/1170/09 approved 24 th November 2009, conditions to be monitored.
6/08	6 Sunningdale Fen Road Chesterton MILTON	33-34	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. Application S/1154/09 approved 5 th October 2009 – conditions to be monitored.
10/08	Elizabeth House High Street HORNINGSEA	34	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. Enforcement Notice complied with – remove from Active List.
11/08	5 Home Farm 89 High Street HARSTON	35	Listed Building Enforcement Notice issued – Appealed. Appeal dismissed
12/08	Plot 4 Moor Drove HISTON	35	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.

Ref No	Location	See Page No for full update	Remarks
13/08	49 High Street MELBOURN	36	<p>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 9th July 2009. Male Defendant ejected from court, case adjourned until 23rd July 2009. Both Defendants found guilty at Cambridge Magistrates Court, and fined £1000 each with costs totalling £520</p> <p>Enforcement Notice not complied with, Prosecution file submitted, Hearing date set for 17th December 2009.</p>
01/09	82 High Street GREAT ABINGTON	36-37	<p>Listed Building Enforcement Notice no 3342 issued 6th 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. Listed Building Application submitted. Application refused – Appealed. Discussions relating to works not covered by the appeal continue.</p>
04/09	1 Hinton Way GREAT SHELFORD	37	<p>Enforcement Notice issued for unauthorised siting of a steel storage container – Compliance date 12th July 2009. Appealed</p> <p>Appeal successful, planning permission granted – remove from Active List.</p>
06/09	16a Norman Way Industrial Units OVER	37	<p>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.</p>
07/09	163 High Street SAWSTON	38	<p>Listed Building Enforcement Notice issued for dismantling and removal works without authorisation. Appealed – Hearing date 5th January 2010.</p>

Ref No	Location	See Page No for full update	Remarks
09/09	White Horse Public House 12 Greenside WATERBEACH	39	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	38	Enforcement Notice issued in respect of a change of use – Compliance period three months i.e. by 1 st October 2009 Enforcement Notice complied with – remove from Active List.
12/09	6 Cottenham Road HISTON	39	Enforcement Notice issued in respect of breaches of control – Compliance period six months i.e. by 30 th March 2010. Appealed – Hearing date 9 th March 2010.
16/09	The Barn Chesterton Fen Road MILTON	39	Enforcement Notice issued in respect of breaches of control – Compliance period four months i.e. by 6 th February 2010. Appealed - Inquiry 13 th & 14 th April 2010.
17/09	80 High Street MELBOURN	39-40	Enforcement Notice issued in respect of breaches of control – Compliance period four months i.e. by 5 th April 2010. Appealed – Planning Appeal Dismissed 10 th November 2009. Enforcement Notice Appeal withdrawn.

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