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23 February 2010

To: Chairman – Councillor Pippa Corney  
Vice-Chairman – Councillor Robert Turner  
All Members of the Planning Committee - Councillors Val Barrett, 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, 3 MARCH 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

**The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.**

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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 3 February 2010 as a correct record.

## **PLANNING APPLICATIONS AND OTHER DECISION ITEMS**

- |     |  |                  |
|-----|--|------------------|
| 4.  | <b>S/1840/09/F - Swavesey (87 Mill Farmhouse, Middle Watch)</b>  | <b>3 - 8</b>     |
| 5.  | <b>S/1673/09/F - Little Shelford (15 High Street)</b>  | <b>9 - 18</b>    |
| 6.  | <b>S/0020/10/F- Thriplow (85 Kingsway, Heathfield, Duxford)</b>  | <b>19 - 26</b>   |
| 7.  | <b>S/1760/09/F - Castle Camps (Land to the South of Fiede House, Haverhill Road)</b><br>The report presented to the Planning Committee meeting on 3 February 2010 is attached to the electronic version of this agenda on the Council's website. | <b>27 - 30</b>   |
| 8.  | <b>S/6103/00/F - Cambourne (Plot 3000, South Side Cambourne Business Park)</b>   | <b>31 - 36</b>   |
| 9.  | <b>S/1178/09/F - Cottenham (Plot 12, Victoria View, Smith Fen)</b>   | <b>37 - 58</b>   |
| 10. | <b>S/1919/09/F - Over (Land to the South of 38 Mill Road, Over)</b>  | <b>59 - 68</b>   |
| 11. | <b>S/1714/09/O - Over (Land to the North of Chain Farm, Overcote Road)</b>   | <b>69 - 76</b>   |
| 12. | <b>S/1699/09/F - Over (Land North of The Piggery, Haden Way, Willingham)</b>   | <b>77 - 86</b>   |
| 13. | <b>S/1803/09/F - Willingham (6 Cadwin Field, Schole Road)</b>  | <b>87 - 92</b>   |
| 14. | <b>S/1881/09/F - Willingham (13 High Street)</b>   | <b>93 - 96</b>   |
| 15. | <b>S/1917/09/F and S/1918/09/LB - Bassingbourn Cum Kneesworth (51 Old North Road)</b>  | <b>97 - 102</b>  |
| 16. | <b>S/1916/09/F - Bassingbourn Cum Kneesworth (51 Old North Road)</b>   | <b>103 - 108</b> |
| 17. | <b>S/1516/09/F and S/1519/09/LB - Bassingbourn Cum Kneesworth (51 Old North Road)</b>  | <b>109 - 114</b> |
| 18. | <b>S/1830/09/F - Caldecote (Manor Farm, Main Street)</b>   | <b>115 - 124</b> |
| 19. | <b>S/1956/09/F - Great and Little Chishill (Land South-West of Wallers Close)</b>  | <b>125 - 134</b> |

## **INFORMATION ITEMS**

The following item is included on the agenda for information and is available in electronic format only (at [www.scams.gov.uk/meetings](http://www.scams.gov.uk/meetings) and in the Weekly Bulletin dated 24 February 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**  
**Contact officers:**  
Gareth Jones, Corporate Manager (Planning and Sustainable Communities) – Tel: 01954 713155

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

## **GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL**

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- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

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If someone feels unwell or needs first aid, please alert a member of staff.

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### **Toilets**

Public toilets are available on each floor of the building next to the lifts.

### **Recording of Business**

Unless specifically authorised by resolution, no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the executive (Cabinet), or any committee, sub-committee or other sub-group of the Council or the executive.

### **Banners, Placards and similar items**

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

### **Disturbance by Public**

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

### **Smoking**

Since 1 July 2008, the Council has operated a new Smoke Free Policy. Visitors are not allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

### **Food and Drink**

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### **Mobile Phones**

Visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings or are switched off altogether.

## **EXCLUSION OF PRESS AND PUBLIC**

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

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

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

### **Notes**

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

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South Cambridgeshire District Council

Planning Committee – 3 March 2010 – Declaration of Interests

Councillor .....

**Personal / Personal and Prejudicial [delete as appropriate]**

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

Reason:

**Personal / Personal and Prejudicial [delete as appropriate]**

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

Reason:

**Personal / Personal and Prejudicial [delete as appropriate]**

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

Reason:

**Personal / Personal and Prejudicial [delete as appropriate]**

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

Reason:

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**Personal / Personal and Prejudicial [delete as appropriate]**

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

**Reason:**

**Personal / Personal and Prejudicial [delete as appropriate]**

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

**Reason:**

**Personal / Personal and Prejudicial [delete as appropriate]**

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

**Reason:**

**Personal / Personal and Prejudicial [delete as appropriate]**

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

**Reason:**

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> March 2010**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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**S/1840/09/F - SWAVESEY**  
**Erection of Fence and Gates at 87 Mill Farmhouse, Middle Watch**  
**for Mr and Mrs Stephen Hall****Recommendation: Approval****Date for Determination: 8<sup>th</sup> February 2010****Notes:**

**This Application has been reported to the Planning Committee for determination at the request of the Local Member Cllr Mrs Ellington.**

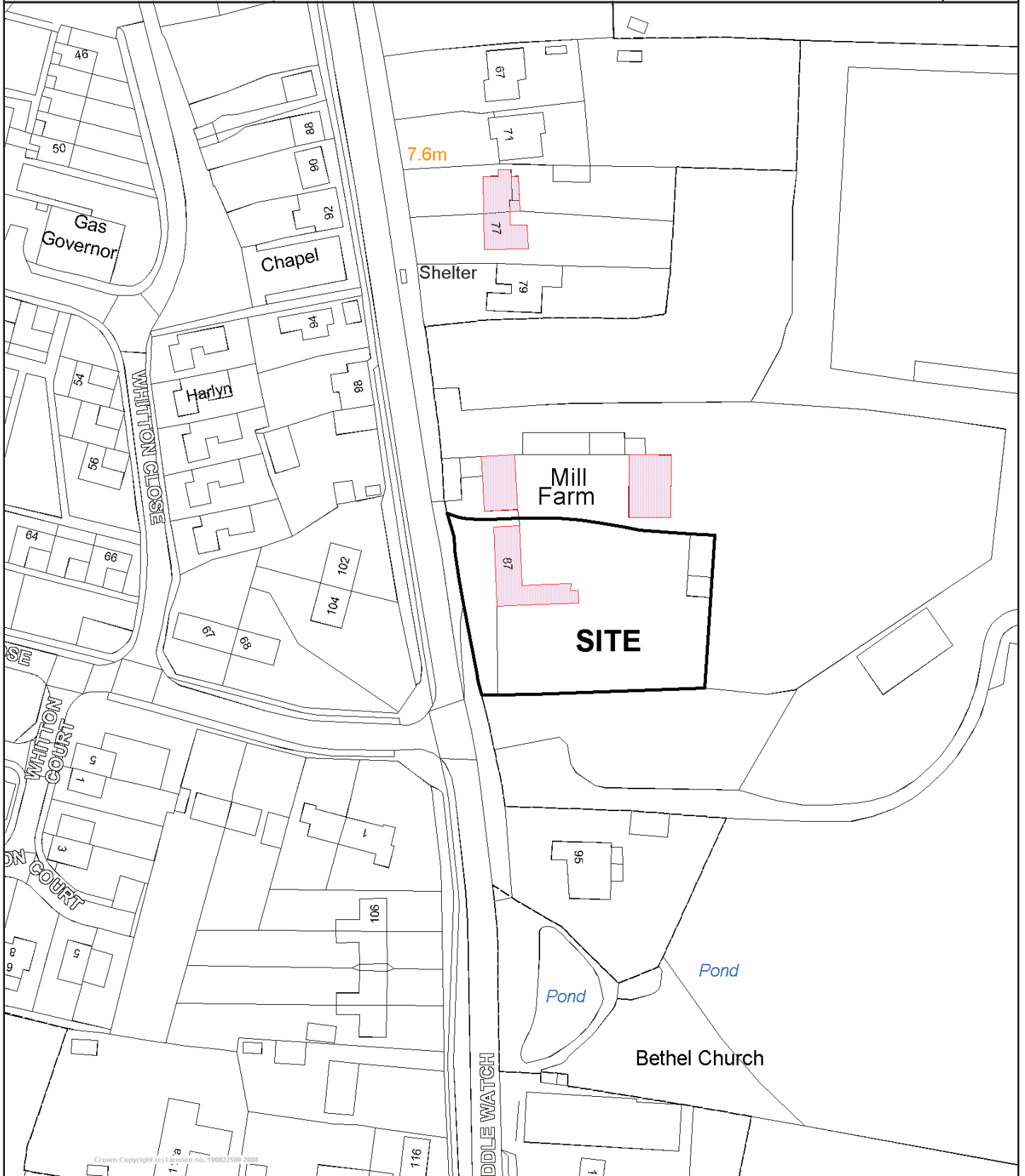
**Site and Proposal**

1. Mill Farmhouse is a detached two-storey grade II listed farmhouse, with rooms in the roof space. The dwelling is L-shaped with a 1½ storey and single storey extension projecting into the rear garden. The site is located outside the village boundary but it is located within close proximity to the village centre. It has a large residential curtilage, with most of the building work on the site occupying the northwest area of the site, which has resulted in a large rear garden.
2. Adjacent to the vehicular access is a recently erected three bay cartlodge with the openings facing into the site. There is a large turning area within the site in front of the cartlodge. In the northeast corner of the site is an outbuilding which has recently gained consent to be re-roofed using thatch. There is also a recently erected brick wall constructed with buff bricks located between the dwelling and the cartlodge.
3. There is nothing defining the front boundary except a temporary builders metal mesh fence. The south (side) boundary treatment consists of 1.8m high dark stained timber boarded fencing, there is a buff coloured brick wall located on east (rear) and north (side) boundary which lowers down once it reaches the front of the dwelling to about 1m.
4. The full application, received 14<sup>th</sup> December 2009, proposes five bar double gates for vehicular use and a five bar pedestrian gate in front of the existing vehicular access to the south of the site. It is also proposes a five bar fence between the listed dwelling and the cartlodge following the demolition of an unauthorised wall.

**Planning History**

5. **S/1450/09/F** – Erection of Wall and Gates (Part Retrospective) – Refused  
**S/1298/09/F** – Car Lodge (Revised Design) (this application was for change of the roofing materials from pantiles to slate – Approved  
**S/1229/09/F** – Replacement of Thatch Roof to Outbuilding including doors and shutters – Approved

S-1840-09-F



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Scale 1/1250 Date 18/2/2010

Centre = 536366 E 268049 N

March 2010 Planning Committee

**S/0362/09/F** – Erection of Cart Lodge, Fence, Gate and New Vehicular Access – Approved

**S/2103/08/F** – Dwelling – Refused

**S/0170/03/F** – Extensions withdrawn

**S/1241/01/F** – Vehicular Access Approved (but not implemented within the 5 years required)

6. The site has been the subject of a number of planning applications recently. Planning reference **S/0362/09/F** proposed a cartlodge, a 5 bar fence and gate and new vehicular access. This fence and gate were granted consent to be attached to the side of the listed building and the proposed cartlodge. However, the cartlodge was erected and the vehicular access created but the 5 bar fence and gate was not. The applicant erected a brick wall in the location of the proposed fence and gate.
7. Planning application reference **S/1450/09/F** was submitted in order to regularise the wall and apply for gates in front of the vehicular access. This application did not receive the support of the Local Planning Authority as it was considered it would adversely affect the semi-rural setting of the Grade II listed farmhouse by virtue of the materials and design which are urban in character and inappropriate to the location and type of building. This current application reference **S/1840/09/F** is for a new design 5 bar fence between the listed building and cartlodge and double gates and a pedestrian gate in front of the vehicular access.

### **Planning Policy**

8. **National Policy**

Planning Policy **Guidance Note 15**

9. **Regional Policy - East of England Plan, 2008:**

**SS1** (Achieving Sustainable Development)

**ENV6** (The Historic Environment)

**ENV7** (Quality of Built Environment)

10. **South Cambridgeshire Local Development Framework, Development Control Policies, adopted January 2007**

**DP/2** (Design of New Development)

**DP/3** (Development Criteria)

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

### **Consultation**

11. **Swavesey Parish Council**

“The Parish Council considers the existing brick wall, between the new garage/car lodge and house, to be visually better than the proposed open 5-bar fence and would provide a positive contribution to the farmhouse.

The open view from the frontage of the site is already compromised by the car lodge and dwelling behind the site, therefore the Parish Council considers that the brick wall would not compromise this any further.

The Parish Council agrees that the open 5-bar gates in this proposal, would be more suited to the setting of the listed farmhouse than the solid gates in the previous proposal S/1450/09/F.”

After seeking clarification with the Parish Council it has been concluded that the Parish Council is refusing the open 5-bar fence but supporting the open bar gates.

## 12. **Conservation Officer**

Recommend approve - Post and rail fences and 5 bar gates are traditional forms of enclosure within the curtilage of listed buildings and are wholly appropriate to the type of building and its location within a semi-rural setting. While the proposal will allow visual privacy and security of the site (as stated in the design and access statement) there will be no impact on the street scene or on the setting of the listed building.

### **Representations**

## 13. Cllr Mrs Ellington

I am concerned about this application because it will necessitate the removal of the wall, which currently spans between the garage and the house on this site.

The wall is really the subject of my objection. The decision to refuse planning permission for this wall was made while I was in hospital and unable to make representations. This wall is not only attractive but also provides security and privacy to the site. It is built from bricks found on site and matching to surrounding buildings. I am sure the owner would be able to describe the mortar mix and construction method, which I believe to be in keeping with the rest of the adjacent, listed building.

The other reason for refusal of the original application for the wall was that the farmyard would have had open view over the countryside, which this wall would preclude. The fact that a stable has been built behind the old farmyard with a bungalow, which totally precludes any view over the countryside, does not appear to have been taken into account.

I have received many comments from local residents and Swavesey Parish Council that they would prefer the wall to remain and do not wish to see it demolished. Indeed there is credulity that SCDC would force the owner to demolish it.

I would therefore ask the planning committee to refuse the post and rail element of this application and advise the owner on the procedure for seeking reconsideration of his application for the wall.

### **Planning Comments – Key Issues**

#### ***Street Scene Impact and Setting of the Listed Building***

14. It is not considered that the proposed 5 bar fence and double gates and gate would be harmful to the street scene or the setting of the listed building. The timber fence and gates are appropriate for this semi-rural location. The five bar fence is more appropriate in this location than the wall that was erected without planning consent. They are traditional forms of enclosure within the curtilage of listed buildings. The proposal design will allow for privacy and security at the site with minimal impact on the setting of the listed building and the street scene. The proposal is therefore considered to be

acceptable to Policies DP/2, DP/3 and CH/4 of the South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007.

15. Permission is currently being sought from Planning Sub-Committee for enforcement action to secure the removal of the brick wall.

### ***Impact on Highway***

16. The gates are proposed to be located 5.6m from the highway at its furthest point and 4.8m at its closest point. They will open inwards into the site therefore allowing vehicles entering the property to not overhang the highway while the gates are opened. The design and access statement states that the gates are set in 8m, which is the case when the gates are opened. The Local Highways Authority requests that the gates are set back a minimum of 5m from the near edge of the highway and that they should hand inwards. Therefore, in terms of highway safety the proposal is considered to be acceptable.

### **Recommendation**

17. Approve

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. Prior to commencement of the use hereby permitted any gate or gates to the vehicular access shall be set back a minimum of 5m from the near edge of the highway boundary. Any access gate or gates shall be hung to open inwards only. (Reason: In the interest of highway safety).
3. No development shall take place until details of the colour finish of the fence and gates 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 and CH/4 of the adopted Local Development Framework 2007.)
4. The development hereby permitted shall be carried out in accordance with the following approved plans Drawing nos. 09/1226/003 Rev B and 08/1226/002 Rev B. (Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

### **Informatives**

The Local Highway Authority would recommend that the applicant contact Cambridgeshire County Council Sea Team to ascertain the location of the Highways Boundary.

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

- South Cambridgeshire Local Development, Framework (LDF) Development Control Policy, adopted January 2007
- Planning Files: S/1450/09/F and S/0362/09/F

**Contact Officer:** Laura Clarke – Planning Officer  
Telephone: (01954) 713092

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 3<sup>rd</sup> March 2010  
**AUTHOR/S:** Executive Director (Operational Services)/Corporate Manager  
(Planning and Sustainable Communities)

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**S/1673/09/F – LITTLE SHELFORD**  
**Change of Use from Residential Annexe to Separate Dwelling at 15 High Street,  
Little Shelford for Ms K Wilken**

**Recommendation: Approval**

**Date for Determination: 12<sup>th</sup> February 2010**

**Notes:**

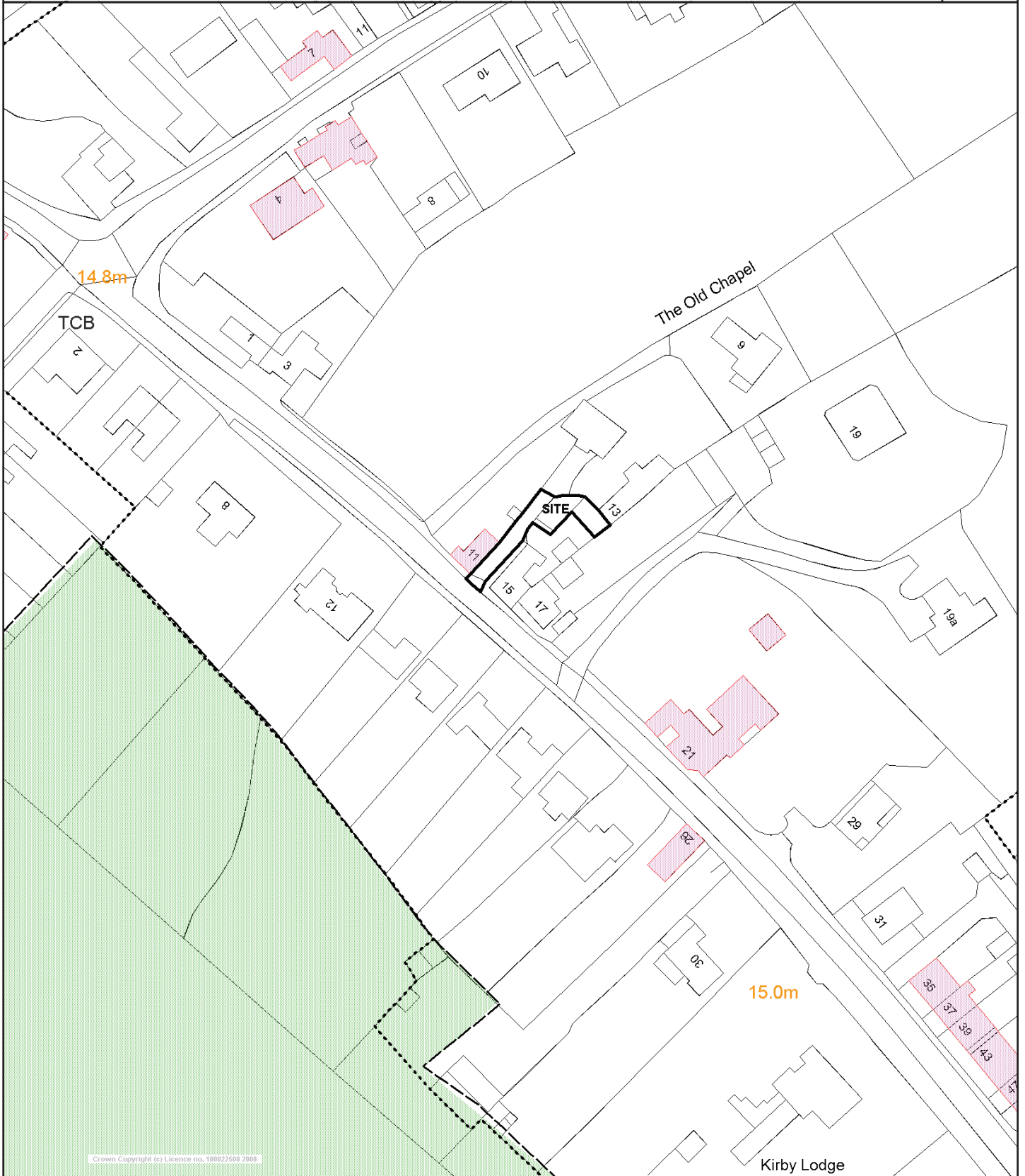
**This application has been reported to the Planning Committee for determination as the Officer recommendation is contrary to the response from the Parish Council.**

**Conservation Area**

**Site and Proposal**

1. No.15 High Street is a two-storey render and slate dwelling located on the north-east side of the High Street within the Little Shelford Conservation Area. To the rear of the dwelling is a single-storey outbuilding that was formerly used as a bakehouse but has planning permission to be used as an annexe to No.15 High Street. It is presently vacant. The site is accessed via a shingle driveway on the north-west side of the dwelling which also provides access to The Old Chapel and No.13 High Street to the rear. Beyond the access to the north-west is No.11 High Street, a Grade II Listed thatched cottage.
2. The full application, registered on 18th December 2009, seeks to change the use of the annexe to a separate dwelling. The only modifications that would be carried out to the existing building would be internal, and no exterior alterations are proposed. A 2 metre high timber fence, running east-west across the garden, has been constructed on the site, thereby creating separate garden areas for the main dwelling and annexe. The application also proposes the erection of further fencing, gates and a bike store. An additional 2 metre high timber fence would be constructed alongside the south-west elevation of the annexe facing No.15m, in order to create a private pedestrian access to the main door via a new double gate to be provided from the shared access way. Adjacent to the entrance of the building, it is proposed to erect a covered cycle store. This would be a timber lean-to structure standing approximately 1.5 metres high.
3. The application has been accompanied by a Planning Statement and a Design and Access Statement. These make it clear that there would be no dedicated parking for the proposed dwelling and that access would be for loading/unloading purposes only. The dwelling at No.15 High Street would park a single vehicle on the east side of the shared access, whilst the proposed new dwelling would park on the High Street, upon which there are no parking restrictions.

S/1673/09/F - Little Shelford



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Scale 1/1250 Date 15/2/2010

Centre = 545212 E 251412 N

March Planning Committee



### **Planning History**

4. **S/0333/75/F** – Planning permission granted for change of use from bakery to invalid carriage store.
5. **S/1609/07/F** – Planning permission granted for extensions to the dwelling, No.15 High Street, consisting of a two-storey extension on the south-east side of the property and a replacement porch on the north-west side.
6. **S/2057/08/F** – Planning permission granted for change of use of former bakehouse to residential annexe. This was subject to a condition stating that the building should not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at No.15 High Street, for the following reason:

“Due to the proximity of the building to the main dwelling and its garden, together with the lack of off-street parking within the curtilage of the property, the separate occupation of the building could result in obstruction of the adjacent shared access and an unacceptable level of privacy for occupiers of both the annexe and main dwelling. This restriction therefore seeks to protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.”

### **Planning Policy**

7. East of England Plan 2008:  
**SS1** - Achieving Sustainable Development  
**ENV6** - The Historic Environment  
**ENV7** - Quality in the Built Environment
8. South Cambridgeshire Local Development Framework Core Strategy Development Plan Document, adopted January 2007:  
**ST/7** – Infill Villages
9. South Cambridgeshire Local Development Framework Development Control Policies DPD, adopted July 2007:  
**DP/1** - Sustainable Development  
**DP/2** - Design of New Development  
**DP/3** - Development Criteria  
**DP/4** - Infrastructure and New Developments  
**HG/1** - Housing Density  
**CH/4** - Development within the Curtilage or Setting of a Listed Building  
**CH/5** - Conservation Areas  
**SF/10** - Outdoor Play Space, 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. Supplementary Planning Documents, adopted 2009:  
**Development Affecting Conservation Areas;**  
**Open Space in New Developments;**  
**Listed Buildings.**

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. **Little Shelford Parish Council** objects to the application on the following grounds:

#### **“Parking:**

The recent refurbishment of the property involved removal of hardstanding and garage that were used for parking facilities for number 15. As a result the access track is used by number 15 for parking for one or two cars. This parking on the access track between numbers 11 and 15 High Street already causes nuisance issues for the neighbours in the adjacent properties and blocks the right of vehicular access of the owners of number 13 to their parking space. Scaling off the illustrative parking plan ref JMA3050.01, it appears that there is approximately 5m between property numbers 11 and 15 which is not enough space for parking and to allow access to number 13. In addition such parking clearly prevent access for emergency services. If the annexe were used as a separate dwelling then parking pressures would be increased. The Planning Statement sets out that parking would be controlled by retaining land ownership of the access track staying with property number 15. As we understand this property is currently let to tenants who park on the track.

#### **Over development:**

Separate dwellings in such a confined space appears too dense for the location.

#### **Recommendations:**

We recommend refusal of this application. If this were to be passed then:

- parking provision should be provided to the rear of number 15 in order not to worsen the parking situation;
- parking restrictions along the access track should be imposed.”

14. **The Conservation Officer** states that the building was a former bakehouse that has recently been converted to an annexe. The structure is visible from the street. Currently there is a low brick wall attached to the annexe and a gap between the wall and house that allows a view of the annexe and part of the grassed area to the rear of No.15 from the street. The erection of a 2 metre high fence would partly obscure the view of the annexe from public views and would neither preserve nor enhance the Conservation Area or the setting of the group of buildings. It would result in the visual and physical enclosure of an area that is currently open and would subdivide the site so that the relationship between the main dwelling and former bakehouse would be lost.
15. **The Local Highways Authority** states that Little Shelford is a sustainable location and that there is therefore no need for off-street parking for the site. As such, no significant adverse effect upon the public highway should result from the proposal if planning permission is granted. It is requested that the applicant does not incorporate on street parking within the submitted

information as the parking restrictions in this location cannot be guaranteed to remain the same indefinitely. The proposed cycle parking facilities shown on the submitted plan should be provided prior to first occupation of the development and retained at all times.

16. ***The Cambridgeshire Fire and Rescue Service*** has not commented.

## **Representations**

17. The occupiers of No.11 High Street, the dwelling adjacent to the access to the north-west, have objected to the application for the following reasons:
- i. The work already undertaken has had a significant impact upon the amenities enjoyed by the occupiers of No.11 and upon the character of the Conservation Area and the setting of the adjacent Listed Building.
  - ii. The use of the outbuilding as an annexe was approved retrospectively after No.15 High Street had been extended. No.15 previously had a garage and parking to the rear but, when the works to extend the property were being carried out, these were removed and turned into garden land, thereby resulting in no off-street parking for either the dwelling or annexe.
  - iii. Garden along the side of No.15 has been removed rather than being restored in accordance with the plans. Parking now takes place on the shared access between Nos. 11 and 15 High Street, resulting in noise and disturbance to the occupiers of No.11, harm to the setting of the adjacent Listed Building, and an obstruction of the right of access to the dwellings to the rear, including for emergency vehicle access. The application seeks to retain this area as parking for No.15 High Street. The existing situation will get worse if the two properties are independent dwellings.
  - iv. The removal of garden has detracted from the setting of the Listed Building and from the character of the Conservation Area.
18. The owners of No.13 High Street to the rear have raised the following objections:
- i. The shared access has been blocked by cars associated with the dwelling/annexe, obstructing the right of access for dwellings to the rear and obstructing access for emergency vehicles.
  - ii. Why has the removal of the garage and parking to the rear of No.15 been allowed? This has resulted in no off-street parking, except on the right of access. Where will cars for both properties park?

## **Representations from the Applicant's Agent**

19. The applicant's agent has made the following comments in response to comments/objections received in respect of the proposal:
- i. Regarding the Parish Council's comments about overdevelopment, the proposal involves a degree of separation between the two properties but would not result in any intensification in the existing use.
  - ii. The proposal would not change the existing parking situation and the Local Highways Authority has raised no objections. Parking pressures would not increase as a result of the application as there is sufficient off-

street parking along the High Street and the site can be accessed by other sustainable modes.

- i. The site is presently partly obscured in views from the High Street by the lean-to porch to No.15. The proposed fence would only run as far as the existing brick wall that runs along the north-west elevation of the annexe and would infringe on the access drive. As such, the introduction of a fence is not therefore considered to result in harm to the character and appearance of the locality.

## **Planning Comments – Key Issues**

### ***Principle of the Development***

20. Little Shelford is identified within the Local Development Framework as an Infill Village. In such locations, residential development is restricted to no more than two dwellings comprising, in part, the redevelopment or sub-division of an existing residential curtilage. The proposal therefore complies with the settlement policy in principle.
21. The proposal to occupy the existing annexe as a separate dwelling would result in an average density across the two properties (No.15 itself and the annexe) of approximately 70 dwellings per hectare. The proposal therefore complies with the minimum 30-40 dwellings per hectare density sought by Policy HG/1 of the Local Development Framework.
22. As stated within Paragraph 6, the planning permission for the conversion of the former bakehouse to an annexe was subject to a condition requiring it to be occupied for purposes ancillary to No.15 High Street. Bearing in mind the reason behind the imposition of the condition, the main issues to take into account in the consideration of this application relate to: the impact upon highway safety; and the impact upon residential amenity, including the amenities of occupiers of the existing and proposed dwellings.

### ***Car Parking/Highway Safety***

23. Strong concerns have been raised by the Parish Council and local residents on the basis that the former parking/garaging serving the property has been lost, thereby resulting in cars parking along the shared access, and that the proposal would result in the creation of two dwellings with no formal off-street parking provision. In addition, the Local Planning Authority has been criticised for failing to require the retention of the property's former parking area.
24. The 2007 application for extensions to the dwelling did not propose to extend onto parking areas that existed at the time of the application. As such, a condition requiring the retention of such parking was not considered to be a direct consequence of the development. During the course of the extension works, the parking to the rear was removed and the land grassed to form part of the garden. In the absence of any restrictions, these works were entirely lawful, and had taken place when the 2008 application for the annexe use was being considered. At the time, Officers anticipated that, if occupied as a separate dwelling rather than as an annexe, there would be a need to revert the garden land back to parking, in order to provide sufficient off-street parking for two properties, and a restriction was therefore imposed to link the occupation of the annexe to that of the main dwelling.
25. The current application includes no provision for off-street parking. Whilst the submitted plans indicate the provision of a small area on the right hand side of

the access adjacent to No.15 High Street, the size of the space is too small to comply with the required standards and cannot therefore be taken into account in the consideration of the application. The proposal therefore has to be considered on the basis that it would result in the formation of two separate dwellings with no off-street parking and with vehicles parking on the main road. The Local Highways Authority was, therefore, requested to advise on the highway safety merits of the proposal on this basis.

26. As stated within Paragraph 15 of this report, the Local Highways Authority does not consider the provision of off-street parking, or indeed any parking at all, to be necessary as it considers Little Shelford to be in a sustainable location. The village has good public transport (bus) connections to Cambridge and is also within a reasonable cycling distance of Cambridge. The provision of dwellings with no parking would accord with the sustainability principles encompassed within Policies DP/1 and TR/1 of the Local Development Framework, and with Policy TR/2, which sets maximum rather than minimum parking standards for new development proposals. In the absence of any objection from the Local Highways Authority, the lack of parking provision is not considered to result in serious highway safety implications. Any permission should be subject to a condition requiring the provision of the proposed cycle parking facilities.

### ***Impact on the Character of the Conservation Area and upon the Setting of Adjacent Listed Buildings***

27. Concerns have been raised by the Parish Council and local residents, in respect of the impact of the proposals upon the character and appearance of the Conservation Area and upon the setting of the adjacent Listed Building.
28. The proposal seeks to erect a 2 metre high fence at the front/south-western side of the annexe building in order to provide a degree of separation between the proposed and existing dwellings. The Conservation Manager has raised concerns about the impact of such works upon the character of the area given that the gap between the dwelling and annexe is presently visible in views from the High Street.
29. Whilst this gap is visible in the street scene, views of the annexe are partly concealed by the porch at the front of No.15. In addition, as the gates and fence would not exceed 2 metres in height, they would constitute permitted development and could be erected without the need for planning permission. The only aspect of the additional works that specifically requires permission is the cycle store, which would be positioned towards the south-eastern end of the building and predominantly concealed from public views from the High Street. The proposal is not therefore considered to result in serious harm to the character of the Conservation Area or to the setting of the adjacent Listed Building. A condition should be added to any consent requiring details of the boundary treatment to be agreed before occupation of the dwelling (a weaved fence rather than the timber fencing indicated would probably be preferable), and requiring the boundaries to be retained in accordance with the agreed details.
30. As the site is in a Conservation Area, planning permission would be required for any extensions to the front and side of the proposed dwelling, for any additions to the roof and for any outbuildings between the side elevation and boundary of the site. Given that the property could only possibly be extended to the front or side, and that the garden land is to the side, it would not be necessary to remove householder permitted development rights in this instance.

***Residential Amenity***

31. When planning permission was originally granted for the annexe, Officers were concerned that, if occupied as a separate dwelling, there would be an unsatisfactory level of amenity for occupiers of both the existing and proposed properties.
32. The proposed dwelling has an obscure glazed bedroom window in its front elevation and lounge and bathroom windows in the side elevation. The erection of a fence or wall adjacent to the south-west/front elevation of the building would prevent direct overlooking of or from the new property. Any consent should therefore require the provision and retention of a wall/fence in this position. No.15 itself is laid out internally such that it has a first floor dressing room window in the part of the north-east elevation closest to the existing annexe. There are first floor bedroom and ground floor living room windows in the section of the rear elevation set further away from the proposed garden area. These windows are approximately 16 metres away from the fence that has been constructed to subdivide the garden area and would not look directly into the proposed property's living room windows. On this basis, the relationship between the existing and proposed dwellings is considered to be acceptable.
33. The owner of No.11 High Street has raised concerns about the noise and disturbance arising from cars parking on the shared gravel access and regarding the loss of a small area of garden/landscaping from the side of the dwelling. This matter has already been investigated by Officers and it has been concluded that such works are not in breach of either of the two recent planning permissions, and that no action can be taken by this Authority to require the reinstatement of the garden/planting areas or to prevent vehicles parking upon the shared access.

***Open Space***

34. In accordance with the requirements of Policies DP/4 and SF/10, as well as the Supplementary Planning Document on Open Space, all residential developments are expected to contribute towards the off-site provision and maintenance of open space. The application seeks to create a one bedroom dwelling, which would result in the requirement for a contribution of £743.82, as calculated at today's date. The applicant's agent has confirmed in writing the applicant's agreement to the payment of such a contribution.

***Recommendation***

35. Approval subject to the following conditions:
  1. Standard Condition 1 – Full planning permission, time limit (3 years)
  2. Prior to the occupation of the dwelling a minimum 1.8 metre high form of boundary treatment shall be constructed adjacent to the south-western/front elevation of the dwelling in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The boundary shall thereafter be retained in accordance with the approved details. (Reason – To ensure the appearance of the development is satisfactory, in accordance with Policies DP/2, CH/4 and CH/5 of the adopted Local Development Framework 2007, and to ensure an acceptable level of amenity for

occupiers of both properties, in accordance with Policy DP/3 of the adopted Local Development Framework 2007)

3. Prior to the occupation of the dwelling, details of the proposed gates and of the materials to be used for the cycle store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. (Reason – To ensure the appearance of the development is satisfactory, in accordance with Policies DP/2, CH/4 and CH/5 of the adopted Local Development Framework 2007).
4. No development shall commence until details of a scheme for the provision of recreational 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 recreational infrastructure in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007 and to the Supplementary Planning Document, Open Space in New Developments, adopted January 2009)
5. Prior to the occupation of the dwelling, the cycle parking facilities shown on the submitted drawings shall be provided and thereafter retained. (Reason – In the absence of any off-street parking, appropriate provision should be made for cycle parking, in accordance with Policies DP/1, TR/1 and TR/2 of the adopted Local Development Framework 2007).

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

- East of England Plan 2008
- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents, adopted 2009: Development Affecting Conservation Areas; Open Space in New Developments; Listed Buildings.
- Circular 11/95 and 05/2005
- Planning File References: S/1673/09/F; S/2057/08/F; S/1609/07/F; S/0333/75/F.

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

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 3<sup>rd</sup> March 2010  
**AUTHOR/S:** Executive Director (Operational Services)/Corporate Manager  
(Planning and Sustainable Communities)

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**S/0020/10/F- THRIFLOW**

**Sub-division and Extension of House to Form Two Dwellings at 85 Kingsway,  
Heathfield, Duxford for Mr Stubbings  
Recommendation: Approval**

**Date for Determination: 5<sup>th</sup> March 2010**

**Notes:**

**This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to the recommendation of the Parish Council.**

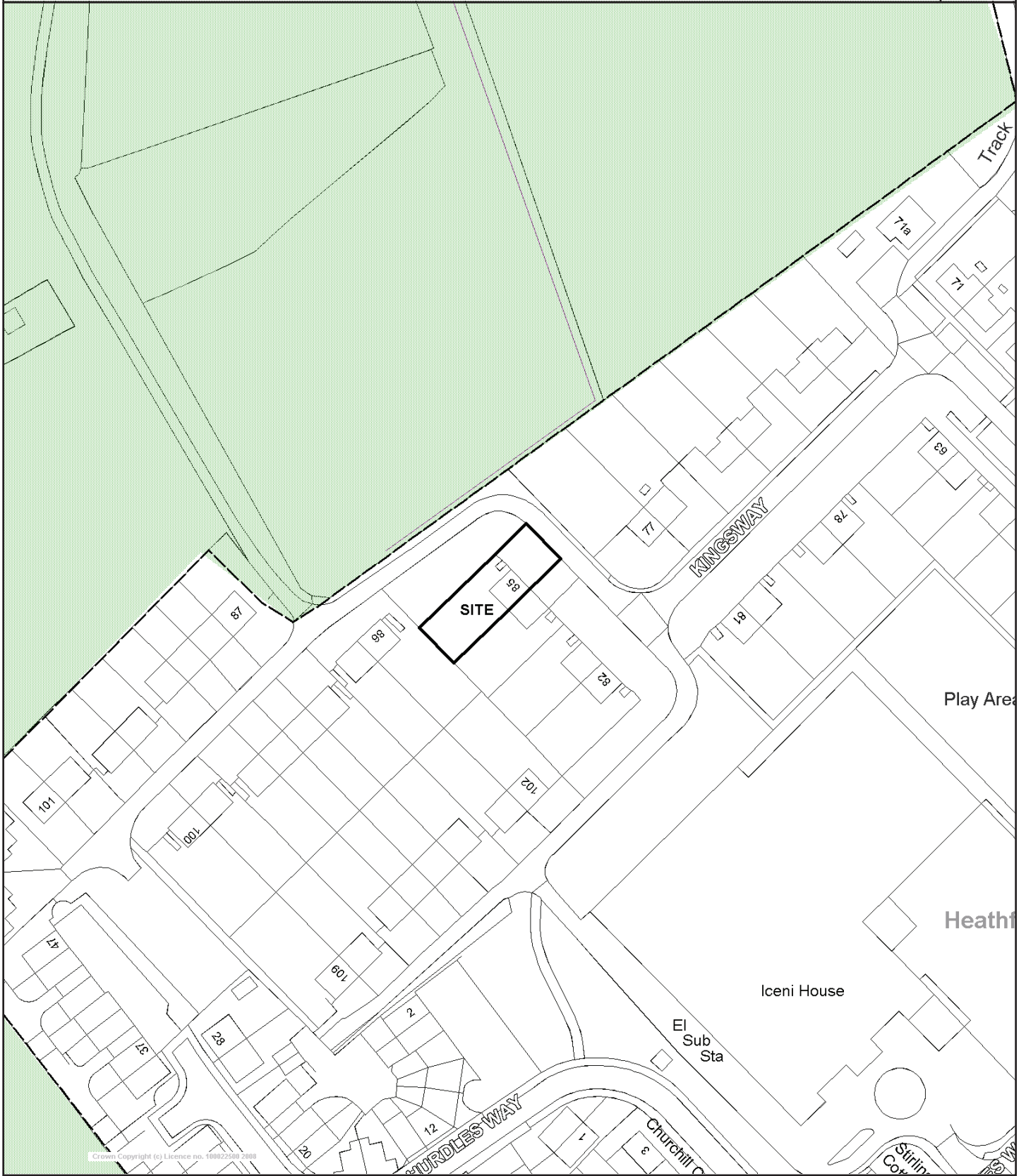
**Site and Proposal**

1. The site is situated within the Heathfield village framework. No.85 Kingsway is a red brick and plain tile, two-storey, semi-detached house that is located on a corner plot. It has a two-storey side extension attached to its northern side with a double garage at ground floor level and accommodation above. Two parking spaces are provided to the front of the garage. The rear garden is bounded by 1.8 metre high fencing and a high conifer hedge.
2. This full planning application, received on 8<sup>th</sup> January 2010, proposes to convert the existing five bedroom dwelling to two dwellings and erect a single storey extension to the front elevation of the northern most dwelling. The garage within the existing two-storey extension would become the kitchen and living room. The first floor internal layout would remain as existing. Two parking spaces would be provided to the front of each dwelling. The development would result in one three-bedroom dwelling and one two-bedroom dwelling. The application is accompanied by a Design and Access Statement.
3. Open grassland lies to the north of the plot with a public footpath and the recreation ground (Green Belt) on the opposite side of the road. No. 87 Kingsway is a two-storey, semi-detached dwelling that lies to the west. It has a garage set back to the side and two ground floor windows and a door at ground floor level and a window at first floor level in its side elevation.

**Planning History**

4. Planning permission was granted for a two-storey side extension to the property in April 2001 (reference **S/0294/01/F**).

S/0020/10/F - Thriplow



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March Planning Committee

## **Planning Policy**

### ***Local Development Plan Policies***

5. East of England Plan 2008:  
**SS1** Achieving Sustainable Development  
**ENV7** Quality in the Built Environment
6. South Cambridgeshire Local Development Framework Core Strategy DPD 2007:  
**ST/7** Infill Villages
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/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

### 8. ***Supplementary Planning Documents 2009***

South Cambridgeshire Local Development Framework:  
Open Space in New Developments

### 9. ***National Planning Guidance***

Planning Policy Statement 3 (Housing)

### 10. ***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**

11. **Thriplow Parish Council** – Recommends refusal and makes the following comments: -  
“The majority of councillors object to the application. Such objections are not based upon the principle of alteration, they are based upon the fact that councillors representing the residents of Heathfield Estate strongly object to the proposed application on the residents behalf. It is felt that the proposed application is in contravention of the covenants which are designed to protect the Heathfield Estate and limit multi-occupancy units”. The clerk has subsequently clarified that the issues relate to those raised by the Heathfields Residents Association. These are outlined in paragraph 13 below.

12. **Environmental Health Officer** – Requires a condition in relation to the working hours of power operated machinery and informatives with respect to the type of foundations and the burning of waste on site.

#### **Representations**

13. The Heathfields Residents Association states that it owns the roads, public open spaces, drains and sewers on the estate. It objects to the application on the grounds of the high density of housing, change to the character of the area from the standard of housing that will be introduced, lack of parking for visitors that may lead to on-street parking, pressure on the existing drainage services, lack of consultation with neighbours and the residents association, loss of value to the adjoining property as it would create an end of terrace, and damage to the verges.
14. The occupier of No. 86 Kingsway has concerns regarding insufficient parking and consequent parking on the road or his lawn.
15. The applicant has agreed to pay the financial contributions required in relation to open space and community facilities under Policies DP/4 and SF/10 of the LDF.

#### **Planning Comments – Key Issues**

16. The main considerations in the determination of this application relate to the principle of development on the site and the impact of the development upon the character and appearance of the area, the amenities of neighbours, highway safety, and drainage.

#### ***Principle of Development***

17. Heathfield is identified as an infill village under Policy ST/7 of the LDF. The site lies within the village framework. Residential developments of up to two dwellings are acceptable in principle in the village frameworks of such settlements. The conversion of the existing dwellings to two dwellings is therefore considered appropriate in policy terms.
18. The site measures 0.04 of a hectare in the area. The development currently equates to 25 dwellings per hectare. The conversion of the existing dwelling to two dwellings would result in a development that has density of 50 dwellings per hectare. This would make the most efficient use of land and comply with Policy HG/1 of the LDF that seeks developments to have densities of at least 30 dwellings per hectare.

#### ***Impact upon the Character and Appearance of the Area***

19. The only external changes resulting from the development would be the removal of the garage doors and the introduction of a single storey extension and window to the front elevation of the northernmost dwelling and the creation of parking areas to the front of both dwellings. The extension would be similar in appearance to the existing porch to No. 85 Kingsway and is not considered to harm the character of the area. The parking of cars to the front of the dwelling is not considered visually unacceptable, given that it is a common occurrence in the area.
20. The change from a pair of semi-detached houses to a terrace of houses would not be out of keeping with the estate as there is a mixture of different

types of housing and specifically examples of other terraces at Nos. 87 to 93 and 90 to 96 Kingsway.

### ***Highway Safety and Parking***

21. The proposal is not considered to be detrimental to highway safety. The traffic generation from the development would not be significantly different to existing and the impact upon the public highway would be neutral.
22. Two on-site parking spaces would be provided to the front of each dwelling. This complies with the Council's maximum parking standards outlined under Policy TR/2 that seek an average of 1.5 spaces per dwelling plus 0.25 spaces per dwelling for visitors. An adequate space would be provided for turning.

### ***Neighbour Amenity***

23. The development would not adversely affect the amenities of neighbours through overlooking, given that the internal layout at first floor level would not change.
24. A condition will be attached to any consent to ensure that noise and disturbance is not a problem to neighbours during construction.

### ***Other Matters***

24. Foul water drainage will be disposed of via the main sewer. The capacity of the sewer will be considered at the building regulations stage and is not a matter that would warrant refusal of the planning application.
25. The South Cambridgeshire Recreation Study 2005 identifies a shortage of open space in Thriplow and Heathfield. The development requires the on-site provision of 3 square metres of informal open space. No open space is provided on site. Therefore, a financial contribution of £1,090.38 (index linked) towards the provision and maintenance of open space 'off site' would be required. The applicant has confirmed that he would be willing to pay a contribution towards such facilities and a condition will be attached to any consent securing such payment.
26. The Community Facilities Assessment 2009 states that Thriplow has a good level of community facilities. However, the development seeks the provision of 0.09 square metres of community space for improvement of the facilities as part of the development. A financial contribution of £184.03 (index-linked) is sought towards this provision. The applicant has confirmed that he would be willing to pay a contribution towards such facilities and a condition will be attached to any consent securing such payment.
27. The issue raised by the Parish Council in relation to a covenant covering the estate is a legal matter.
28. The devaluation of a property is not a planning consideration that can be taken into account during the determination of this application.
29. The dropped kerb does not require planning permission. Any damage to the verge from reversing out of the site to the road is a civil matter and in any event, as stated at paragraph 22, above, adequate turning space is available.

30. The Council encourages applicants to consult their neighbours of the development at pre-application stage but cannot insist upon this procedure. Failure to do so is not a reason to refuse a planning application.

**Recommendation**

31. Approval subject to conditions:

**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: Drawing numbers SF 09 077.1 and 2.**  
(Reason – For the avoidance of doubt and in the interests of proper planning.)
3. **The permanent space to be reserved on the site for parking as shown on drawing number SF 09 077.1 shall provided before the development, hereby permitted, is occupied and thereafter maintained for those purposes.**  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. **During the period of construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and 13.00 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.)
5. **No development shall commence, a scheme for the provision of recreational infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**  
(Reason - To ensure that the development contributes towards open space in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)
6. **No development shall commence until a scheme for the provision of community facilities to meet the needs of the development in accordance with adopted Local Development Framework Policy DP/4 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**

(Reason - To ensure that the development contributes towards community facilities in accordance with Policy DP/4 of the adopted Local Development Framework 2007.)

## **Informatives**

1. A financial contribution of £1,090.38 as calculated at the date of this decision will be required in relation to open space as per condition 5 above.
2. A financial contribution of £184.03 as calculated at the date of this decision will be sought in relation to community facilities as per condition 6 above.
3. See attached Environment Agency advice regarding soakaways.
4. During demolition and construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.
5. Should pile driven foundations be proposed, then before works commence a statement of the method for construction of these foundations shall be submitted to the District Environmental Health Officer so that noise and vibration can be controlled.

**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
- Planning Policy Guidance Note 3 (Housing)
- Circular 11/95 Circular (The Use of Conditions in Planning Permissions) and Circular 05/2005 (Planning Obligations)-
- Planning File references S/0020/10/F and S/0294/01/F

**Contact Officer:** Karen Pell-Coggins- Senior Planning Officer  
Telephone: (01954) 713230

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 3<sup>rd</sup> March 2010  
**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager  
Planning and Sustainable Communities

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**S/1760/09/F – CASTLE CAMPS**  
**Dwelling (Revised Design) (Retrospective Application) at Land to the South of**  
**Fiede House, Haverhill Road for Mr C O'Malley**  
**Recommendation: Approval**

**Date for Determination: 26<sup>th</sup> January 2010**

**This application was deferred at the Planning Committee on 3<sup>rd</sup> February 2010 for a site visit.**

**Members will visit the site on 3<sup>rd</sup> March 2010**

**UPDATE****REPRESENTATIONS**

1. One further letter has been received from a resident of Castle Camps in addition to those originally received as reported in paragraph 18 of the report to the February Committee. He has concerns regarding the visual dominance of the dwelling due to its scale, height, and positioning close to the road. Considers that the design is rather general architecturally and that recent large detached developments have damaged the appearance of the village and there is a greater need for smaller dwellings. Comments that the application uses misleading and drawings and fears that the decision has been made too quickly and the drawings have not had adequate time to be viewed by the public.

**PLANNING CONSIDERATIONS**

2. Paragraphs 22 and 23 of the original report address the points of concern raised by the villager in relation to the scale, height and design of the dwelling, and its impact upon the character and appearance of the area.
3. Paragraph 21 of the original report discusses the issue raised with regards to the density of the proposed development on the site.
4. The plans submitted with the application are not considered to be misleading in relation to the proposed development. It is, however, acknowledged, that the street scene elevation shows the adjacent property incorrectly and different to its existing appearance. This would not be part of the approval.
5. The application has gone through the normal consultation procedure and the general public have had above the statutory 21-day time period to view and comment on the application.

S/1760/09/F - Castle Camps



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March Planning Committee

**RECOMMENDATION**

6. Approval subject to conditions as stated in paragraph 35 of the original report.

**Additional Background Papers:** the following background papers (additional to those referred to in the agenda report) were used in the preparation of this update:

None.

**Contact Officer:** Karen Pell-Coggins – Senior Planning Officer  
Telephone: (01954) 713230

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> March 2010**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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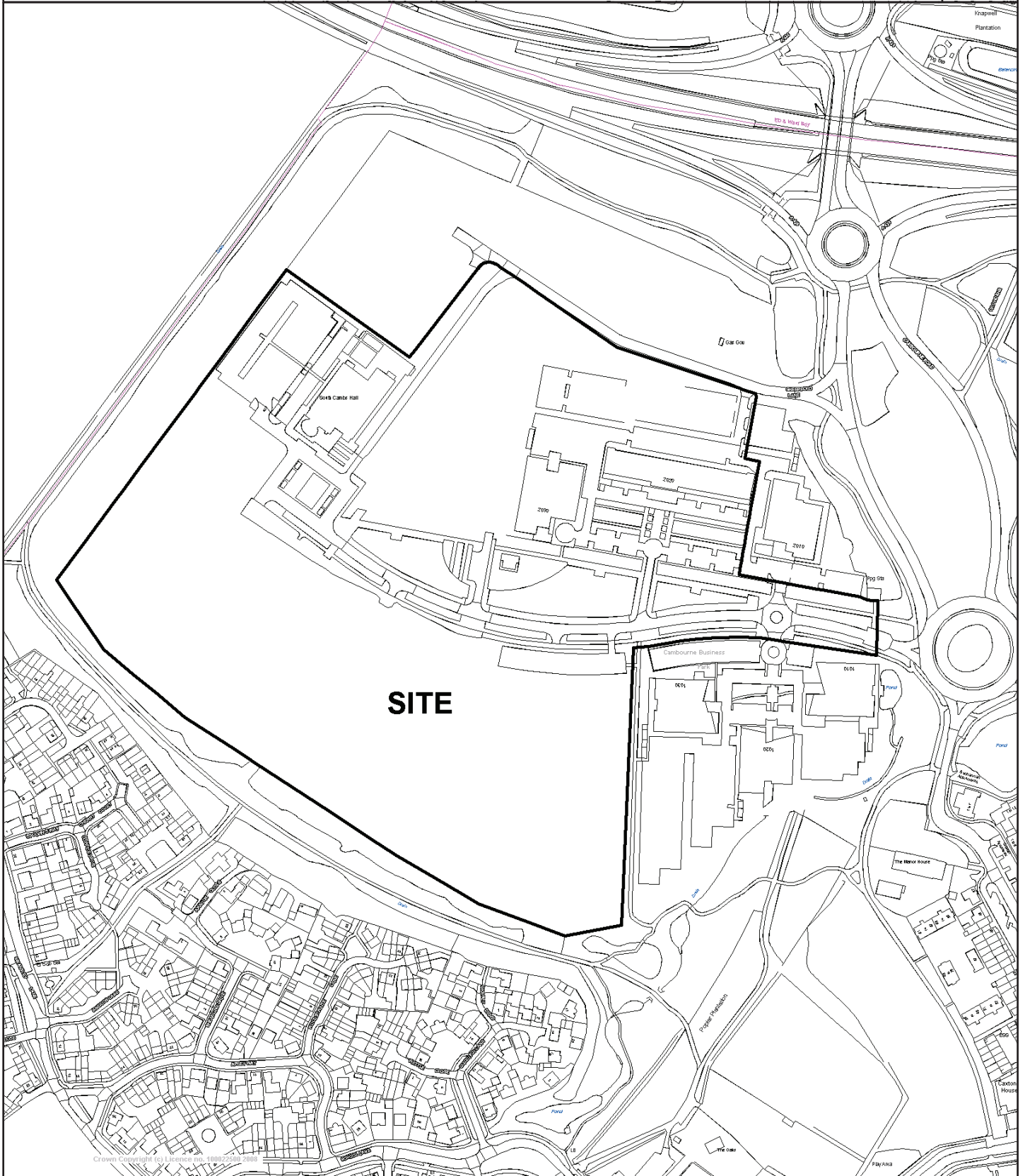
**S/6103/00/F - CAMBOURNE****Temporary Use of Car Park in Connection with South Cambridgeshire Hall  
Plot 3000, South Side Applicant - Cambourne Business Park****Recommendation: Approval****Date for Determination: 15<sup>th</sup> February 2010****Notes:**

**This Application has been reported to the Planning Committee for determination because South Cambridgeshire District Council is the proposed user of the application site.**

**Site and Proposal**

1. The site lies on the south side of the Cambourne Business Park spine road. It lies within parcel 3000 and is allocated for eventual use as permanent parking for development on that parcel. The building to the east is occupied as an office and has its own car park at the rear. On the north side of the lakes and spine road the Cambourne Business Park Marketing Office is sited in front of the 2030 office building. The car park which is the subject of this application is laid out with a tarmac surface marked with 75 car spaces. Lighting columns are in place, and a separate pedestrian access to the footway has been installed. There are 3 metre wide strips of shrub planting between the car park, the footway and the carriageway. The proposal is to use this temporary car park for specified occasions as overflow from South Cambridgeshire Hall car park.
2. This application is submitted to comply with a condition of planning permission S/6103/00/F for Temporary Car Parking which was granted, as provision in excess of the Business Park long term parking ratio, in recognition of the occasional intensive use of buildings by firms awaiting the construction of larger premises in the Business Park for them to move or expand into. The permission was subject to Condition 2 which required details to be approved for each proposed use of the temporary car parking, in order to ensure, among other things, that the proposal would accord with the promotion of reduced reliance on the private car for travel to work and the use of alternative means of travel with less environmental impact, as required by national and local planning policies.
3. The proposal is to regularise the use which has continued since 31<sup>st</sup> March 2009 on occasions when parking demand was high at South Cambridgeshire Hall, with a view to ceasing the use on 30<sup>th</sup> April this year.
4. The application is submitted with background information about car parking at South Cambridgeshire Hall. The main circumstances are outlined as follows:-

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5. South Cambridgeshire Hall provides public access for the community to key local services including housing, planning and environmental health functions, and is therefore a destination not only for staff and councillors but also visitors from partner organisations as well as members of the public. The range of functions includes democratic meetings, inspections, examinations and hearings, partnership conferences, seminars and workshops. The Council's role in terms of community leadership, 'place shaping' and partnership working has created significant demands on car parking terms of hosting major conferences, meetings and other events.
6. South Cambridgeshire Hall was designed to accommodate approximately 340 staff plus Members. 239 parking spaces were provided. This was a higher allocation in relation to the floorspace than for other offices on the Business Park, in recognition of the public function of the building, customer visits and Council meetings. 24 of the parking spaces were intended to be "sacrificial", to be phased out as the Travel for Work Plan was successfully implemented. There was also a 4 year Council bus service which was discontinued in April 2008. In the intervening years demand for car parking spaces at South Cambridgeshire Hall has exceeded supply. The additional 21 spaces built on site, combined with the rationalisation of the car park have resulted in a total of 252 spaces.

## **Planning History**

7. **S/1371/92/O** Outline permission for the new settlement of Cambourne, including a business park.
8. **S/6136/01/O** outline permission for the siting of building 6010 for use as headquarters for SCDC subject to conditions including requiring implementation of a green travel plan.
9. **S/6147/02/RM** approval of reserved matters for Building 6010 as headquarters for South Cambridgeshire District Council.
10. **S/6103/00/F** permission for Temporary Car Parking for the Business Park, granted subject to condition 2 requiring c) the built form that the temporary car parking is intended to serve, d) date of commencement of use and e) period of use..
11. **Application in compliance with Condition 2** approved at Planning Committee 2<sup>nd</sup> April 2008 for a period of one year for use by South Cambridgeshire District Council.
12. **S/0951/08/F** permission for construction of additional 21 car parking spaces on South Cambridgeshire Hall site approved by Planning Committee 3<sup>rd</sup> September 2008. At that time monitoring of the "Civic Square" unauthorised parking (prior to provision of the temporary overflow car park), had identified a maximum excess demand of 22 vehicles. Observation of the use of the temporary car park between coming into use in May 2008 and September indicated that this number had rarely been exceeded. The significant peaks were the District Council Election count day, and a training course. Both of these events are of a pre-planned type for which it would be possible to make special transport arrangements. It was therefore considered that the provision of 21 new spaces was adequate to meet the development criteria of safe and convenient access to public buildings required by Policy DP/3 (f) of the Local Development Framework Development Control Policies DPD 2007. The permission was implemented in the winter of 2008.

## **Planning Policy**

### **Local Development Framework Development Control Policies 2007:**

13. **DP/1** requires development to demonstrate that it is consistent with the principles of sustainable development.
14. **DP/2** requires the design of new development to be of high quality, with criteria listed.
15. **DP/3** sets development criteria, a checklist to ensure all requirements are met.
16. **TR/1** encourages planning for more sustainable travel through accessibility, alternative modes, and parking levels. This is supported by **TR/2** which sets parking standards, **TR/3** which requires mitigation of travel impacts, and **TR/4** which encourages use of non-motorised modes.

## **Consultation**

17. **Cambourne Parish Council** resolved permission be given for a further temporary period.

## **Representations**

18. None

## **Planning Comments – Key Issues**

19. The main issues in this case are: the adequacy of the site for the proposed use, how the use will be managed in connection with South Cambridgeshire Hall, compliance with sustainability objectives and policies, timescale in relation to the travel plan, and safety and security.

### ***Adequacy of the site for the proposed use***

20. The car park is sited 250 metres from South Cambridgeshire Hall. This is a reasonable distance for meeting attendees or staff to walk, and the building is easily visible to those arriving. The car park surface is not a permanent finish, but is firm, well-drained, and is marked out with parking spaces. The access to the Business Park spine road is adequate, and signage is erected to highlight its location on days when it is brought into use.

### ***Management of the use in connection with South Cambridgeshire Hall***

21. The additional car parking is not available for general use. The Council continues monitor the South Cambridgeshire Hall car parking on a regular basis and uses evidence from this to identify a daily threshold. The additional parking is only brought into use for days on which the cumulative predicted attendees at planned meetings and other events are likely to cause the demand for car parking to exceed the threshold. The number of days of use in September and October 2009 was approximately half the working days recorded, but the figure may be distorted by the period of the Clay and Glebe Farm Planning appeals. On those days, the additional parking has been managed by Council facilities management staff by means of collapsible bollards and demountable signage. No monitoring of the number of cars using the temporary car park has been undertaken; although it has been variable, the



whole extent of the car park has never been used. Since its use was secured, unauthorised parking has reduced significantly and been almost eliminated around the Civic Square.

### ***Compliance with sustainability objectives and policies***

22. The Council has at the heart of its Local Development Framework Core Strategy, the “cornerstone of sustainability”, which requires effective protection and enhancement of the environment, and prudent use of natural resources. This is carried forward in the Local Development Framework Development Control Policies DPD 2007 which has Sustainable Development as the first policy, DP/1, which requires all development, among other things, to minimise the need to travel and reduce car dependency.
23. Policy DP/3 includes development criteria c. “car parking, with provision kept to a minimum” and f. “safe and convenient access for all to public buildings and spaces, and to public transport, including those with limited mobility or those with other impairment such as of sight or hearing.”
24. Policy Objective ET/d is “To reduce commuting distances and the need to travel, particularly by car, by bringing home and workplace closer together, and by encouraging employment opportunities in accessible locations, or accessible by sustainable modes of travel.”
25. TR/1 Planning for more sustainable travel requires that in considering planning applications the Council will seek to ensure that every opportunity is taken to increase integration of travel modes and accessibility to non-motorised modes by measures including public transport improvements, cycling provision, and minimising the amount of car parking provision in new developments, compatible with their location, by, among other things, restricting car parking to the maximum levels. This is emphasised in Policy TR/2 Car and Cycle Parking Standards. Policy TR/3 Mitigating Travel Impact sets out requirements on the preparation and implementation of Travel Plans.
26. The supporting statement accompanying the application describes the situation in relation to the above policies. Although the updated Travel for Work Plan, Travel Link, was adopted by the Council in September 2008, “The steering group has been subject to change in Councillor Chair and participant officers throughout 2008 and 2009. The level of change has impacted continuity and thus progress of the Group’s agenda. In addition uncertainty arose from the Council’s Housing Futures Project... which would most likely have resulted in a significant proportion of the Council’s staff moving from South Cambridgeshire Hall.” Further progress on the Travel Link plan actions relates to the methods for controlling use of the car park, design of a Travel Link brochure, and promotion of further information about alternative modes of travel such as car sharing.

### ***Timescale and Travel Plan***

27. The Council reviewed its car parking arrangements as part of its overall review of the Travel for Work Plan. This included the development of a permanent additional parking area on site, to accommodate parking required to support the Council’s enhanced role as a community and partnership facilitator. The additional area has been designated for use by car sharers arriving before 0930 as an incentive. The main car park has also been rationalised so that best use of space is made by marking the bays.

28. The temporary planning approval for use of the overflow car park expired in April 2009, but has continued since expiry of the consent. This application is intended to regularise that situation until the end of the current lease. There is no budget allocated for temporary car park use after 30<sup>th</sup> April 2010.
29. The extended use of the car park since April 2009 has provided the Council with a “breathing space” during which Travel Plan initiatives could be developed. The provision of additional car parking has been a short-term option to sustain the Council’s community role while developing effective solutions for the long term. The Council is aware that unauthorised parking on the roads or on other users’ car parks will not be tolerated within the Business Park.

***Safety and security***

30. The car park is well lit and is close to the Business Park spine road. There are overlooking windows in the adjacent office block. As the use is proposed to cater for particular events, it is likely that users would arrive and leave at similar times. It is therefore considered that the location remote from the users’ destination would not be contrary to Policy DP/2.1.i) which requires design to create an “inclusive environment which is and feels safe”. Disabled parking spaces are provided at South Cambridgeshire Hall close to the staff access and the level access to the public entrance.

**Recommendation**

31. Approve the use until 30<sup>th</sup> April 2010.

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

- Local Development Framework Core Strategy adopted January 2007
- Local Development Framework Development Control Policies 2007
- Planning file references S/1371/92/O, S/6136/01/O, S/6147/02/RM and S/6103/00/F

**Contact Officer:** Pam Thornton - Senior Planning Officer  
Telephone: (01954) 713099

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> March 2010**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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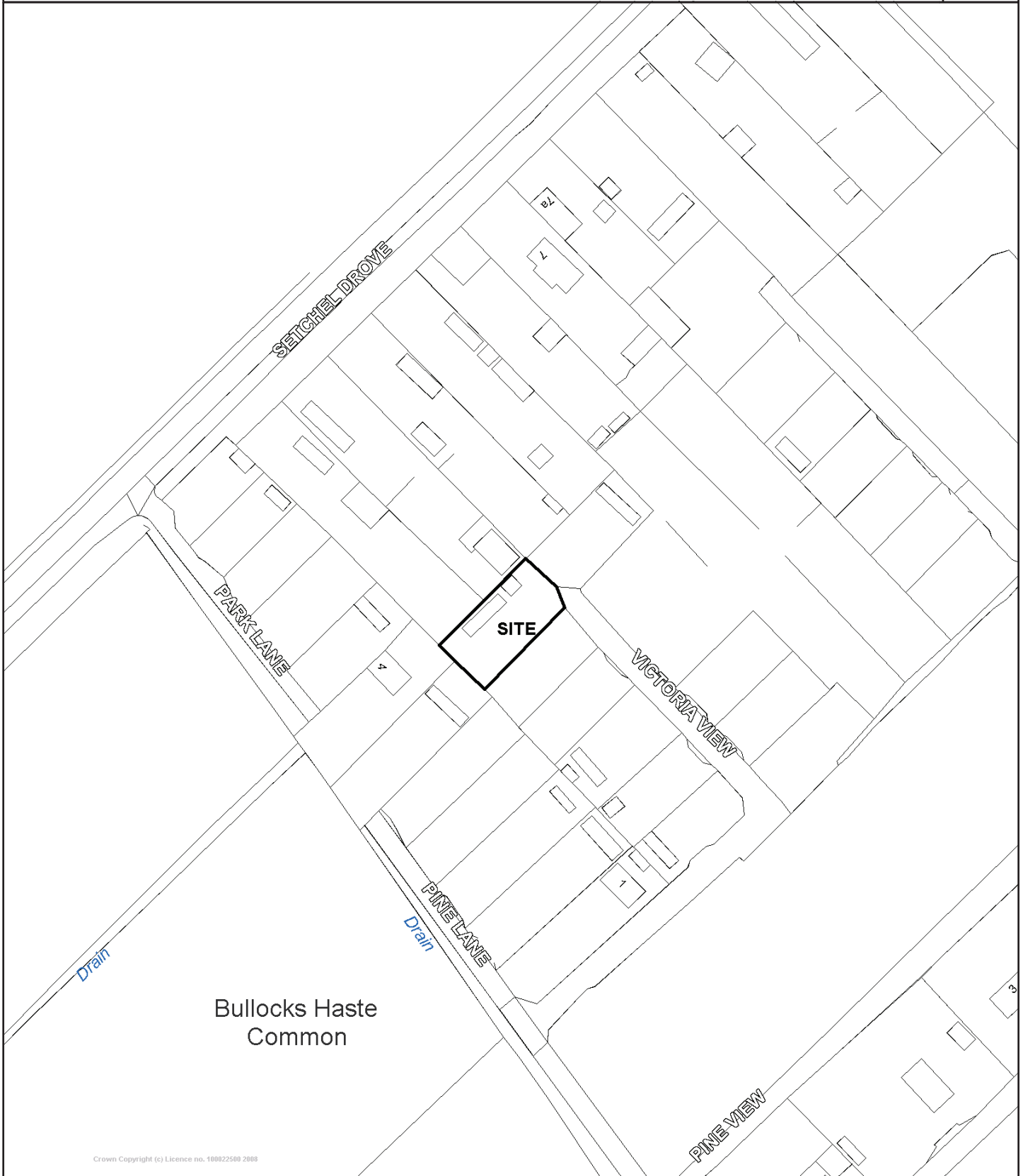
**S/1178/09/F - COTTENHAM****Temporary Permission for Chalet, Touring Caravan and Wooden Day Room  
(Retrospective) at Plot 12, Victoria View, Smith Fen for Mr Patrick McCarthy****Recommendation: Approval****Date for Determination: 5<sup>th</sup> February 2010****Notes:**

**This Application has been reported to the Planning Committee for determination as the Corporate Manager considers that the matter should be presented to Planning Committee for decision due to the issues the application raises.**

**Site and Proposal**

1. The site comprises a plot measuring 27.5 metres by 14 metres, with an area measuring 0.0385 hectares (ha). It has been laid out with a gravel surface and is enclosed by timber fences measuring between 1.5 –1.6 metres high.
2. The plot currently is used to site a mobile home, a small, domestic style, timber shed, measuring 2.4 metres by 3 metres with a height of 2.1 metres and a timber 'summerhouse' type structure measuring 3.67 metres by 3.60 metres with a height of 2.4 metres.
3. The plot is accessed from a track, laid with road planings, to the southeast, which leads from Smithy Fen to the south of the site.
4. To the north and west of the site are adjoining, authorised Gypsy plots. To the east and southeast is land that has been cleared and banded to prevent access, having been used previously as unauthorised Gypsy plots.
5. The area in which the site is located comprises fenland; flat, open, agricultural land. This landscape is broken by occasional field hedges and ditches. The site is entirely within the countryside, some 1000 metres from the village framework via the road network.
6. This full planning application, received on 11<sup>th</sup> December 2009, seeks retrospective permission for use of the land as a Gypsy plot for the siting of a mobile home and touring caravan and the retention of a wooden day room. It is assumed that the 'summerhouse' type building is the referred to in the application as a 'chalet' and the 'shed' the dayroom to which the application refers.
7. The application is accompanied by:
  1. A Flood Risk Assessment.

S/1178/09/F - Cottenham



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2. A letter of support from the Head Teacher of Cottenham Primary School, dated 30<sup>th</sup> November 2009, stating that the applicant has participated in two school projects including a literacy session and a project making traditional bender tents. It is stated in the letter that the applicant's support of the school is highly valued and that "...without a doubt, his enthusiasm for education encourages other Traveller parents to allow their children to attend".
3. A letter, dated 2<sup>nd</sup> March 2007, from the applicant's GP at Cottenham Surgery and copies of hospital records which indicate that the applicant has suffered from serious medical conditions since at least November 2006 which have required hospital treatment and that he requires regular medical attention and follow-up for his condition that would benefit from a stable base.

### Planning History

8. On 28<sup>th</sup> April 2003 Mr & Mrs McCarthy submitted a planning application (ref. **S/1020/03/F**) to occupy land at plot 2 and to the rear of plot 3 Setchell Drove. This application was refused on 26<sup>th</sup> June 2003 on grounds that it was non-essential development in the countryside and harm to the open views of the traditional fen landscape due to the accumulation of plots and lack of existing or potential for future landscaping to provide screening.
9. Appeals were lodged against this refusal and an enforcement notice (ref. **E353**) served by the Council. On 16<sup>th</sup> February 2004, the appeal was allowed, subject to planning conditions: (1) restricting its occupation to Mr and Mrs P McCarthy and, for as long as the site is occupied by them, their grandson Mr Daniel O'Rourke; (2) no trade, business or storage of materials on site; and (3) cessation of the site's use and restoration to its former condition once Mr and / or Mrs P McCarthy cease to occupy it. The enforcement notice was also quashed.
10. On a point of law, the Council successfully challenged this decision through the High Court, and the effect of this was to rescind the decision and reconsidered by a different Planning Inspector, who submitted a report to the Secretary of State for his decision. The Secretary of State, on 7<sup>th</sup> December 2005 agreed with the recommendations of the second Inspector and the appeals were dismissed. The time period for the compliance with the Enforcement Notice was varied from 3 months to 12 months.
11. In his conclusions the Secretary of State confirmed his agreement with the Council's case that the proposal was seriously harmful to the character and appearance of the open countryside, and set a precedent for further development that would result in the harm accumulating. He also agreed with the Council's view that there were no other material considerations sufficient to outweigh the serious harm to the open countryside.
12. In relation to Plot 12 the Planning and Enforcement Sub-Committee subsequently considered, at its meeting of 18<sup>th</sup> June 2009, taking further enforcement action. It was reported that: 'Counsel's advice in relation to Plot 12 Victoria View currently occupied by Mr and Mrs McCarthy was that notwithstanding that permission for appeal has been refused by the High Court and albeit that the personal circumstances of the occupiers have already been fully explored by the Courts and last looked at in some detail in 2005, given the ongoing health problems in particular of Mr McCarthy it would not be expedient to issue proceedings in respect of Plot 12 at the current time.

13. The minute of that meeting minute states:

'The Planning Sub-Committee considered a report updating Members about the action being taken in respect of Victoria View, Smithy Fen, Cottenham following discussion at its meeting on 22nd February 2007 when Members resolved, among other things, that subject to further consideration being given to Human Rights Act implications, the assessment of need, and the personal circumstances of those affected, action be taken in the High Court to obtain injunctions under Section 187 of the Town and Country Planning Act 1990...

...The Corporate Manager (Planning and Sustainable Communities) outlined the different circumstances relating to Plots 1-11 Victoria View, on the one hand, and Plot 12, on the other. The Council had been advised that, taking immediate action against Plot 12 Planning Sub-Committee Monday, 18 June 2007 might compromise its stance with respect to Plots 1 to 11. It was noted that there were medical factors relating to the occupier of Plot 12 who had, in any event, been broadly supportive of the Council's objectives at Smithy Fen.

Those present discussed a number of options, including simply tolerating the current situation, the granting of temporary planning consent, and the grant of a licence to occupy. However, the Principal Solicitor pointed out that a licence to occupy the land would not be possible because the Council did not own the land in question. In relation to just tolerating the current situation, Cottenham Parish Council had made it clear that, while it sympathised with the personal circumstances of the occupier of Plot 12, it could not support any tolerance of the plot itself. Those present discussed the possibility of voluntary relocation of the occupier to a lawful site nearer family, but the Corporate Manager (Planning and Sustainable Communities) urged caution in seeking to tolerate the continued occupation of Plot 12 in case this prejudiced the Council's stance in relation to Plots 1 to 11.

The Council had to be consistent and fair in its dealings with both the Traveller and "settled" communities.

The Planning Sub-Committee:

- (1) NOTED the position in relation to ongoing enforcement action in respect of Plots 1-11 Victoria View, Smithy Fen, Cottenham; and
- (2) RESOLVED, in respect of Plot 12 Victoria View, that no action be taken at the current time against the occupiers in light of the medical condition referred to in Appendices 1 and 2 to the report from the Corporate Manager (Planning and Sustainable Communities) and Principal Solicitor'.

### **Planning Policy**

14. **South Cambridgeshire Local Development Framework (LDF) Core Strategy DPD, adopted January 2007:**  
**ST/5** Minor Rural Centres.
15. **South Cambridgeshire LDF Development Control Policies DPD, adopted July 2007:**  
**DP/1** Sustainable Development  
**DP/2** Design of New Development  
**DP/3** Development Criteria  
**DP/4** Infrastructure and New Developments  
**DP/5** Cumulative Development  
**DP/7** Development Frameworks

NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/9 Water and Drainage Infrastructure  
NE/10 Foul Drainage - Alternative Drainage Systems  
NE/11 Flood Risk  
NE/14 Lighting Proposals  
TR/1 Planning for More Sustainable Travel  
TR/2 Car and Cycle Parking Standards.

16. **South Cambridgeshire LDF Gypsy and Traveller DPD: Issues and Options 2, published July 2009:**

The Council's Gypsy and Traveller Development Plan Document (DPD) must include land allocations to demonstrate how these Gypsy & Traveller pitches will be delivered. Since 2006 some Gypsy & Traveller pitches have already come forward, reducing the number of Gypsy & Traveller pitches to be allocated within the DPD to 88.

17. The revision to the East of England Plan also requires 40 transit pitches (by 2011) and 27 Travelling Showpeople plots (by 2021) in Cambridgeshire and Peterborough. A county-wide process to identify sites is being considered.

18. The DPD will:

- (a) Allocate sites in order to implement the East of England Plan at a district level;
- (b) Cover the period to 2021; and
- (c) Set out planning policies to address proposals for Gypsy and Traveller and Travelling Showpeople sites.

19. No additional plots at Smithy Fen have been put forward by the Council in its site consultation, carried out between 10<sup>th</sup> July to 9<sup>th</sup> October 2009. The document sets out in Appendix 1 the reasons for rejecting the allocation of land at Smithy Fen for further up to thirty more plots:

'Smithy Fen is located in the countryside to the northeast of Cottenham. It comprises 48 pitches on authorised sites, with an area in between that has been used as unauthorised pitches. The allocation of the site as a whole could result in a development of over 100 pitches, which has previously been demonstrated as inappropriate through the planning application and appeals process. The assessment confirms that the site does not provide a suitable site option for consultation against the site assessment criteria.

The site has relatively poor access to services and facilities, and is beyond 2,000m to the nearest primary school or food shop. Public Transport services nearby only offer a bus every two hours. The site lies in Flood Zone 3. According to PPS25: Development and Flood Risk caravans and mobile homes intended for permanent residential use are classified as highly vulnerable, and should not be allocated in Flood Zone 3.

Smithy Fen is part of the countryside to the northeast of Cottenham. The appearance and character of this site is unsympathetic to the countryside setting. It relates insensitively to the local rural environment and the distinctive fenland landscape character of the locality. Further development at Smithy Fen would harm local character and appearance. It would reduce the important gap between the two permanent sites. This impact would be very difficult to mitigate due to the nature of the landscape. It is therefore not considered suitable for further site allocations'.

20. The draft policy '**GT1: Sites for Gypsies, Travellers and Travelling Showpeople on Unallocated Land Outside Development Frameworks**' states:

'Planning permission for Gypsy and Traveller caravan sites and sites for Travelling Showpeople on unallocated land outside development frameworks and outside the Cambridge Green Belt, as shown on the Proposals Map, will only be granted where:

1. The Council is satisfied that there is a clear established need for the site in the district, and the number, type and tenure of pitches proposed cannot be met by a lawful existing or allocated site in the region.
  2. The site is located in a sustainable location, well related to a settlement with a range of services and facilities, including a primary school, a food shop and healthcare facilities, and is, or can be made, accessible on foot, by cycle or public transport;
  3. The number and nature of pitches provided on the site is appropriate to the site size and location, will address the identified need, and will not normally exceed:
    - (a) 15 pitches per site in / adjoining Cambridge, Northstowe, Rural Centres and Minor Rural Centres;
    - (b) 8 pitches per site in / adjoining Group Villages;
    - (c) Generally no pitches should be permitted in / adjoining Infill Villages
  4. The needs of residents of the site can be met appropriately by local facilities and services without placing a strain on them;
  5. The site would not present unacceptable adverse or detrimental impact on the health, safety and living conditions of the residents of the site by virtue of its location;
  6. The site, or the cumulative impact of the site, in combination with existing or planned sites, would respect the scale of, and not dominate, the nearest settled community;
  7. The site, or the cumulative impact of the site, in combination with existing or planned sites, would not harm the character and / or appearance of the area and / or result in unacceptable impact, in terms of visual intrusion and landscape impact;
  8. The site location would avoid adverse impact on existing or proposed public rights of way and would not detract from their convenient, safe and enjoyable use;
  9. Sites for Travelling Showpeople must also be suitable for the storage, maintenance and testing of large items of mobile equipment'.
21. **South Cambridgeshire LDF Supplementary Planning Documents: Biodiversity**, adopted July 2009  
**Cottenham Village Design Statement**, adopted November 2007
22. **Cambridgeshire and Peterborough Structure Plan, adopted 2003: P9/8 Infrastructure Provision**



23. **East of England Plan, adopted May 2008:**  
**Policy SS1** Achieving Sustainable Development  
**Policy H3** Provision for Gypsies and Travellers  
**Policy ENV 7** Quality in the Built Environment  
**Policy CSR1** Strategy for the Sub-Region
24. South Cambridgeshire has been required to find at least 88 new permanent pitches by 2021.
25. **Planning Policy Guidance / Statements:**  
**Planning Policy Statement 1:** Delivering Sustainable Development  
**Planning Policy Statement:** Planning and Climate Change - Supplement to **Planning Policy Statement 1**  
**Planning Policy Statement 3:** Housing  
**Planning Policy Statement 7:** Sustainable Development in Rural Areas  
**Planning Policy Statement 9:** Biodiversity and Geological Conservation  
**Planning Policy Guidance 13:** Transport  
**Planning Policy Statement 25:** Development and Flood Risk
26. **ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites):**
- The Circular advises that Gypsies and Travellers can be defined as ‘persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently’.
- The circular requires councils to identify sufficient land for Gypsy sites. Where a Gypsy Traveller Accommodation Assessment (GTAA) has identified a need for sites exists, consideration should be given to giving temporary permissions in order to meet an individual family’s need pending the completion of the DPD process.
- It advocates (paras. 45-46) that where this work is on-going in relation to policy it may be appropriate for LPAs to grant temporary permissions where it has a reasonable expectation that at the end of period new sites will become available. Such permissions should not be regarded as setting a precedent for the determination of future applications for full permission.
- It goes on to advise that, where there is an absence of existing provision, consideration be given to whether enforcement action or an appeal against refusal of planning permission for a new site may be prejudiced (para. 63). It recognises that in order to cater for Gypsies in rural areas, local landscape and nature conservation designations should not be used to refuse planning permission for Gypsy sites (other statutory designations must not be compromised e.g. SSSIs).
- It encourages local authorities to adopt criteria based policies for the location of Gypsy sites that are fair, reasonable, realistic and effective in delivering sites, as this will help with identifying land allocations and in assessing planning applications.
- The Circular advises that, in determining planning applications, planned sites should be given preference over windfall sites and that other considerations may include the impact on the surrounding area, the existing level of provision and need for sites in the area, the availability (or lack of) alternative accommodation for the applicants and other personal circumstances.

27. **DCLG 'Designing Gypsy and Traveller Sites: Good Practice Guide', May 2008** provides guidance for the design and layout of sites, including day rooms.
28. **ODPM Circular 11/1995 'The Use of Conditions in Planning Permissions'** advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Paragraph 93 advises that 'unless the permission otherwise provides, planning permission runs with the land and it is seldom desirable to provide otherwise. There are occasions, however, where it is proposed exceptionally to grant permission for the use of a building or land for some purpose which would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so. In such a case the permission should normally be made subject to a condition that it shall enure only for the benefit of a named person - usually the applicant (model condition 35)'.

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.

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.

### **Consultation**

29. **Cottenham Parish Council** 'fully supports this application and strongly recommends approval, subject to conditions:
1. That this approval be for temporary approval for Mr and Mrs McCarthy and for them alone.
  2. That this personal approval will cease if their circumstances change and they no longer live at this location or upon their decease.
  3. That no other person may live at this location and this to include any potential carers'.

It has also requested that if the Council is minded to refuse that it be contacted to discuss this prior to the decision being made.

30. **Planning Enforcement Officer**

A 'Needs Audit' has been carried out. This confirms that: the applicant owns the site; the applicant requires medical treatment on a regular basis, to be in touch with his GP and has needed emergency medical treatment since moving to the site; the applicant has nowhere else to go other than the roadside and would need a caravan site in order not to be homeless; the applicant could not live in a house and needs to be in

the Cottenham area to be with family; is an Irish Traveller who has lived in England since 1959; has no other income due to retirement; and has two dogs.

It has been clarified that the applicant has a grandson, Daniel O'Rourke, who does not live or intend to live at the site but will occasionally visit i.e. as a guest.

31. The **Traveller Site Team Leader** advises that the applicant has a daughter who lives next door and his wife has family in Setchell Drove. In addition she comments:

"Patrick and Bridgitte McCarthy are both suffering ill health and wish to obtain temporary consent to remain on their land at Victoria View for the remainder of the their lifetimes. Mr McCarthy has been a valued spokesperson between the travelling community at Smithy Fen and the Council over the years. Despite his own concerns he has always made himself available to discuss and try to resolve issues and this is widely known by the many members of the Council who have met him.

I would support his application for temporary consent on both the basis of the need to have the security of tenure, which would allow them to enjoy the remainder of their lives without the worry of being moved off the land and also on the basis that Patrick continues to be a much valued contact within the community".

In response to specific questions, she has also advised:

1. It is very difficult to determine waiting times as, like housing, it is dependent upon current residents making a decision to move and with a lack of sites all over, this has happened very rarely, I think, in the 18 months I have been doing this job.
2. I currently have about twenty people waiting for places on the sites.
3. Mr and Mrs McCarthy have not applied to go onto a site, but at the moment even if they did all our sites are occupied by English Gypsies and it would be very difficult to integrate an Irish Traveller family onto either of the sites. Unfortunately, this is something we have little control over, as the English will not welcome Irish and vice versa. It is a cultural thing.
4. I would also be very reluctant to consider moving the McCarthys away from their family - they are elderly, in poor health and need the security of the family around them. Moving them onto a site full of strangers would have a really negative impact on them.

32. **Environment Agency** – an update will be provided.

### **Representations**

33. Set out in the paragraphs below are the comments received raising material planning considerations. In addition to the letters received with the application from the applicant's doctor and from the head teacher of the local school, two further letters of support and five objecting from residents in the surrounding area and the Cottenham Village Design Group have been received. A number of the objection letters also raise queries relating to how the application has been processed: these are not material have not been summarised therefore, and will be responded to separately.

34. **Cottenham Village Design Group** objects to the development commenting that:

- (a) It is concerned about the continuing applications of this type in Smithy Fen. Despite some development, this area, which is outside the village framework, is still of essentially rural character with locally distinctive open views of fen edge landscape. It considers the cumulative effect of additions to the planning consents already granted would seriously harm the character of this landscape.
- (b) It also notes that developments in this area do not conform to the essentially nuclear settlement pattern established within the parish and are likely to integrate poorly with the village and its facilities.
- (c) The Design Group contributed to a planning inquiry following appeal against refusal of a previous application on this same site, which was subsequently dismissed on 7<sup>th</sup> December 2005. It is disappointed that this plot is the subject of a new and almost identical application four years later.
- (d) It refers to policies L/4, S/1 and B/8 of the Cottenham Village Design Statement.

35. An occupier at **Fen End Farm** writes in support of the application on grounds that:

- (a) This would enable the applicants to live out their lives on their pitch.
- (b) Both suffer ill-health and the prospect of them being put back on the road does not bear thinking about. Patrick would be totally incapable of hooking up a caravan due to his in operable hernia.
- (c) On Smithy Fen they have the support of other family members living on adjacent legal plots.
- (d) Mr McCarthy is considered a respected member of the Cottenham community and serves a vital role as mediator between the travelling and settled communities. He has done this despite often heated criticism from both communities.
- (e) Unless the Council has a suitable local housing solution for the McCarthys it is urged that permission be granted for them to remain for their lifetimes in the present location.

36. An occupier at **Turks Head Farm** writes in support noting that:

- (a) The Council has been successful in all but one of the appeals at Smithy Fen because of concentration on material planning considerations, an exemplary attention to detail, on pre-planning to ensure the existence of detailed criteria on which council decisions can be based, and on consistency.
- (b) An exception should be made for the McCarthys, however, on the basis that:
  - 1. Patrick and Bridgette share ill-health. Being able to remain close to family on adjacent lawful pitches will give them great comfort in their twilight years.
  - 2. By way of recognition that despite having an unlawful pitch, Mr McCarthy was only one of three people from the community who, in 2003-2004, worked to persuade both sides that differences could be settled without overt hostility, acting as an essential broker between the Traveller and local communities.

3. On humanitarian grounds, as the McCarthys have lived peacefully on their pitch for at least six years; their medical conditions are a matter of public record; and Patrick's contribution to the community.
  4. Their pitch sits at the end of a 'bunded' Victoria View: it cannot be enlarged and, as is known to them, has no long-term residential value. There is no danger of a precedent being set from allowing them to stay, as their circumstances are exceptional, a genuine one-off; there can be no benefit from asking the McCarthys to leave their home or benefit drawn by a council flexing its muscles on an ailing couple. Logic says to let them stay for their natural lives.
37. Another occupier at **Turks Head Farm** has written urging the Council to refuse the planning application on grounds that:
- (a) Previous applications and appeals for both permanent and temporary residency at Smithy Fen have been rejected by the LPA, Planning Inspectorate and the High Court.
  - (b) At Pine View, Victoria View, Orchard Drive and Water Lane appeals the Inspectors have continuously concluded that "even temporary permission cannot be justified given the serious harm to the rural area".
  - (c) Daniel O'Rourke has never lived at Smithy Fen and has no need to reside in the area.
  - (d) Mr and Mrs McCarthy's health is failing; indeed the Sheridan appeal decision of April 2009 it is stated that the Council has tolerated continued occupation in view of medical circumstances. 'Tolerated' has a considerably different connotation to the legality of this pitch. To grant temporary permission could open the flood gates for many more applications and having given one it might be difficult to justify refusing others.
  - (e) The McCarthy's understandably want some security of their situation, however, temporary permission is not the correct solution.
38. Occupiers at **Derwent Cottage** object to the proposal raising the following points of concern:
- (a) The Secretary of State gave no weight to personal circumstances, which was not considered sufficient to outweigh the harm. Temporary, full permission and screening hedging were also covered in the report and could not be accepted.
  - (b) There is no difference to the original planning application, where the site has an enforcement notice on it, which has not been complied with; even though the Secretary of State gave twelve months to vacate the site in December 2005.
  - (c) This should be about planning law and not a popularity contest. Just because three letters of support from people who say "he is a good guy" does not mean anything in planning law.
  - (d) The application should be decided on planning law so that there is no comeback to the Council of unfairness to the settled community e.g. enforcement on Joanna Gordon-Clarke's land; the rules should apply to everyone.

- (e) Mr McCarthy has been living unlawfully for a number of years, which has cost the Council a lot of money in enforcement, appeals, Secretary of State judgements etc. and the Parish Council has also paid for its own legal representative to fought this unlawful development at great cost what has changed?
  - (f) Concerns about the planning process including: following the injunctive action at Victoria View, which took priority, why has no similar action been taken against this breach of planning? This is despite it having been raised at several Planning Sub-Committee meetings. It was also understood that Gareth Jones was to meet the applicant and a Traveller representative but nothing has been heard for the last eight months.
  - (g) The Secretary of State's report and decision should be reviewed and planning law applied fairly.
  - (h) The Old West Internal Drainage Board should be consulted.
  - (i) Reference is made to a main sewer that does not exist on Setchell Drove.
  - (j) Questioned the flood map which does not seem to tie up with the area not flooding.
  - (k) Queries the amount of parking stated – eight cars, does this include cars, vans and caravans?
  - (l) Why aren't the Council exploring alternative options such as the McCarthy's moving to a lawful plot nearby where their daughter lives?
  - (m) Likelihood of setting a precedent encouraging other future applications on personal circumstances such as old age and ill health.
39. Occupiers at **Merton Hall** object to the application proposals noting:
- (a) The planning history for this site includes appeals and enforcement action culminating in August 2005 with the applicant being given one year to find alternative accommodation. Why has no action been taken in **four years**?
  - (b) The planning history should carry some weight in the decision.
  - (c) The Council has worked extremely hard, in dealing with all applications, on consistency and concentrating only on planning law and policy, has gone through very lengthy procedures with the support of locals, but it would appear now that all the previous hard work is to be forgotten and previous guidelines ignored to give this approval.
  - (d) Is the septic tank now to be pumped as there is no known pumping works in Setchell Drove? Bear in mind the huge cost the Council has borne in 2008 dealing with sewage flooding on the private site as a whole. There should have been prioritised an investigation. If surface water is running into ditches around the site this will obviously cause a problem on adjoining land.
  - (e) Mr & Mrs McCarthy could move onto their daughter's lawful pitch or to his daughter's site in Nottingham.

- (f) The applicants' personal circumstances carry no weight in planning terms; only the applicants' doctor can comment on health issues. The applicants are still independent and a desire to live near to ones children in their "twilight years", as others would love to, does not come into planning policy.
- (g) The access is via a dirt track in excess of .25 miles long. This cannot be good for the applicant's health when he could live at his daughter's plot accessed via a made up, proper track road in Setchell Drove.
- (h) There is no real possibility of the applicant having to live on the road if refused planning permission. Many would like to live close to their families in the countryside in their later stages of life but planning policy does not and should not allow for this.
- (i) They question the claim that Mr McCarthy is an "essential broker with the travellers and local community" as most in the village would not know him and he has said himself that he "had little or no control over the other residents or visitors to the site".
- (j) To allow this application would blatantly ignore planning guidance and may stand as a precedent for many future applications in the district.

40. Occupiers of **The Windrush** object to the application, commenting:

- (a) Planning applications for this particular plot have been through all the correct planning process rigorously. To date, this plot is subject to an eviction notice; why has SCDC taken no action on this?
- (b) For SCDC to give its agreement to this planning application would make a mockery of the whole planning procedure and judicial system. Not only has it spent time and money in the past but so has the Parish Council, in reality this is **OUR** money. Why has the Parish Council changed its views on this plot? The position of the Parish Council is also questioned, as its comments appear to be personal comments, contrary to the Standards Board requirements.
- (c) The letters of support indicate that the applicant is somewhat of a go between the Travellers and the settled community. We believe this NOT to be the case. Mr McCarthy said at an OPEN public meeting that he "cannot be held responsible for other site residents and their visitors".
- (d) Letters of support states that "the applicants and Cottenham believe they should be allowed to stay for their natural lives" - the author of that letter does NOT speak for Cottenham; it was a personal letter and as such should have been written in that context.
- (e) In reference to the quote "the rest of Cottenham being indifferent", this is correct owing to the fact that those who opposed many planning applications, appeals, high court judgements relating to Smithy Fen made it their business to inform the rest of the village. Some of these people it would appear have now changed their views. It's a real pity that the village was not made aware of this retrospective planning application, and then they are sure the village would not be "indifferent".
- (f) They request that this planning application be viewed with no reference to medical, recognition or humanitarian reasoning but simply on planning policy.

They reiterate that the planning process on this plot has already been dealt with at ALL levels and to save SCDC further embarrassment they respectfully request a simple refusal having made reference to the planning history.

### **Planning Comments – Key Issues**

41. Officers are satisfied that a permanent consent for this proposal would result in significant harm, and in accordance with the previous decisions of this Council supported on appeal by the Secretary of State, any proposal to make permanent the consent should be resisted. However this application is for a temporary consent aligned to the personal circumstance of the applicant and his wife. Officers are also satisfied that the harm here resulting from any such consent is not outweighed by the general need for sites in the area. It follows that in determining this planning application all other material planning matters must be balanced against the harm that it causes. In particular, circumstances have changed since the last planning application was considered in terms of government advice in the form of Circular 01/2006, the situation at Smithy Fen due to plots having been cleared, and the applicant's health.

### ***Gypsy status***

42. The Secretary of State (SoS) noted in relation to Plot 12, that the occupiers, Mr and Mrs P McCarthy, "do enjoy the status of Gypsies" (para. 14) given then-emerging policy advice. Paragraph 15 of Circular 01/2006 cemented this approach i.e. that the definition of a Gypsy or Traveller now includes '...such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently'...Mr and Mrs P McCarthy have ceased travelling due to old age and health problems. They are however confirmed to be of Irish Traveller origin, and that they have in the past lived a travelling lifestyle. This has been accepted by the Council and the Secretary of State in the context previous appeals and the current Needs Assessment for the couple.

### ***Planning policy considerations***

43. The Issues and Options 2 of the draft Gypsy and Traveller DPD carries limited weight, as it has not been sufficiently advanced and is subject to further consultation. Notwithstanding, it is a useful starting point in determining applications, as it reflects the RSS requirements for sites to be identified and includes some criteria for the assessment of sites that are not allocated and are outside frameworks.
44. These criteria are not entirely met by this proposal and the site is currently ruled out as a possible option for future further Gypsy and Traveller pitches.
45. The application site is in the countryside and as such is contrary to policy DP/7 of the LDF in that it will not provide for a use that requires being located in the countryside. Notwithstanding, Circular 01/2006 does advocate that to restrict Gypsy and Traveller pitches to within frameworks will 'thwart site provision' (para. 7, Annex C). This is acknowledged in the Issues and Options 2 of the draft Gypsy and Traveller DPD, 2009 (p.83):

'Development outside development frameworks is tightly controlled (Development Control Policies DPD Policy DP/7) and proposals for Gypsy and Traveller caravan sites will need to demonstrate a clear need, particularly if the needs identified by the East of England Plan have already been or will be met. This policy therefore addresses the criteria a site proposal outside a development framework would need to meet.



Circular 01/2006 provides clear guidance that sites should be considered on a sequential basis, with allocated sites being used before windfall sites. In the countryside it will need to be clearly demonstrated by applicants why there is an unexpected need for sites in the district, which cannot be met by lawful existing or planned sites in the region'.

46. In relation to the proposed criteria-based assessment set out in the draft GTDPD the following comments are made:

**1. The Council is satisfied that there is a clear established need for the site in the district, and the number, type and tenure of pitches proposed cannot be met by a lawful existing or allocated site in the region.**

47. The Council has currently ruled out further pitches at Smithy Fen on the basis that it considers the numbers required can be accommodated on sites allocated elsewhere which meet the various assessment criteria used.

**2. The site is located in a sustainable location, well related to a settlement with a range of services and facilities, including a primary school, a food shop and healthcare facilities, and is, or can be made, accessible on foot, by cycle or public transport.**

48. The Secretary of State, previous Inspectors and the Council have previously determined the site to be reasonably well located in relation to facilities and services within the village.

**3. The number and nature of pitches provided on the site is appropriate to the site size and location, will address the identified need, and will not normally exceed:**

- (a) **15 pitches per site in / adjoining Cambridge, Northstowe, Rural Centres and Minor Rural Centres;**
- (b) **8 pitches per site in / adjoining Group Villages;**
- (c) **Generally no pitches should be permitted in / adjoining Infill Villages.**

49. Cottenham is a Minor Rural Centre in the adopted Core Strategy DPD. This permits residential developments within frameworks of up to 30 dwellings. Smithy Fen currently provides plots for 48 plots /pitches that have permission or are 'tolerated'. This exceeds the proposed limit for sites in or near Minor Rural Centres.

**4. The needs of residents of the site can be met appropriately by local facilities and services without placing a strain on them.**

50. The applicants have been served by the local doctors' surgery for several years and are supported in their application by their GP. In addition the applicant does not have children that require education. It is reasonable to conclude that this single plot will not place undue strain on local services.

**5. The site would not present unacceptable adverse or detrimental impact on the health, safety and living conditions of the residents of the site by virtue of its location.**

51. The site is not known to suffer any issues that would be impact upon the occupiers health. It is, however, in Flood Zones 2 and 3 according to Environment Agency maps.
52. The submitted flood risk assessment does not make reference to Flood Zone 3 and as such potentially underestimates the risk to the occupiers of the site. Environment Agency standing advice indicates that it 'is highly likely to OBJECT in principle to this application. Tables D1 and D3 of PPS25 state that 'Highly Vulnerable' development is not appropriate in Flood Zone 3'. It requires that it should be consulted in respect of this planning application together with a copy of the Flood Risk Assessment and a response is awaited. An update will be provided.
- 6. The site, or the cumulative impact of the site, in combination with existing or planned sites, would respect the scale of, and not dominate, the nearest settled community.**
53. Previous applications have considered the cumulative impact of development at Smithy Fen. The situation has altered on the ground since other unauthorised plots have been cleared and banded to prevent future unauthorised occupation recurring. The total number of pitches is greatly reduced as a consequence. In this instance the plot for one couple will not significantly increase the Traveller population or, as a consequence, impact unduly on the settled community.
- 7. The site, or the cumulative impact of the site, in combination with existing or planned sites, would not harm the character and / or appearance of the area and / or result in unacceptable impact, in terms of visual intrusion and landscape impact.**
54. The first Inspector opined at para. 13, in relation to Plot 12, "that the caravan and related structures on the appeal site cannot be seen from any publicly accessible point outside the gypsy encampment. It represents a relatively small expansion of the authorised area and in my opinion does not lead to an unacceptable concentration of gypsy sites in visual terms. Because of its small size and well-screened position I consider that landscaping is neither necessary nor practical the site has no unacceptable effects on the rural character and appearance of the area".
55. The Secretary of State did not support this view, noting the second Inspector's assessment at para. 13.34 that: "any further addition of plots would, in my view, detract unacceptably, in terms of rural appearance and character, from the fenland landscape at Smithy Fen. Furthermore, caravan development on plots 8 and 12 is not totally screened from public view. It does, in fact, despite being in a backland location, add to the visual density of 'built' development when viewed from Setchel Drove to the north and Lockspit Hall Drove to the west".
56. The situation has altered somewhat on the ground since all other unauthorised plots at Victoria View have been cleared and banded to prevent future unauthorised occupation recurring. Similar applications for individual plots have been refused by the Council, however, in this instance the site is better related to the existing authorised Traveller camp and would be seen in relation to it, as noted by the first Inspector.
57. Officers remain firmly of the view that wider development of plots would be undesirable due to the harm to the rural landscape and accepts that some harm to the appearance of the area will result from allowing this application.

**8. The site location would avoid adverse impact on existing or proposed public rights of way and would not detract from their convenient, safe and enjoyable use.**

58. The site does not affect any public rights of way. The track now only serves this one plot and is adequate for the purpose. It is away from the public footpath at Cottenham Lode.

**9. Sites for Travelling Showpeople must also be suitable for the storage, maintenance and testing of large items of mobile equipment.**

59. This is not pertinent to this application.

60. In policy terms, in the absence of an adopted GTDPD, it is concluded that some harm will result from the proposal in terms of potential flood risk, and in terms of cumulative impact upon the village of Cottenham and the character and appearance of the rural area.

**Assessment of need**

61. General need for South Cambridgeshire has been identified through the RSS and is addressed in the emerging GTDPD. The Council is currently working to identify a shortfall of 88 pitches needed to meet the targets set in the RSS for the period 2006 – 2021. It has identified sites that could potentially be allocated to meet this requirement. The plot, if approved, would serve to meet part of the identified need, which includes the applicant and his wife, albeit it is proposed to be on a personal basis that would not result in long-term provision.

62. In accordance with Circular 01/2006, the assessment of need also includes the individual needs of the persons to be served by the application proposals; this is covered in more detail under the heading 'Personal Circumstances', below. As Irish Travellers they have a personal need for a site.

**Availability of alternative sites**

63. Within South Cambridgeshire there are the two public sites, which are both currently at full capacity, with 15 and 14 pitches occupied respectively. However at Blackwell there is wide dissatisfaction with its suitability as a permanent Gypsy and Traveller residential site due to its location adjacent the A14. These sites are not likely to provide a suitable alternative site for the applicants.

64. Within South Cambridgeshire there were 474 caravans at the July 2009 count. Of these 33 were unauthorised. At Smithy Fen, current figures indicated that there are 48 permitted / tolerated plots and 14 unauthorised; of the latter, 6 are currently occupied. No instruction to take further enforcement action against these, which are at Orchard Drive / Water Lane, has been given. It is understood that, at this time, there are no plots at Smithy Fen that are currently available, as unoccupied plots are in other ownerships. The applicants would not be able to move onto land they do not own. It is reasonable to conclude that there are limited alternative legal sites close to the applicant's family.

**Personal circumstances**

65. The Secretary of State and previous Inspector attributed less weight to the personal circumstances of the applicants than might otherwise have been given, as it had at

that time been determined that the applicants were not Gypsies or Travellers within the legal definition. It is, therefore, a significant material change in circumstance that since that time the publication of Circular 01/2006 has altered the definition and as such greater weight can now be afforded to the applicant's personal circumstances, as noted by the second Inspector at para. 13.51 of his report.

66. It is understood that the applicants have lived at the site since 2003, having previously lived a nomadic lifestyle. They live here close to their family. In the first appeal the Inspector noted that the couple's accommodation needs could not be easily accommodated on adjoining family pitches, that they would not be able to have a place of their own and that they would suffer severe hardship as a consequence, and that it was very unlikely that they would find an alternative site where they would benefit from the care and support of their own family.
67. In the second appeal the Inspector noted that residents were unlikely to be able to afford authorised plots elsewhere on Smithy Fen due to limited income and capital. The applicants are retired and of limited financial means. They would be homeless within the legal definition if not permitted to stay on this site.
68. The Council has previously accepted that it was not expedient to require the couple to leave the site as their medical needs were so acute that occupation of the site was essential. The couple's medical position is such that they do require local health care and support from nearby family. If forced to move this would be disrupted. Their GP has written affirming that the couple require on-going medical support. It is also understood that the health of the couple, in particular Mrs McCarthy, has deteriorated significantly since the second appeal.
69. The applicant's role as a "go-between" the Traveller and settled communities is not considered to be a material planning consideration to which great weight can be afforded. That is not to detract at all from what the applicant has endeavoured to do and has helped to achieve.

***Precedent***

70. Previously considerable weight has been given to the concern that allowing further proposals would lead to pressure to develop other Gypsy plots at Smithy Fen and it was accepted that it would be likely to set a precedent for other Gypsies in the area to seek planning permission. Cumulatively, significant adverse impact on the character and appearance of the countryside and increased traffic on the narrow lanes were considered to be likely undesirable consequences.
71. It is still likely that others will see the approval of this application as encouragement to pursue their own applications, however each would have to be assessed on its individual planning merits. It is officers' view that this single plot, if permitted based on the personal circumstances of the applicant, would not set a precedent difficult to overcome if further applications for other plots were to come forward.

***Flooding***

72. This issue is to be addressed and an update will be provided.

***Drainage***

73. The issue of field drainage has been raised. Investigations are to be made as to the likelihood of such issues arising and Members will be updated.

***Pattern of development in Cottenham***

74. A single plot adjacent to the existing authorised Gypsy site is not likely to materially alter the pattern of development and evolution of the village's form.

***Enforcement***

75. The current occupiers are living on the plot without the benefit of planning permission. The Secretary of State modified the enforcement notice to require the plot to be vacated within twelve months.
76. Subsequent to the Secretary of State's decision, at the 18<sup>th</sup> June 2007 meeting of the Planning Sub-Committee it was decided: 'in respect of plot 12 Victoria View, that no action be taken at the current time against the occupiers in light of the medical condition'.
77. It was also resolved that the Head of Policy, Performance and Partnership should contact the applicant to see if the matter could be resolved. That officer left the authority not long after this, and the matter was not picked up again until relatively recently by the Traveller Site Team Leader. She has met with the applicant and his wife and, following these discussions and before a new application was submitted, she explored with the applicant all reasonable alternatives.
78. Officers are satisfied that there is no reasonable alternative and that the stress resulting from the continued uncertainty is adding to the couple's health issues

***Poor access road***

79. The site is served by a hard surfaced track. This is sufficient to serve a single plot. The Local Highway Authority has not commented on the application, and the safety of the access has not previously been found to be a concern carrying any significant weight.

***Local Comments***

80. There continues to be concerns about this development, and officers accept the majority of the comments of those that object. It is understandable that they would be concerned about any weakening of the Council's approach to enforcement given the area's recent planning history. However officers give greater weight than they do to the changes in circumstances since the last decision on the site, and have come to a different conclusion, and this view is supported by two of those making representations. In coming to this view, officers stress that it would not weaken the Council's resolve or case elsewhere to properly enforce against breaches of planning control.

***Parish Council's comments***

81. Previous proposals on this site have not been supported by the Parish Council, but their recommendation on this proposal confirms their support, subject to the conditions set out at the end of this report.

***Temporary and personal permission***

82. The planning application seeks a personal permission to allow Mr & Mrs McCarthy to remain on the plot for the remainder of their lives, and is in effect a temporary permission, albeit the end date is unknown.
83. As the key justification for approving the application would be on the personal circumstances of the applicants, a personal permission is appropriate and accords with guidance set out in Circular 11/1995 at para. 93. The permission would be based on the strong compassionate grounds and personal circumstances of the applicant.
84. The guidance in Circular 11/1995 at paragraphs 108-113 indicates that temporary permission would not be suitable where the development proposed otherwise accords with the development plan. This is not the case in relation to this application. There will be some harm to the character and appearance of the countryside, which cannot be mitigated. In these circumstances it is necessary to consider whether or not allowing the short-term use of the site would be reasonable as circumstances are likely to change during the life of the permission e.g. because the GTDPD may have evolved and identified more suitable, alternative sites. If temporary permission were granted it would not set a general precedent for any future applications. Rather, it would follow the Council's approach where the special circumstances of the applicant are considered and weighed against all other material considerations.

***Human Rights***

85. The Secretary of State concluded that requiring the Gypsies to vacate their sites 'may result in them having to use unauthorised sites or living by the roadside and this would interfere with their rights to home and family life, however, such interference must be balanced against the wider public interest in pursuing the legitimate aims of Article 8 of the European Convention on Human Rights, which include protection of the environment'. These circumstances are not altered and the applicant's Human Rights would not be violated if the application were to be refused.

***Race Relations***

86. The applicants are Irish Travellers, a minority group. Families from the Gypsy and Traveller communities make up approximately 1% of the district's population. There may be an indirect benefit for both the Gypsy and Traveller and settled communities from providing greater certainty, and delivery of new sites across the region should reduce the need for illegal encampments.

***Conclusions***

87. It is officers' opinion that the case based upon the personal circumstances of the applicant is sufficient to warrant the grant of planning permission.
88. Potential concerns relating to flood risk and drainage must be addressed prior to a decision being issued and updates will be provided.
89. If approved, it is recommended that it should be made personal to the applicant, that no trade or business be operated from the site in order to limit the amount of traffic, and that when the site is no longer required for occupation by the applicants it shall be returned to its former condition.

90. Without prejudice, if Members are minded to refuse, planning permission, the above-mentioned factors should be reflected in the reasons for refusal and enforcement action should reflect the circumstances, including homelessness.

#### **Recommendation**

91. Subject to the comments of the Environment Agency in relation to flood risk and drainage, **approval** is recommended.

#### **Conditions**

- 1. The site and the mobile homes and transit caravans, hereby permitted, shall not be occupied other than by Mr and Mrs P McCarthy.**  
(Reason – Mr and Mrs McCarthy are Irish travellers and the permitted use would not normally be granted on this site because it would be contrary to Policy DP/7 of the adopted Local Development Framework 2007. Occupation by other persons would not amount to special circumstances for permitted development in this location.)
- 2. The site shall not be used for any trade or business purpose and no materials associated with such activities shall be stored in the open on the site.**  
(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 3. When the land ceases to be occupied by those named in Condition 1 above, the use, hereby permitted, shall cease and all caravans, structures, materials and equipment brought on to the land in connection with the use, hereby approved, shall be removed. Within 6 months of that time the land shall be restored to its condition before the use commenced or to a condition to be agreed in writing with the Local Planning Authority in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.**  
(Reason - To ensure that the site is restored when it is no longer occupied by the named occupiers in the interests of rural amenity in accordance with Policies DP/2, DP/3 and DP/7 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework (LDF) Core Strategy DPD, adopted January 2007
- South Cambridgeshire LDF Development Control Policies DPD, adopted July 2007
- South Cambridgeshire LDF Gypsy and Traveller DPD: Issues and Options 2, published July 2009
- South Cambridgeshire LDF Supplementary Planning Document Biodiversity, adopted July 2009
- South Cambridgeshire LDF Supplementary Planning Document Cottenham Village Design Statement, adopted November 2007
- Cambridgeshire and Peterborough Structure Plan, adopted 2003
- East of England Plan, adopted May 2008
- Planning Policy Statement 1: Delivering Sustainable Development
- Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1
- Planning Policy Statement 3: Housing
- Planning Policy Statement 7: Sustainable Development in Rural Areas

- Planning Policy Statement 9: Biodiversity and Geological Conservation
- Planning Policy Guidance 13: Transport
- Planning Policy Statement 25: Development and Flood Risk
- ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)
- DCLG 'Designing Gypsy and Traveller Sites: Good Practice Guide', May 2008
- ODPM Circular 11/1995 'The Use of Conditions in Planning Permissions'
- Planning File Refs: S/1178/09/F and S/1020/03/F
- Documents referred to in the report including appendices on the website only and reports to previous meetings

**Contact Officer:** Mrs Melissa Reynolds – Team leader (East Area)  
**Telephone:** (01954) 713237



**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> March 2010**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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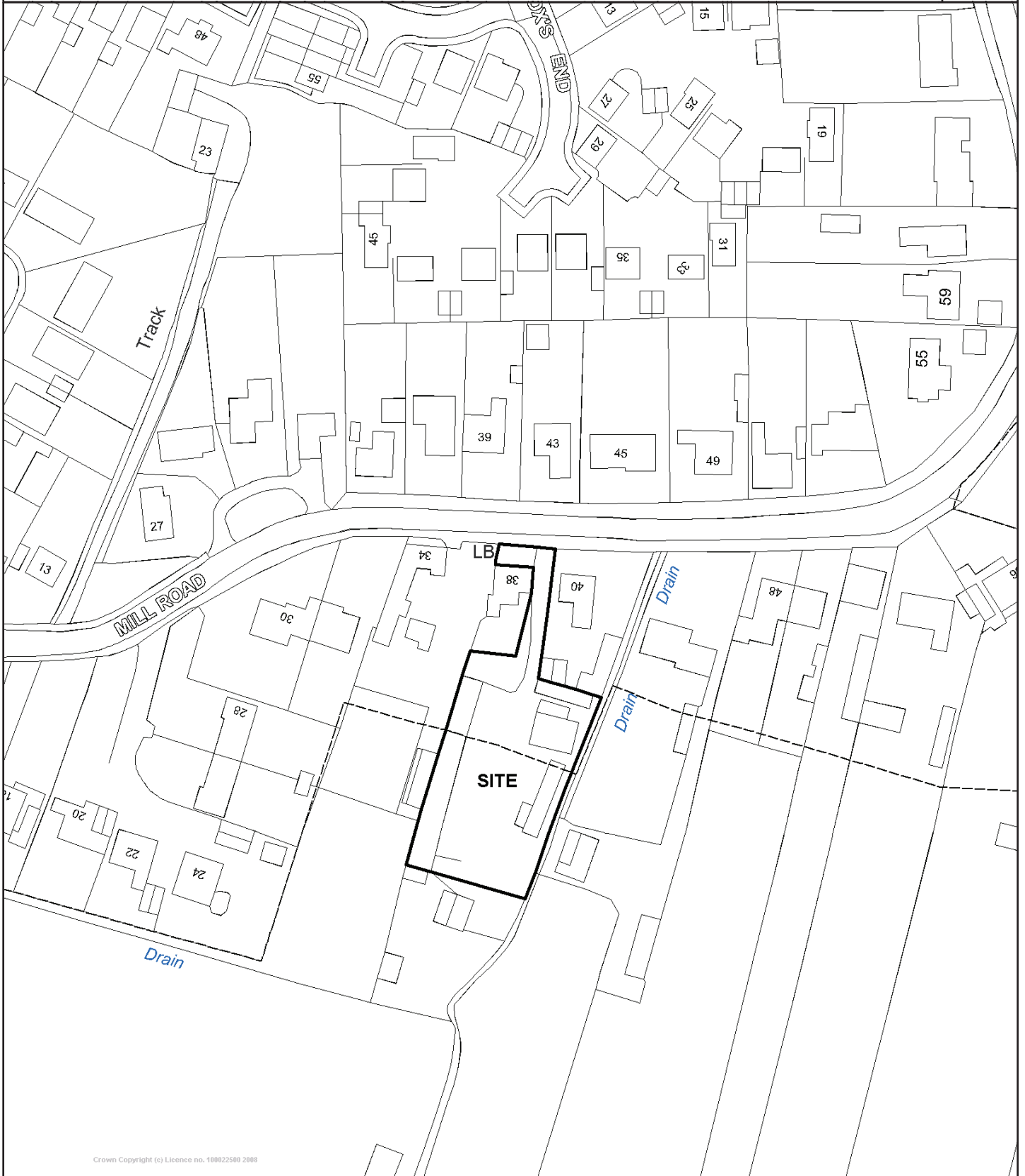
**S/1919/09/F - OVER****Dwelling with Integral Car Port and Pool Block, Following Demolition of Existing Outbuildings at Land to the South of 38 Mill Road, Over for Mr Ian Corney****Recommendation: Approval****Date for Determination: 16<sup>th</sup> February 2010****This Application has been reported to the Planning Committee for determination because the applicant is married to a Member of the Planning Committee.****Site and Proposal**

1. The site is located to the south side of Over village, and is partially within and partially outside the defined village envelope. There is an existing access running between the properties of 38 and 40 Mill Road, leading to a number of outbuildings that stretch out beyond the village envelope. These have been used in the past for storage use. An Awarded Drain runs along the east boundary of the site.
2. The full application, validated on 22nd December 2009, seeks permission for a dwelling on the plot. This would be located to the centre of the plot. It would measure approximately 6.9m at its highest, and would have a long span across the front of the site. There is a long single storey extension to the rear. This, and the end of the dining room, would extend beyond the village envelope, although the latter only by a maximum of 2m. Parking would be to the front of the property, and the scheme includes an integral carport. The proposal also includes a new parking area to 38 Mill Road, and would cause a reduction to the rear garden space to 38 Mill Road.
3. The plot has a long garden, that continues into the field beyond. The proposed residential curtilage is defined by the red line of the application. To the east is a line of tall conifer trees, beyond which is paddock land. To the west is the rear garden of 34 Mill Road, with a further paddock beyond. There are two stable blocks close to the boundary.
4. The application is accompanied by a Design and Access Statement and an Environmental Desk Study.

**Planning History**

5. Approval for granted for outline planning permissions under applications **S/2248/07/O** and **S/0796/08/O** for a single dwelling on the plot. Details of reserved matters were approved through application **S/0316/09/RM**, although the red line was reduced the eastern section of the site.

S-1919-09-F



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March 2010 Planning Committee

6. An outline application for two dwellings on the site (**S/0409/07/O**) was refused on grounds that the dwellings would be located outside of the village envelope. A further outline application for two dwellings (**S/1844/07/O**) was withdrawn.

### **Planning Policy**

7. Over is defined as a Group Village under **Policy ST/6 of the Local Development Framework Core Strategy**, adopted January 2007.
8. 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/4** – Infrastructure and New Development, **DP/7** – Development Frameworks, **HG/1** – Housing Density, **SF/10** – Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** – Open Space Standards, **NE/6** – Biodiversity, **NE/11** – Flood Risk, **NE/15** – Noise Pollution & TR/2 – Car and Cycle Parking Standards.

### **Consultation**

9. **Over Parish Council** recommend refusal of the scheme. They note it would represent an overdevelopment of the site and the proposed materials would be out of keeping with the surrounding buildings. They add it would encroach over the existing building line, and that there is also an implication on drainage in this location.
10. The **Local Highways Authority** recommend conditions relating to the prevention of gates at the site, the layout of the access, the front boundary at no. 38 Mill Road, temporary facilities for construction traffic and dimensions for parking areas. Informatives are also recommended regarding works to the public highway and public utilities.
11. The **Landscape Officer** has no objections to the proposal but would wish to see a landscape condition imposed.
12. The Council's **Scientific Officer (Contaminated Land)** has reviewed the Environmental Desk Study submitted with the application, and is not in agreement with its conclusions that no site investigation is necessary given the proposed use. An investigation and remediation condition is recommended.
13. The Council's **Drainage Manager** has no serious concerns given the proximity of the Awarded Drain along the east boundary of the site. However, a standard surface water drainage condition is recommended.

### **Representations**

14. No further representations have been received.

### **Planning Comments – Key Issues**

15. The key issues for the consideration of this application are the density of development, impact upon the street scene and the surrounding countryside, impact upon the amenity of the occupiers of adjacent properties, land contamination, drainage, the provision of open space and highway safety.

***The Density of Development***

16. The site, excluding the access, has an area of approximately 0.16 hectares, although only 0.06 hectares of this are within the village framework. Policy HG/1 of the Local Development Framework Development Control Policies 2007 seeks densities for residential development to achieve at least 30 dwellings per hectare. The proposal achieves 17 dwellings per hectare within the village framework, below that expected by the policy.
17. The granted outline consents on the site allow for a single dwelling only. Significant weight should be given to the extant reserved matters application, which would provide only one dwelling on the site. Notwithstanding this issue, there are concerns regarding the access and its ability to serve two dwellings. The access is only 3m wide and would not allow vehicles to pass. Widening the access at the front would potentially cause harm to the occupiers of both 38 and 40 Mill Road. I am content that the local circumstances allow for a lower density on the plot.

***Impact Upon the Street Scene and the Surrounding Countryside***

18. The dwelling is located across the centre of the plot. Its design is the result of pre-application discussions, and has been scaled down given previous concerns regarding the bulk of the proposal. The dwelling at 38 Mill Road is a chalet bungalow, with accommodation in the roof space, whilst 40 Mill Road is a bungalow, although its height is similar to that of no. 38. The proposed dwelling has a height of approximately 6.9m, and would be taller than those frontage dwellings.
19. The frontage dwellings are set close to the road, and the proposed dwelling would be located 39m from Mill Road. It would therefore not appear to be significantly taller when viewed from Mill Road given its distance into the plot. It should also be noted that 34 Mill Road is a two-storey property with a two-storey rear extension and a number of trees along the boundary. This would screen views of the property when viewed between 32, 34 and 38 Mill Road. Views between 40 and 44 Mill Road would be opened up by the removal of the outbuildings. However, 40 Mill Road is again a two-storey property and the dwelling would sit comfortable behind this building. I do not consider the dwelling would cause serious harm to the street scene.
20. I note concerns from the Parish Council regarding the proposed materials. The applicant has stated that the building would be finished in white render and cedar boarding on a brick plinth, with a zinc roof. The side elevation to 38 Mill Road is cream rendered meaning the materials are not completely alien to the area. The use of cedar boarding, particularly to the front elevation, should relate the dwelling to the edge of village location. I do not consider the proposed materials would be a concern, although a condition would be required to ensure appropriate materials are used, particularly the brickwork.

***Impact Upon the Amenity of the Occupiers of Adjacent Properties***

21. The existing access runs between both 38 and 40 Mill Road. No. 38 has facing windows facing the access, whilst 40 Mill Road has a glazed utility area, both of which are set close to the access. The access has been previously used for parking for no. 38 (at the rear of the site) and for the storage business. A single dwelling would result in fewer journeys to the access than previously, benefiting the occupiers of these adjacent dwellings. Members should note the proximity of adjacent dwellings to the access was considered acceptable in the previously approved consents for a dwelling on the site.

22. The front elevation would be located approximately 9m from the rear garden of 38 Mill Road. Bedroom 3 faces forward and is shown to have a high level window. This should be conditioned to ensure no overlooking towards 38 Mill Road. A further condition would be required to prevent further windows in the first floor of the front elevation that may overlook either 38 or 40 Mill Road. I do not consider the proposal would cause any loss of amenity to the occupiers of either 38 or 40 Mill Road.
23. The dwelling would be located between 5m and 5.8m from the side boundary with 34 Mill Road. This dwelling is set close to the frontage but has a range of outbuildings to its rear. The proposed boundary between the two sites is shown as a 2.8m high wall to be reinstated following removal of the existing outbuilding. There are three proposed windows in the facing elevation, all of which can be obscure glazed to prevent any overlooking. The proposal would be visible from the rear garden of 34 Mill Road, but I do not consider any serious harm would result to the occupiers of this property.
24. The two-storey element of the proposed dwelling would be located 9m from the eastern boundary of the site. There are three proposed windows in this side elevation, two of which are shown to serve bedrooms. The windows serving bedroom 2 will be obscured by the roof of the pool block and would not be visible from the rear garden and paddock of 44 Mill Road. The window serving bedroom 4 would allow some views towards 44. However, the conifer hedge would screen the window. If the hedge were removed, then some views towards to the rear garden of 44 Mill Road would occur, but there would be no overlooking towards the private rear area given the distance involved. I do not consider the proposal would cause any serious harm to the occupiers of 44 Mill Road.
25. The proposed pool block is set 0.4m from the eastern boundary of the site. There is a row of 5m tall conifers on the other side of the bank of the adjacent drain, giving good screening of this block. The pool block has an eaves height of 2.9m, and is therefore low in this area. The adjacent land is the paddock to 44 Mill Road. As a whole, I do not consider the proposal would have any serious impact upon the occupiers of 40 Mill Road.

### ***Land Contamination***

26. An Environmental Desk Study was submitted along with the application. I note the comments from the Scientific Officer regarding the conclusions of the study. A land contamination investigation and remediation condition can be added to the consent to allow further talks between parties on any potential land contaminants.

### ***Drainage***

27. I note the comments from the Parish Council that the site may have an implication for drainage in the area. The site lies within Flood Zone 1 and as a result, no Flood Risk Assessment is required as part of the application. The applicant has stated methods for foul and surface water to be used. I note comments from the Council's Drainage Manager, particularly regarding surface water drainage and the proximity to the adjacent Awarded Drain. The relevant surface water drainage condition could be added to any approval.

### ***Provision of Open Space***

28. Policy SF/10 of the Local Development Framework Development Control Policies 2007 seeks all residential developments to contribute towards outdoor playing space

and informal open space to meet the additional need generated by the development. I note the applicant's letter dated 11<sup>th</sup> February 2010 stating they are willing to make a contribution to the agreed figure, and a condition can be added accordingly.

### **Highway Safety**

29. Previous applications have established the use of the access to serve a backland plot. I note the comments from the Local Highways Authority regarding the access. It recommends a condition preventing gates to be erected. The site plan shows gates located 28m along the access. I do not consider that these gates in this location would cause any harm to the highway as vehicles would be clear of Mill Road when stopping to open the gates. A condition could prevent further gates to ensure the highway would not be blocked as people step out of vehicles to open the gates.
30. The plan shows the frontage to 38 Mill Road to be reduced to 0.6m in height to allow visibility. This can be conditioned, and the wall sits within the red line of the application site. Parking and turning areas can be provided prior to occupation, to ensure that vehicles do not reverse along the access. A condition can also ensure that temporary facilities for construction vehicles can be provided.

### **Other Matters**

31. I note the concerns from the Parish Council regarding the proposal, particularly regarding the encroachment over the building line. I presume this means the village framework, which does not follow any physical line on site. There has been debate as to the exact location of this line, and I have no reason to doubt the line shown on the amended plan. The original plan had much more development outside the framework, but a single storey element has been removed. Whilst it is appreciated there still remains some footprint outside the framework, this is offset by the removal of outbuildings at the rear. The result of this is less built development in the countryside than existing. Any further comments raised by the Parish Council regarding the amended plans will be reported verbally at Planning Committee.
32. Given the proximity of the village framework, I recommend the removal of permitted development rights for further extensions and outbuildings, which would prevent development that would not usually require planning permission from further extending into the countryside.

### **Recommendation**

33. The proposal is recommended for approval (as amended by plans PL-01 Rev A, PL-02 Rev A and PL-03 Rev A date stamped 8<sup>th</sup> February 2010), subject to conditions.

### **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: Location Plan, and plans PL-01 Rev A, PL-02 Rev A and PL-03 Rev A date stamped 8th February 2010.

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

3. 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.)
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
6. 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 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.)
7. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.  
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

8. 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 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.)
9. Apart from any top hung vent, the proposed first floor windows in the west (side elevation) of the dwelling, hereby permitted, shall be fitted and permanently glazed with obscure glass.  
(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. 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 north, east and west 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.)
11. The high level window in the north (front) elevation serving bedroom 3 shall be constructed with a cill height a minimum 1.7m above finished floor level.  
(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. 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 the 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.)
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 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 ensure that development that would not normally does not require planning permission does not cause further encroachment into the countryside in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
14. The proposed off-street parking space for 38 Mill Road, as shown on approved plan PL-01 Rev A date stamped 8th February 2010, shall be



constructed and laid out on site prior to the construction of the approved dwelling, and thereafter retained as a parking space for this frontage property. (Reason – To ensure adequate off-street parking on site for the occupiers of 38 Mill Road, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

15. Other than those shown on approved site plan PL-01 Rev A, no further 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.)
16. The front boundary of 38 Mill Road shall be reduced to and maintained at a height not exceeding 0.6m above the level of the highway carriageway. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
17. The proposed turning and parking areas 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.)
18. Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
19. No development approved by this permission shall be commenced until:
  - a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
  - b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
  - c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
  - d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

## **Informatives**

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:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies 2007 (adopted July 2007)
- Planning Files Ref: S/1919/09/F, S0316/09/RM, S/0796/08/O, S/2248/07/O, S/1844/07/O and S/0409/07/O

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

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> March 2010**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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**S/1714/09/O - OVER****Agricultural Workers Dwelling at Land to the North of Chain Farm, Overcote Road  
for Burling Brothers Limited****Recommendation: Delegated Approval****Date for Determination: 18<sup>th</sup> February 2010****Notes:**

**This Application has been reported to the Planning Committee for determination because the applicant is a relative of a Local Member.**

**Site and Proposal**

1. The site is located to the north of the village framework of Over, and therefore lies in the countryside in policy terms. Overcote Road is a narrow road but does easily allow the passage of two vehicles. The farm has a number of agricultural buildings on site, from animal shelters to a grain store, and runs both arable and livestock units. The main farmhouse is set to the east of the site, and has a detached garage. There is also a furniture company established on site. The site lies within flood zones 1-3 of the Environment Agency matrix.
2. The outline application, validated on the 24<sup>th</sup> December 2009, seeks an additional dwelling for the farm, to house an agricultural worker on site. This would be located to the north side of the plot, in an area of grazing land. Access to the dwelling would be through the main farmyard along existing hardstanding until entering the field, where a new vehicular access would be required. All matters are reserved.
3. The land to the north is open agricultural land. The Chain ditch does run to the north of the site, and there are some individual trees along this ditch that creates some screening. A public byway runs to the north of this ditch. The land to the east beyond a further ditch is further grazing land. To the west is the dwelling of Chain House, which does not form part of the farm. Between it and the proposed site is an open machinery store and further grazing land. There would be views of the proposed dwelling from Overcote Road and the rear of Chain House.
4. The application is accompanied by an Agricultural Report, a Planning Statement, a Design and Access Statement and a Flood Risk Assessment.

**Planning History**

5. A house and garage were granted consent on the site through application **S/0357/90/F**. This followed a previous outline approval through application **S/0213/87/O**. A further application for a dwelling and annexe was refused and dismissed at appeal (**S/1333/90/O**) dated 5<sup>th</sup> April 1991. During this application, the

S-1714-09-0



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Scale 1/2625 Date 18/2/2010

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Inspector noted that further accommodation for the farm would have a noticeable impact upon the rural character of the area, and would only be acceptable if it could be justified in connection with agriculture. The Inspector concluded this had not happened during that application.

6. There have been further planning applications made on the site, although these are not considered relevant to the determination of this planning application.

### **Planning Policy**

7. Over is defined as a Group Village under **Policy ST/6 of the Local Development Framework Core Strategy**, adopted January 2007.
8. 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/4** – Infrastructure and New Development, **DP/7** – Development Frameworks, **HG/9** – Dwelling to Support a Rural-based Enterprise, **SF/10** – Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** – Open Space Standards, **NE/6** – Biodiversity, **NE10** – Foul Drainage – Alternative Drainage Systems, **NE/11** – Flood Risk, **NE/14** – Lighting Proposals, and **NE/15** – Noise Pollution

### **Consultation**

9. **Over Parish Council** gives no recommendation to the proposal.
10. The **Environment Agency** has found the Flood Risk Assessment to be acceptable. It recommends conditions relating to the finished floor level, details of Flood Resilience Methods, and foul water drainage. A number of informatives are also recommended.
11. Members will be updated on any comments received from the Over and Willingham Drainage Board.

### **Representations**

12. None have been received.

### **Planning Comments – Key Issues**

13. I consider the key issues relating to this application are the financial viability of the enterprise, the functional need for a dwelling in this location, impact upon the surrounding countryside, and flood risk.

### ***The Financial Viability and Functional Need***

14. The site lies outside the Over village framework and therefore in policy terms is within the countryside. The site already has one farm dwelling, where the applicant currently resides. This is shared with a fellow worker. Given his impending marriage, a further house for the site is proposed. Policy HG/9 of the Local Development Framework Development Control Policies 2007 relates specifically to dwellings supporting a rural-based enterprise. It provides a set of criteria that must be demonstrated to allow such development. The applicant has provided an Agricultural Report and also further information regarding the policy criteria.

15. The Agricultural Report seeks to demonstrate there is a need for the additional dwelling on the site, given the practices of the arable and livestock farm. There are four full-time workers, two of which live in the existing dwelling, one in Over village and the last employee lives further afield. The existing living arrangement, whilst considered acceptable in the short term is not considered practical in the long term. The company have been operating on the site since 1966 and are therefore considered a well established agricultural unit, run on a sound financial basis. Having visited the site, there appear no obvious existing buildings that could be converted to provide suitable accommodation. The adjacent property at Chain House has never been considered part of the farm.
16. The application and in particular the Agricultural Report has been assessed by an independent body. Basing his assessment by referencing criteria set out in Annex A of Planning Policy 7 (Sustainable Development in Rural Areas), the conclusion of this assessment is that given the operations on site, a two man team is always on duty. It is considered there is an essential functional need for two workers to live on site for reasons of animal welfare, health and safety, security and the ability to deal with farming emergencies. Given this additional assessment, I consider the proposal meets the aims of Policy HG/9, and is therefore acceptable subject to an agricultural occupancy condition.

#### ***Impact Upon the Surrounding Countryside***

17. The site does lie within open countryside, and the area does have a rural character. There is some planting along the ditches in the area, but the dwelling would be visible from views from the byway to the north and Overcote Road. The proposal seeks a two storey dwelling, and indicative scale parameters have been provided. These originally showed the dwelling to have a height range between 6.5 and 8m. This was considered to be rather large given the open character of the site. An e-mail dated 1<sup>st</sup> February 2010 confirms a maximum height of 7m for the dwelling. This would reduce the scale of the building to a height more suitable for the location. Materials should also reflect the rural location, and a condition can ensure that appropriate materials are to be used.
18. The dwelling would be located away from the existing dwelling on site. However, it would remain close to the agricultural buildings, and would be viewed with these buildings and Chain House rather than as an isolated structure. A small garden area can be provided, and landscaping detail should attempt to create hedging around the dwelling. Fencing would again be considered too urban for this location. A condition would also be required regarding site boundaries.
19. No details of the dwelling are provided. However, it is hoped the design would attempt to assimilate the dwelling into the rural area. The dwelling should not be too urban in its design. This detail would be provided at reserve matters stage if this outline were approved. I do not consider the proposal would cause any serious impact upon the character of the area and surrounding countryside, presuming an appropriate design is used.

#### ***Flood Risk***

20. The site lies within Flood Zones 1-3 of the Environment Agency matrix. The applicant has submitted a Flood Risk Assessment with the application. I note the comments from the Environment Agency relating to the scheme. The recommended conditions and informatives can be added to any approval. Of particular importance is the recommended condition that the floor level shall be no lower than 3.8m above the

Ordnance Datum Newlyn (ODN). Any reserved matters application would need to clearly show this on a site levels plan. I consider, with the use of recommended conditions, the dwelling would not cause any serious issues regarding flood risk. Members will be updated on any additional comments from the Over and Willingham Internal Drainage Board.

***Other matters***

21. Policy SF/10 of the Local Development Framework Development Control Policies 2007 seeks all residential developments to contribute towards outdoor playing space and informal open space to meet the additional need generated by the development. I note the applicant's e-mail dated 12<sup>th</sup> February 2010 stating they are willing to make a contribution to the agreed figure, and a condition can be added accordingly.
22. Given the distance between the dwelling and the adjacent property at Chain House and the location of the access, I do not consider there would be any loss of amenity to the occupiers of this nearby property.

**Recommendation**

23. Delegated Approval subject to any comments from the Over and Willingham Internal Drainage Board, as amended by e-mail dated 1<sup>st</sup> February 2010.

**Conditions**

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 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.)
5. 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.)

6. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The 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 in writing with the Local Planning Authority.

(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

7. Floor levels of any part of the dwelling shall be set no lower than 3.80 metres above Ordnance Datum Newlyn (ODN).

(Reason – To protect the development from flooding in extreme circumstances in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

8. Prior to the commencement of any development, a scheme for the provision and implementation of Flood Resilience Measures shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

(Reason - To prevent the increased risk of flooding to the water environment in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

9. 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 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.)

10. 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 the 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.)



11. The occupation of the dwelling 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 dependants.  
(Reason - The dwelling is situated in a rural area outside any established settlement where the Local Planning Authority would not normally grant permission for such development and this permission is granted solely in order to fulfil a need to satisfy the requirement of Local Development Framework Policy HG/9 adopted 2007.)

### **Informatives**

Please note the following comments from the Environment Agency:

The Environment Agency will be pleased to assist in the assessment of proposals submitted by the applicant to meet the relevant flooding conditions.

Foul drainage from the proposed development should be discharged to the public foul sewer unless it can be satisfactorily demonstrated that a connection is not reasonably available.

The applicant proposes the use of a septic tank for the disposal of foul water from the development. Septic tanks are unacceptable in areas where mains foul water drainage is available.

The applicant's attention is drawn to DETR Circular 03/99 which **requires an applicant to demonstrate that a connection to the public foul sewer is not available**. In the eventuality of a connection to the public foul water sewer not being available, the suitability of any non-mains sewerage systems, particularly those incorporating septic tanks, must be effectively demonstrated by the applicant to the satisfaction of the Local Planning Authority.

The above detail must be submitted with any subsequent foul water drainage submission.

Any 'non mains' foul water drainage system will require the prior written Consent of the Agency under the term of the Water Resources Act 1991. Such consent may not be forthcoming.

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.

Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

**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 (adopted July 2007)
- Planning Files Ref: S/1714/09/O, S/133/90/O, S/0357/90/F and S/0213/87/O

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

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 3<sup>rd</sup> March 2010  
**AUTHOR/S:** Executive Director (Operational Services)/Corporate Manager  
(Planning and Sustainable Communities)

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**S/1699/09/F - OVER**

**Change of Use from Agricultural Building to B1, B2 and B8 at Land North of  
The Piggery, Haden Way, Willingham for Mr Flack and Chapman**

**Recommendation: Delegated approval/refusal  
Date for Determination: 10<sup>th</sup> March 2010**

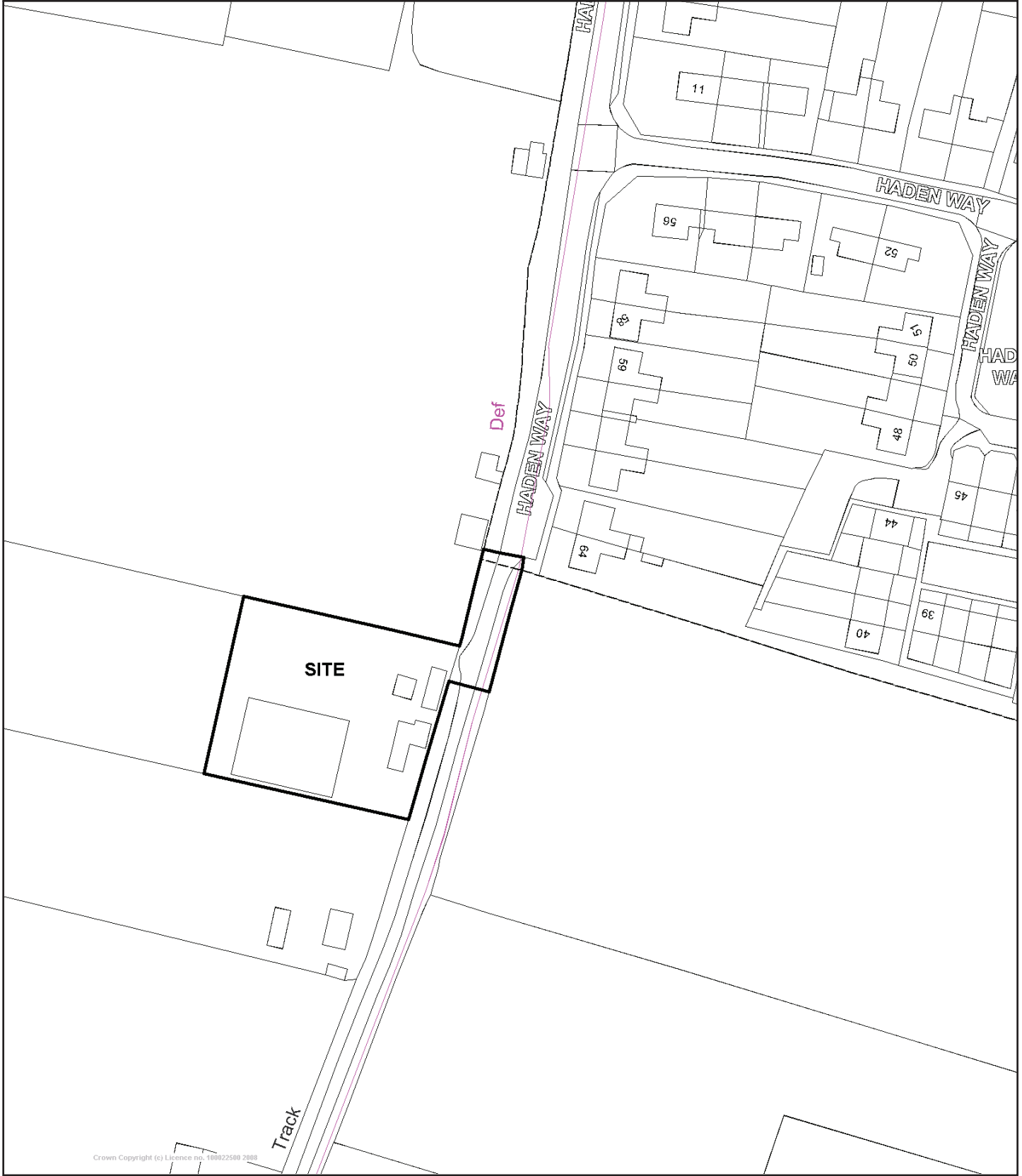
**Notes:**

**This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to that of the Parish Council.**

**Site and Proposal**

1. This 0.2ha site, although in Over Parish is located to the southwest of Willingham village approximately 30m outside the village framework boundaries and approximately 37m from its closest residential property.
2. Immediate surrounding land comprises countryside with paddock and stables located to the south. The site is predominately open on its north-facing boundary with a few small trees and shrubs. To the south and west this is again predominately open and bound by post and wire fencing no higher than 1.2m in height. To the eastern boundary there are mature trees and hedge screening, particularly a large willow located close to the entrance of the site.
3. Access to the site is via a rural track a short distance from Haden Way, which is an adopted road. An existing large metal gate secures the site.
4. The existing building on site is 8.5m in height to the ridge, approximately 19m in width and 25m in length; it is partly open at the bottom of the building. There are also several small single storey timber buildings on site that are currently used for storage.
5. The full application received 20<sup>th</sup> November 2009, proposes the change of use of an existing agricultural building to that of B1, B2 and B8. It proposes improvements to the track where it crosses from the highway into the application site.
6. The existing building is to be completely enclosed with access via roller shutter doors and the inside adapted to allow for 121.55m sq. of office space at first floor level and toilets, secure storage and mess room comprising 84.7m sq. at ground level. The remainder of the ground floor is proposed as a mixture of storage, fabrication and goods in/out space. The timber buildings are to be removed to allow for 9 car/van parking spaces.
7. The area outside is to be resurfaced and used as the service yard. The applicant also owns land to the west of the application site, shown outlined in blue.

S-1699-09-F



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Scale 1/1250 Date 18/2/2010

Centre = 539784 E 269944 N

March 2010 Planning Committee

### **Planning History**

8. None relevant to this application

### **Planning Policy**

9. **Local Development Plan Policies:**

#### **East of England Plan 2008:**

**SSS1** Achieving Sustainable Development

**ENV7** Quality in the Built Environment

#### **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**

**DP/1** Sustainable Development

**DP/3** Development Criteria

**DP/7** Development Frameworks

**ET/7** Conversion of Rural Buildings for Employment

**TR/1** Planning for More Sustainable Travel

**TR/2** Car and Cycle Parking Standards

#### **National Planning Guidance**

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.

#### **Consultation**

10. **Willingham Parish Council** – Recommends refusal, on the grounds that the site is not appropriate for that type of business use. To Willingham Parish Councils knowledge, the building has never been put to agricultural use. Also because of access along relatively narrow residential road.
11. **Over Parish Council** – Recommends refusal. This would industrialise a rural area and introduce industrial traffic into a residential area. Concerns are expressed over additional vehicular movements onto an already hazardous junction at Willingham Road.
12. **Corporate Manager (Health and Environmental Services)** – comments for amended layout not received at time of writing report. Members will be updated accordingly.
13. **Local Highway Authority** – comments for the amended layout not received at time of writing report. Members will be updated accordingly. Earlier comments requested the following conditions be included.
  - (a) Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
  - (b) Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to: enter, turn and leave the site in forward gear, park clear of the public highway and the area shall be levelled, surfaced and drained and thereafter retained for that specific use.

- (c) The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
- (d) A metalled surface shall be provided for a minimum distance of 15m along the access road from its junction with the public highway. No works shall commence on site unless/until details of wheel washing facilities associated with the proposals have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
- (e) The applicant must show the dimensions for the proposed car parking spaces, which should be 2.5m x 5m with a 6m reversing, space.

14. **Countryside Access Team** – No public rights of way are affected by the proposed change of use and the Countryside Access Team therefore has no objections.

### **Representations**

15. A supporting statement was submitted as part of the application. This informs that the agricultural building has been redundant since the retirement of the applicants Father 4 years ago which was then used for the storage of fertilizer, feed, equipment, straw and hay. It informs that the building was built some 10 years ago though never completely finished.
16. There have been three letters of representation received from the occupier of 64 Haden Way who raised several queries and objections with regard to the proposed application. These are as follows:
- (a) Concern that the site notice had been erected in the wrong location and would not be seen by the residents it would affect.
  - (b) Increase in traffic along a quiet cul de sac
  - (c) The road is narrow and with limited off street parking for residents this makes passing difficult because of vehicles being parked on the road
  - (d) Primary users are residents and dog walkers – the road is not suitable for commercial traffic
  - (e) Impact this will have on Willingham's surrounding street network is negative and dangerous
  - (f) Noise pollution – very close to residential development and will negatively impact neighbour amenity.
  - (g) Adverse impact on existing character
  - (h) Concern about expansion of the business in the future and restrictions on vehicle size
  - (i) Unclear about the type of works proposed and noise attenuation measures
  - (j) External appearance and activity levels – how will these be controlled?
  - (k) Opening hours are restricted but are deliveries?
  - (l) Concern about bats roosting in the existing buildings

### **Planning Comments – Key Issues**

17. The key issues to be considered in this application are as follows:
- (a) Principle of Development
  - (b) Highway Safety

- (c) Noise
- (d) Residential amenity
- (e) Character
- (f) Biodiversity

***Principle of Development***

18. There is policy support for the conversion of agricultural buildings to employment use under policy ET/7 of the LDFDCDP 2007, though other criteria must be met.

*a) The buildings are structurally sound*

The proposal seeks to retain all elements of the existing structure and to completely enclose the area that is currently open. It is accepted that the structure of the buildings could be successfully re-used.

*b) The buildings are not makeshift in their nature and are of permanent, substantial construction*

It is assumed this building was erected under agricultural permitted development rights, as there is no obvious planning history for its erection. It is no longer required for the purposes of agriculture. It is accepted that the building is not in any disrepair and the proposal would meet this part of the policy criteria

*c) The buildings are capable of re-use without materially changing their existing character or impact on the surrounding countryside*

The existing building can be re-used and new materials will reflect those of the existing. This proposal intends to retain the character of the existing buildings to an acceptable level by avoiding the insertion of new openings and not adding any extensions. The visual impact the change of use would have on the wider countryside would be minimal and in accordance with this part of the policy criteria.

*d) The form, bulk and general design of the buildings are in keeping with their surroundings.*

On the grounds that the buildings is predominately unchanged it is concluded that the form, bulk and general design of the building would have an acceptable impact on the character of its immediate and wider surroundings.

*e) Perform well against sustainability issues*

The site is well related to the village and there are existing services and facilities within the vicinity.

19. A query received has raised concern with regard to the level of use this site may have in the future if officers are minded to approve all three Use classes on one site. The application is applying for a mixed use with the office (B1) and storage uses (B8) being ancillary to that of the primary use, which is industrial (B2). Given the size of the building and its proximity to dwellings it would not be unreasonable to condition the level of use unless otherwise agreed by specific planning application.

***Highway Safety***

20. The building has been redundant for several years and therefore the existing use produces very little traffic generation, if any. When used for agricultural purposes the applicant advises that the level of traffic amounted to 16 trips per day and considerably more during harvest time (approx 30 per day). This is proposed to increase to approximately 20 per day. In addition to this, deliveries are proposed as two per week

(one by a fixed wheel base van of up to 15 tonnes and one by a smaller 1.5 tonne van). This increase is considered to be acceptable.

21. Haden Way is an adopted road that primarily allows for access to residential properties in a cul de sac. There is space to turn at the end of the Haden Way, however, vehicle turning is proposed within the application site and should not conflict with parked cars. There is off road parking for the majority of Haden Way residents along the stretch of Haden Way that would be used by the application site, however, on visiting the site there were a lot of vehicles parked on the road. The road is approximately 6m in width and a footpath is located on the property side of the highway only. It is of a standard size, the layout identifies its users by clear markings and levels and the relationship of its users is not viewed differently to that of any other road with the same users. Walkers and riders use the track leading to the application site, however, it is not an adopted public right of way and there is vehicular access to other permitted uses along it, such as other agricultural buildings and stables. There is no clear hierarchy along this track and the Countryside Access Team and the Local Highway Authority have raised no concern with regard to safety of its users with regard to the proposed change of use.
22. Concern has been raised about the impact this development will have on the surrounding roads. At the top of Haden Way, approximately 300m north of the application site there is an existing and well-established commercial site used by several different companies. To the west of the junction of Haden Way/Over Road is the village of Over and to the east the road leads into the centre of Willingham. It is agreed that the centre of Willingham does get busy, however, this is a Minor Rural Centre and the level of activity is expected to be reasonably high during peak times. It is controlled by traffic lights at the centre of the village and the route from the application site to these lights is along a residential stretch of road where vehicles park on the public highway. Movement along this stretch of road can be slow, however, it is not considered to be dangerous.
23. It is considered by Over Parish Council to be a dangerous junction with Willingham Road and additional traffic creating even more hazardous arrangements. This is not reflected in the original comments from the Local Highway Authority and therefore the proposed development does not increase highway safety to a level where the scheme is unacceptable on highway safety grounds.
24. Parking provision on site is seen as acceptable for the level of use proposed and in accordance with the Local Development Framework Development Control Parking standards, which requires a maximum of 8 spaces the uses proposed.

### **Noise**

25. Details with regard to noise levels are not included as part of the application. The Environmental Health Officer will assess the impact this scheme may have on the residents of nearby properties by way of noise nuisance. Should there be any problems with regard to noise it is suggested that the appropriate attenuation is conditioned accordingly. If it were not possible to control noise nuisance then officers would not be able to suggest the proposed use.

### **Residential amenity**

26. No windows are proposed and lighting of the site can be controlled via condition to ensure there is no unacceptable light spillage. The boundaries are to be improved with planting allowing for better screening of the site. The access road is to be improved and opening hours proposed are reflective of regular working hours.



28. With regard to deliveries and activity outside of the building, this can be controlled to allow for a better neighbour relationship reflective of its location. It is the view of officers that in light of its immediate neighbours it would be reasonable to put a condition in place.
29. The proposed opening hours are reflective of the normal working hours for this type of use. (Monday – Friday 08.00 – 17.00hrs and Saturdays 08.00-13.00hrs)
30. Noise is an outstanding issue that needs appropriate attention.

### ***Character***

30. The appearance of the building will be predominately unchanged. No windows are proposed and the up and over door will fit the existing opening. The removal of the timber sheds will tidy up the site as these are showing wear and tear. The yard is to be resurfaced to allow for manoeuvrability and parking provision and the scheme proposes a planting scheme on its boundaries to improve the appearance of the site externally.
31. Whilst the use of the building will change it is the view of officers that the sites character will still retain an agricultural appearance and the site will differ mainly through the introduction of organised parking provision on site and the improvements to the access road, the material and specification of which will have to be agreed with the Local Planning Authority as well as that of the Local Highway Authority.
32. It is the opinion of officers that the changes will not have an adverse impact on the character of the site or its surroundings.

### ***Biodiversity***

33. The Ecology officer has assessed the site for bats and confirmed that a bat survey is not required given the poor state of the sheds to be removed and the general lack of potential roost sites.
34. The planting of native hedging along the boundaries will enhance the site's biodiversity value. The site also offers the potential to erect a barn owl box upon the side of the large barn. Especially given the suitable foraging habitat nearby. A condition should be to secure the placement of a barn owl box.

### **Conclusion**

35. The LDFDCP 2007 supports development of this kind subject to criteria requirements that this application meets. The building is located very close to the village framework boundary. The proposed changes to the building are minimal; the changes to the site are likely to improve the appearance on its surroundings; it will bring a redundant building back into use and the Local Highway Authority has not objected to the application. Subject to the comments of the Corporate Manager (Health and Environmental Services) it is considered that this scheme be recommended for approval subject to the following conditions:

## Recommendation

Subject to confirmation from the Corporate Manager (Health and Environmental Services) that any noise issues can be adequately addressed that delegated powers of approval be given

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: SCDC1, ckm/asca/08/09/5 and ckm/asca/08/09/8.**  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.**  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
4. **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant 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.)
5. **The use, hereby permitted, shall not commence until parking, turning, loading and unloading space has been laid out within the site in accordance with drawing no. ckm/asca/08/09/8 franked 20<sup>th</sup> November 2009. These areas shall thereafter be errantly maintained and available for parking, turning and loading and unloading.**  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. **The use, hereby permitted, shall not commence until details of 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 secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)

7. **The use, hereby permitted, shall not commence until details of the material to be used for all hard surfaces within the site have been submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter maintained.**  
(Reason – To ensure the materials used do not increase surface water run off and increase localised flooding on site, on the surrounding area or into the Public Highway, to ensure the appearance of the site does not detract from the character of the area and to minimise the effects of noise pollution on the surrounding area in accordance with Policies NE/11, DP/2 and NE/15 of the adopted Local Development Framework 2007.)
8. **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 with 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.)
9. **Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.**  
(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
10. **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 nest boxes have been provided in accordance with the approved scheme.**  
(Reason - To achieve biodiversity enhancement on the site in accordance with adopted Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
11. **No outside storage of material shall take place outside of the building for the use, hereby permitted, save that waste materials to be kept in bins for removal periodically.**  
(Reason – To prevent unsightliness and to protect neighbour amenity in accordance with the requirements of Policies 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 Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework 2007
- Planning File Ref: S/1699/09/F

**Contact Officer:** Saffron Garner – Senior Planning Assistant  
Telephone: (01954) 713162

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> March 2010**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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**S/1803/09/F – WILLINGHAM****Change of Use of Land for Siting of 1 Mobile Caravan, 2 Touring Caravans and a Dayroom/Utility Room (Part Retrospective)  
at 6 Cadwin Field, Schole Road for Mrs Donna Smith****Recommendation: Temporary Approval****Date for Determination: 9<sup>th</sup> March 2010**

**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 the defined village framework, as identified in the South Cambridgeshire Local Development Framework 2007. The site measures approximately 54m by 28m, and is set back from Schole Road. Access is achieved from the north of the site, where an access track serves this and adjacent units. This plot is the last served by the access.
2. A 1.8m high fence runs along the east boundary of the site, beyond which is open countryside. There are some coniferous trees that screen this fence from the countryside. Further south into the plot, the fence becomes a post and mesh fence, with further trees providing screening. The south boundary is a continuation of the 1.8m high panel fence, which continues along the west boundary. There is again planting against both the south and west boundaries. The north boundary is also a continuation of the fence, beyond which is a further pitch.
3. The full application seeks consent for the change of use and siting of 1 mobile caravan, 2 touring caravans and a dayroom/utility block. The applicant has not stipulated any desire for a temporary consent. At the time of the officer's site visit, the mobile and one touring caravan were on site, although the dayroom was not erected. The application is therefore part-retrospective.

**Planning History**

4. Application **S/0788/06/F** was granted consent dated 30<sup>th</sup> October 2006 for temporary planning permission for three years for the siting of two gypsy caravans and a utility building. Condition 2 restricted the use until 4<sup>th</sup> October 2009, and gave a further 3 months for the land to be cleared. Condition 10 sought details of the utility block prior to its erection. There have been other planning applications made on the site, although these are not considered relevant to the determination of this consent.

S-1803-09-F



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5. Members approved a temporary consent for change of use and one mobile home, one touring caravan and one toilet/bathroom block at 2 Cadwin Field (**S/1134/09/F**) at January 2010 Planning Committee which expires on 18<sup>th</sup> August 2012.
6. Members should be aware of a recent appeal decision relating to a site at 3 Cadwin Field, Willingham (**S/1919/08/F**). An application for temporary consent was refused by Members at the February 2009 Planning Committee, but allowed at appeal. The Inspector noted the need for sites in the District and stated that planning permission should only be for a temporary consent to enable a proper evaluation of all potential sites identified through the Development Plan Document process.

### **Planning Policy**

7. **ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)** provides guidance on the planning aspects of finding sites for gypsies and travellers and how local authorities can ensure that members of that community are afforded the same rights and responsibilities as every other citizen. It advises that where there is an unmet need and no alternative gypsy provision, but there is a reasonable expectation that sites will become available within a given time scale to meet that need, Local Planning authorities should consider granting a temporary permission for proposed sites. It does not say that temporary permission should only be considered where the site is already occupied.
8. Advice on the use of temporary permissions is contained in paragraphs 108-113 of **Circular 11/95, The Use of Conditions in Planning Permissions**. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no alternative Gypsy and Traveller site provision in an area, but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, Local Planning Authorities should give consideration to granting a temporary permission. Such circumstances may arise, for example, in a case where a Local Planning Authority is preparing its site allocations DPD. In such circumstances Local Planning Authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.
9. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land. In some cases, it may be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.
10. The **South Cambridgeshire District Council Gypsy and Traveller Development Plan Document** is currently under review. A consultation process has recently ended on 9<sup>th</sup> 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.
11. The site is currently included within the Gypsy and Traveller Site Operations and Policies consultation in preparation for the Development Plan Document. The site is number 12 in the consultation, which is assessment for two pitches (combining with 5 Cadwin Fields to the north). The consultation document states "this existing temporary site is close to Willingham's services and facilities and is already meeting Gypsy and Traveller needs".

12. The relevant policies within the **Local Development Framework Development Control Policies 2007** are **DP/1** - Sustainable Development, **DP/2** - Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **NE/10** – Foul drainage – Alternative Drainage systems, and **NE/11** – Flood Risk.
13. Willingham is defined as a Minor Rural Centre under Policy **ST/5** of the **Local Development Framework Core Strategy adopted January 2007**.

#### **Consultation**

14. **Willingham Parish Council** recommend refusal of the application on the grounds set out in the Parish council's evidence to the District Council's current consultation on Gypsy and Traveller Site Options and stating that to grant permission at this stage would prejudice the said consultation process. There is a need to limit Traveller site numbers due to a disproportionate amount in the Parish which is putting undue pressure on all local amenities. The Parish Council cannot accept any increase or legislation of sites under these circumstances.

#### **Representations**

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

#### **Planning Comments – Key Issues**

16. 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***

17. The applicant remains the same as when temporary consent was granted for the site in application S/0375/06/F. During the course of this application, the applicant's identity as a defined Traveller was confirmed. 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. The site is occupied by the applicant, her husband and their four children, who have resided on the site for approximately five years. The children are all enrolled at schools, and the family are registered at the local Doctors Surgery.
18. The site is set to the south of existing 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. This would allow the applicant to remain on site until the Development Plan Document is adopted, due in early 2012. 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 recommend the consent be allowed until 18<sup>th</sup> August 2012 to match other temporary consents granted in recent times including for application S/1919/08/F determined at appeal and the likely timescale for the adoption of the DPD.



**Visual Impact**

19. The majority of the site is surrounded by panel fencing, although the southeast corner has a post and mesh fence. There is some good screening, particularly the row of conifers along the east boundary. The site is large, and there is a lot of open space within it. Given the small amount of proposed development and the level of screening afforded to the site, I am of the opinion that the proposal would not represent an unacceptable visual impact upon the character and setting of the countryside. Members should be aware the site scored well in the Gypsy and Traveller Development Plan Document Site Options and Policies report. This report states "due to extensive planting on site boundaries, wider landscape impacts from the Cadwin Lane pitches are limited". As my recommendation for the application is one of temporary consent, I do not consider a landscaping condition necessary at this point, given the potential capital outlay, and this has been the case for other recent applications. If the site were granted a permanent consent in the future, this would be the time for such a condition, to further strengthen the screening and introduce native species.

**Other Matters**

20. I note from the previous temporary consent on site that a foul water drainage condition was added. I am unfortunately unable to confirm as to whether this was formally discharged. The applicant has stated that soakaways would be used for surface water drainage, and a cesspit used for foul water drainage. The location of the cesspit is shown on plan. This information would meet the needs of the application, and therefore I have not recommended a repeat condition in this instance.
21. Members will be aware that at the January 2010 Planning Committee, two Traveller applications were approved subject to the addition of personal consents to the recommendation. Such a condition is again not suggested for this scheme as there are no personal circumstances that would differentiate the decision than if any other gypsy or traveller were the applicant.
22. Conditions restricting numbers of caravans, commercial activity, stationing of large vehicles and lighting were present at the previous consent, and these can be repeated here.
23. I note the comments from Willingham Parish Council regarding the proposal. The temporary consent is proposed to allow the development to be fully considered within the Gypsy and Traveller Development Plan Document. With regard to the time frame, 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, with the date to tie in with that at no. 3 Cadwin Fields.

**Recommendation**

24. Approval for a temporary consent expiring 18<sup>th</sup> August 2012.

**Conditions**

1. The use, hereby permitted, shall be discontinued and the one mobile home, two touring caravans and the dayroom/utility block, hereby permitted, shall be removed and the land restored to its former condition on or before 18<sup>th</sup> 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, two touring caravans and the dayroom/utility 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.)
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Block Plan and Dayroom Elevation and Floor Plan.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

**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 Ref: S/1803/09/F, S/1134/09/F, S/1919/08/F and S/0788/06/F

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

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> March 2010**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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**S/1881/09/F - WILLINGHAM  
Installation of External Staircase  
At 13 High Street for Mrs Jakia Yasmin****Recommendation: Approval****Date for Determination: 12<sup>th</sup> February 2010****Notes:**

**This Application has been reported to the Planning Committee for determination at the request of Local Member Cllr Ray Manning.**

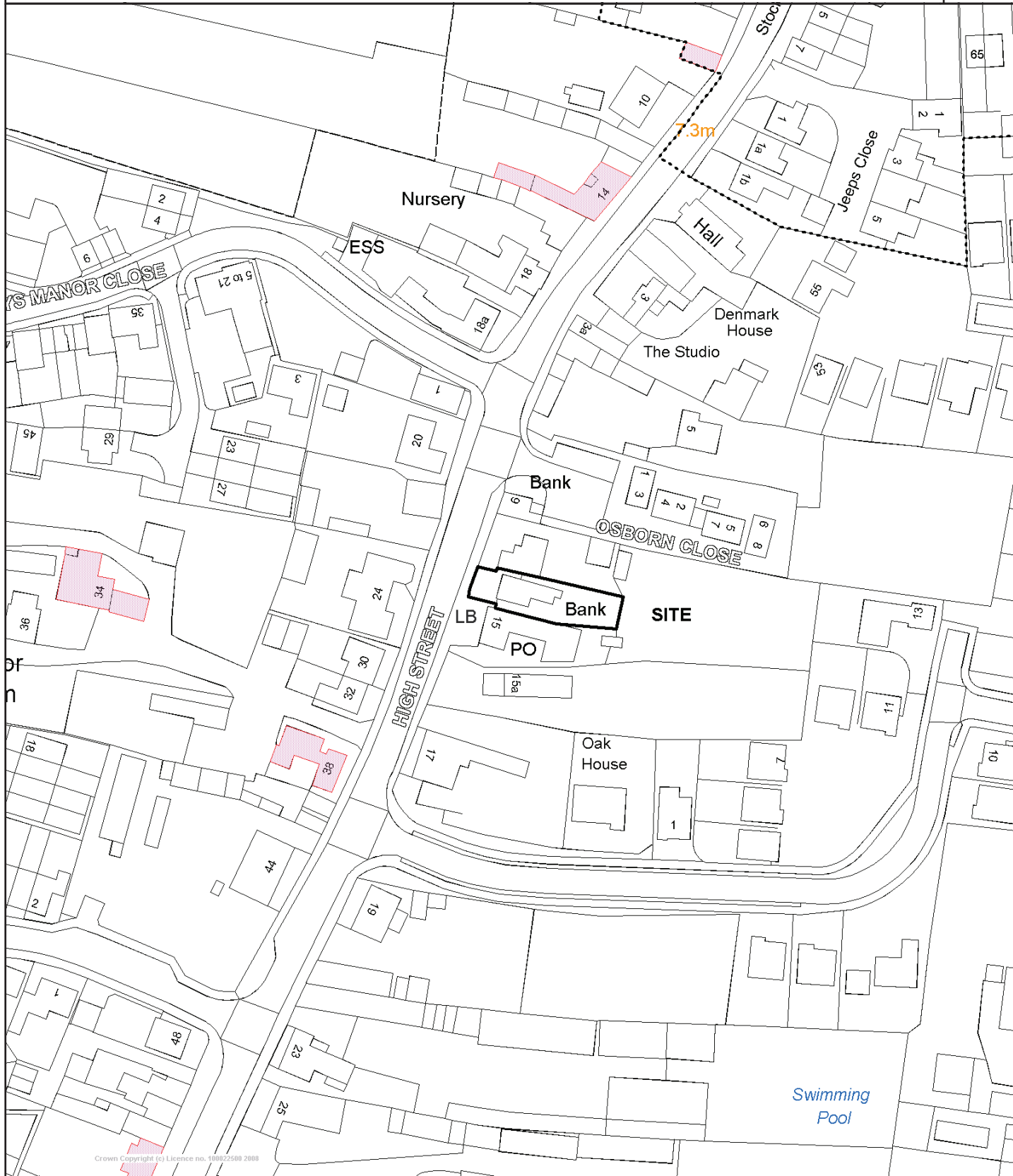
**Site and Proposal**

1. No. 13 High Street is a detached two-storey building located within the village framework. The building is set back slightly from the road with a small front curtilage/parking area providing 2 parking spaces at the front of the site. There is a dwelling immediately to the north and to the south is the local post office, both neighbouring buildings are two storey and are located within close proximity to the application site.
2. The boundary treatment on the north boundary consists of close-boarded fencing 1.8m high, where the rear of the dwelling ends. The side gable of the dwelling at no.11 High Street provides the boundary treatment where the fence ends to the front of the dwelling with a brick wall from the front of the dwelling graduating downwards in height as the front boundary.
3. The full application, received 18 December 2009 proposes an external staircase on the north elevation. It proposes a 1.7m high timber screen around the platform/landing area of the staircase. The staircase is to serve the first floor of the property for residential use.

**Planning History**

4. **S/1151/09/F** – Installation of External Staircase – Refused for overlooking issues to the garden of no. 11 High Street, Willingham. The Parish Council states that the proposal is out of keeping with adjacent properties. No justification for the proposal was supplied.
5. **S/1387/08/F** – Change of Use from Bank to Takeaway with Rear Extension and Associated Parking – Refused (Appeal Dismissed).
6. **S/2104/07/F** – Extension and Change of Use from Bank to Takeaway – Refused 2 January 2008.

S-188109-F



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7. **S/2109/05/F** – Extensions & Conversion of Part of Building to 2 Flats – Approved 3 Feb 2006 (Not implemented).
8. **S/0914/93/F** – Cash Machine – Approved 12 July 1993.
9. **S/0812/03/F** - Conversion of Part of Building into 2 Flats – Approved 5 May 2003 (not implemented).
10. **S/1120/81/F** – Change of Use from Shop to Bank/Office – Approved 7 August 1981.
11. This is the second application for external staircase on the north elevation of the building. **S/1151/09/F** was refused due to overlooking of the neighbouring property of no. 11 High Street. It would appear from the planning history of the site, that the building has a part A2/part residential use. Planning reference **S/1120/81/F** granted consent for the ground floor to be used as a bank and the first floor to remain as residential.
12. In 2003 and 2005 (see above) consent was granted for conversion of the building into two flats plus extension. These consents were never implemented and have now lapsed. In 2007 and 2008 consent was refused for change of use from bank to takeaway with an extension at rear. The 2008 application was appealed and was dismissed.

#### **Planning Policy**

13. **East of England Plan, 2008:**

**SS1** (Achieving Sustainable Development)

**ENV6** (The Historic Environment)

**ENV7** (Quality of Built Environment)

14. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**

**DP/2** (Design of New Development)

**DP/3** (Development Criteria)

#### **Consultation**

#### **Willingham Parish Council**

15. Recommend refusal, the proposal is out of keeping with adjoining properties. The plans appear to show a sub-division of the property without mentioning the proposed use of the ground floor.

#### **Representations**

16. None received

#### **Planning Comments – Key Issues**

17. The proposal is for an external staircase on the north elevation to provide access to the first floor level only. The floor plans indicate that the first floor is for residential use as a flat indicating bedroom, sitting room, kitchen and bathroom. The ground floor plan has not indicated what that area is to be used for.

18. The staircase consists of a simple structure of steps leading to a platform on timber posts with timber cladding measuring 1.7m in height above the platform area, which would prevent the loss of the privacy to the neighbours' garden at no.11 High Street. The design of the staircase would not result in direct overlooking of the neighbouring property 11 High Street nor would it have a negative impact on the street scene, as it is set back from the front of the property, with minimal views from within the street scene. Therefore the proposal is not considered to be harmful to neighbour amenity or the street scene and therefore adheres to Policies DP/2(1f) and DP/3(2j) of the South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007.

**Recommendation**

19. Approve

**Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan scaled at 1:1250 and Drawing no. 08:034-10A (Plans and Elevations) date stamped 18 December 2009. (Reason: For the avoidance of doubt and in the interests of proper planning.)
3. The timber screen shall be permanently fitted and thereafter maintained at 1.7m from the finish floor level of the platform of the staircase. (Reason - To prevent overlooking of the adjoining property no. 11 High Street, 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, Development Control Policies, adopted July 2007.
- Planning Files Ref: S/1151/09/F, S/1387/08/F, S/2104/07/F, S/2109/05/F, S/2109/05/F, S/0914/93/F, S/0812/03/F and S/1120/81/F

**Contact Officer:** Laura Clarke-Jones – Planning Officer  
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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 3<sup>rd</sup> March 2010  
**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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**S/1917/09/F and S/1918/09/LB – BASSINGBOURN CUM KNEESWORTH  
Installation of Kitchen Extraction System and External Extraction Flue  
At 51 Old North Road for Mr H Khan**

**Recommendation: Approval**

**Date for Determination: 17<sup>th</sup> February 2010**

**Members will visit this site on 3<sup>rd</sup> March 2010.**

**Notes:**

**This Application has been reported to the Planning Committee for determination as the recommendation to approve conflicts with the recommendation of the Parish Council and at the request of Cllr Cathcart.**

**Site and Proposed Development**

1. The application site is the former Red Lion Public House, now the Yuva restaurant, which is a Grade II Listed Building. The building, formerly a farmhouse, dates from the 17<sup>th</sup> Century, with later 19<sup>th</sup> and 20<sup>th</sup> Century alterations. The main building fronts the Old North Road and has two storey and single storey extensions to the rear. There is an access off the main road on the South side of the building serving the restaurant car park.
2. The planning and Listed Building Consent applications seek permission for the installation of a kitchen extraction system to be routed up through the building internally and extracting through the South roof slope of the two storey rear extension as well as the installation of a new curved external flue.

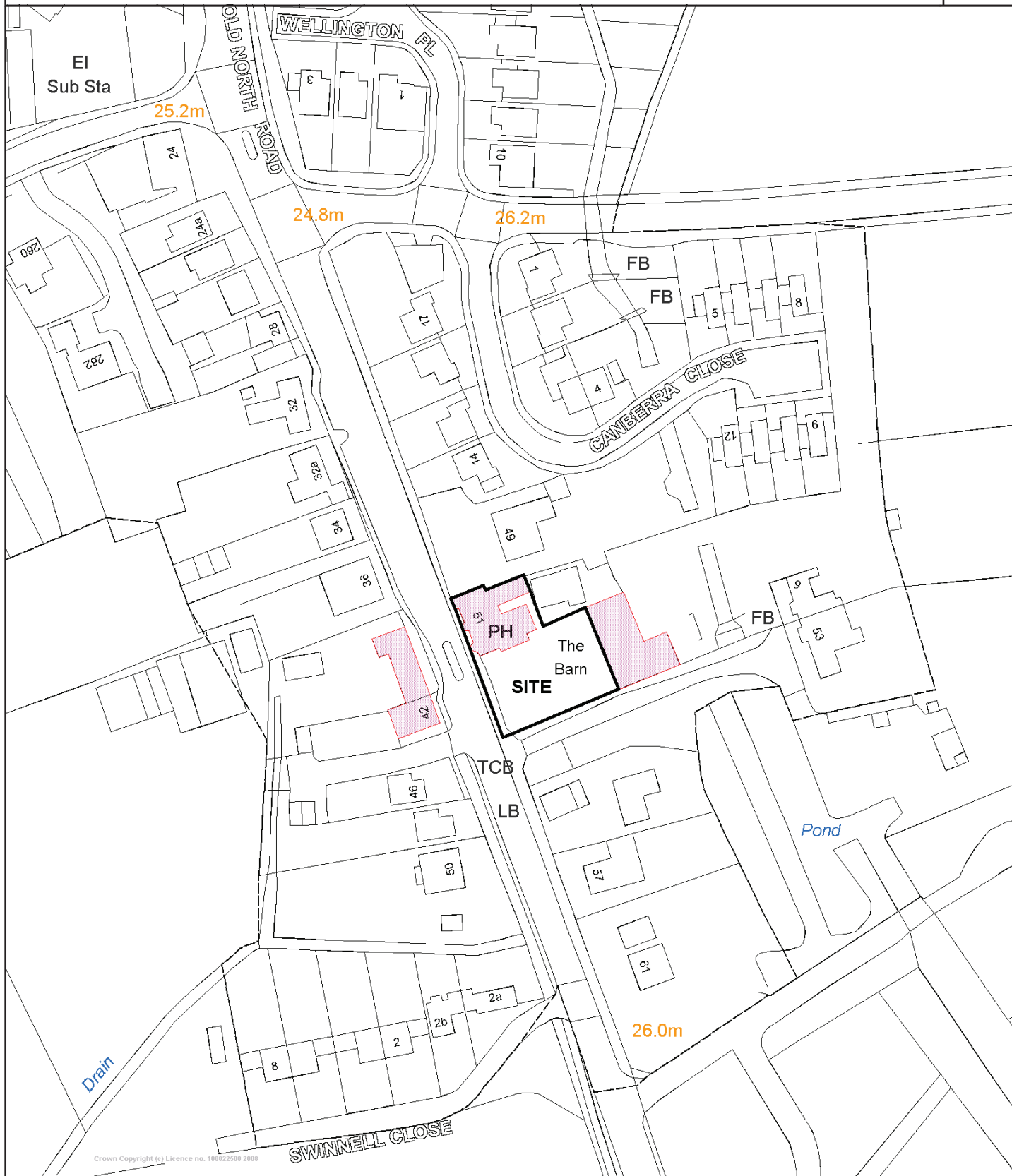
**Concurrent Planning Applications**

3. In addition to this application, retrospective planning and Listed Building Consent applications have also been submitted for the installation of Air Conditioning units at the premises and a planning application has been submitted for the change of use of the premises to include a hot food takeaway use in addition to the existing restaurant use. These applications have also been referred to the Planning Committee for consideration.

**Relevant Planning History**

4. **S/1892/07/LB** - Listed Building Consent was granted for internal and external alterations for the installation of kitchen extract system, ducted through first floor airing cupboard and terminating in a new dormer faced with horizontal louvers.
5. **S/1004/08/LB** – Listed Building Consent was granted for internal and external alterations including removal of partition and blocking of rear doorway.

S-1917-09-F & S-1918-09-LB



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6. **S/1275/08/LB** – Listed Building Consent was granted for alterations and replacement signage.

**Other Relevant Information**

7. Statutory Abatement Notices were served on the applicant in January 2009 relating to the odour created by the premises which were considered to cause an unacceptable nuisance to the owner of 49 Old North Road.

**Planning Policy**

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  
**CH/3** – Listed Buildings  
**CH/5** – Conservations Areas  
**NE/15** – Noise Pollution  
**NE/16** – Emissions

**Circulars**

9. **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.
10. **Circular 05/2005** (Planning Obligations) – Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respects.

**Consultation**

11. **Bassingbourn Parish Council** – has recommended refusal on the grounds that the proposed development would spoil the external appearance of the Listed Building and that there is no evidence within the application to guarantee that odour emissions would be reduced.
12. **SCDC Environmental Health Manager** – does not object to the application and states that the extraction system and flue, with the addition filters, UV filters and relocation of the extraction point would mitigate the statutory nuisance and reduce the odour emitted by the premises and noise from the existing extraction system to acceptable levels. The proposed system would significantly improve the existing situation and have the positive effect of protecting public health in the immediate area.
13. **SCDC Conservation Manager** – notes that the relocation of the extraction system and installation of an external flue would result in the loss of some historic fabric and the flue would be visible from the public domain. However, the amount of historic fabric lost would be small and the flue would be relatively well screened from view by the main roof of the property. The conclusion reached is that, on balance, the application should be supported as although there would be a small amount of harm to the listed building, the benefits of a new extraction system in terms of residential amenity would be sufficient to outweigh the harm to the listed building.

### **Representations**

14. Three representations have been received from occupiers of neighbouring residential properties.
15. Solicitors acting on behalf of the owner of **49 Old North Road** directly to the North of the site object to the application on the following grounds:
  - (a) The system has not been designed in accordance with the relevant Defra guidance.
  - (b) The information provided within the application is inadequate in terms of the 'air stream parameters' which, if deficient, could worsen matters for the owner of No. 49.
  - (c) Technical information relating to engineering details is lacking, making assessment of ventilation and velocity rates, necessary duct works and fans, and dispersion patterns impossible.
  - (d) The stack height is deficient, expel direction is downwards and is too close to neighbouring properties.
16. The representation concludes that the lack of information precludes the proper consideration of the efficacy of the extraction system. Concern is also expressed regarding the necessity of regular maintenance of the extraction system and explicit conditions relating to that issue are requested in the event of the application being successful.
17. The owners of **57 Old North Road** have raised concern regarding the fact that the flue faces their property, and that in directing odour away from the neighbour to the North, their own property may be more adversely affected.
18. The owners of **55 Old North Road** raise concern over the proposed extraction system and the fact that the flue now faces South which is in the direction of No. 55 which would lead to an increase in the odour noticeable at the property. They are also concerned that this would affect the value and saleability of the property.
19. They request that a risk assessment is carried out in advance of determination of the application to assess the likely impact on neighbouring properties. They do not believe the proposal reflects the need for stack dispersion. They also question how any changes to the system would be monitored and maintenance guaranteed.

### **Planning Comments**

20. The main planning considerations in this case are the impact on residential amenity of neighbouring properties and the impact on the Listed Building and visual amenity of area.

### ***Residential amenity***

21. At present the current extraction system is causing a statutory nuisance to the neighbouring property to the North. The statutory nuisance is judged under the Environmental Protection Act. The system proposed in this application is intended to provide a high level of filtration of kitchen odours using several types of filters and also offer a higher point of discharge of the emissions which is not directly in the vicinity of neighbouring properties. Whilst the application has been

submitted as an attempt to resolve the statutory nuisance caused by the premises, the application for the extraction system and the flue has been considered in terms of whether or not its use would cause any significant harm to the residential amenity of any neighbouring properties not just in terms of whether it would abate the existing statutory nuisance.

22. The view of the Environmental Health Team is that the proposed extraction system and flue would adequately filter the odour emitted by the kitchen to such a level and extract it from the building at a point which would mean that the impact of the use of the kitchen on the amenity of residential properties in the immediate vicinity of the premises would be acceptable and would not impact on the amenity of neighbours or their enjoyment of their homes or gardens.
23. The use of the system will not result in zero odour being present in the emissions from the flue, however it is considered that the use of the combination of pad filters, bag filters and an UV filter would reduce the odour present in the emissions to an acceptable level. The higher position of the flue, which is not in direct proximity to neighbouring properties will result in an acceptable level of dilution of the odours in the atmosphere.
24. Some concern has been raised by neighbours to the South of the premises that the extraction point is closer to their properties than at present and that they currently can already smell odours from the premises in their properties. They are concerned that the position of the flue closer to them will worsen the impact. However, it is considered the improved filtering provided by the proposed system as well as the higher point of extraction would more than offset the relocation of the flue closer to those homes. It is not considered that the proposed system would result in any significant harm to the residential amenity of those neighbours.
25. In terms of the impact on the property to the North, which currently suffers from the statutory nuisance, it is considered that the location of the flue, as well as the proposed filters would result in an acceptable level of filtering and dispersion of the emissions from the kitchen. Both the air quality consultants and the Council's own Environmental Health Team are of the view that the proposed system would result in a very significant reduction in the current level of odour emitted and that this level would not only be below what would be considered a statutory nuisance under Environmental Protection legislation, but also at a level which would cause no significant harm to the residential amenity of that neighbour.
26. Although concern has been raised regarding the level of technical detail provided in the application in terms of the extraction system, and whilst those concerns are noted, the Council's Environmental Health Team are of the view that the information is adequate in allowing them to assess the likely impact, and their conclusion is that the system would result in an acceptable impact on the residential amenity of all properties in the area.
27. Both the applicant's professional consultants and the Council's Environmental Health Team note the need for routine maintenance of the system and that such maintenance will dictate its effectiveness in the future. It is therefore considered necessary to condition the system be maintained in accordance with the manufacturers and or installers recommendations as part of a scheme to be agreed with the Local Planning Authority.

***Impact on Listed Building and visual amenity of area***

28. The proposed extraction system would result in the loss of some historic fabric and the flue would project through the roof of the two storey rear element and

would be partially visible from the A1198 to the East when approaching the site from the South. The Council's Conservation staff have given serious consideration to the acceptability of such impacts and the conclusion reached is that the application should be supported, notwithstanding its impact on the Listed Building. Although there would be some harm to the Listed Building, it is considered that it is appropriate to compromise on this impact as the benefits which would result from the system would outweigh the harm to the building.

29. The proposed flue would be visible from the South of the site, however it would largely be seen against the back drop of the roof of the existing two storey rear element and it is not considered that it would be so incongruous as to result in any significant harm to the visual amenity of the area.

### **Recommendation**

30. Taking all relevant matters in to consideration it is recommended that the application be granted subject to the following conditions:

### **Conditions**

1. Standard 3 year Condition
2. Plans
3. Filters to be fitted in accordance with details contained in application
4. Maintenance of system in accordance with an agreed scheme
5. No damage to listed building during works
6. Roof tiles retained for future repairs
7. Mortars, renders and plasters to be approved by LPA
8. Works to timbers to be approved by LPA

**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
- Circular 11/95 Circular (The Use of Conditions in Planning Permissions) and Circular 05/2005 (Planning Obligations)

**Contact Officer:** Dan Smith - Planning Officer  
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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 3<sup>rd</sup> March 2010  
**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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**S/1916/09/F – BASSINGBOURN CUM KNEESWORTH  
Change of Use of Building from Restaurant Use (A3) to Mixed Use of Restaurant  
and Hot Food Takeaway (A3 and A5) at 51 Old North Road, for Mr H Khan**

**Recommendation: Approval**

**Date for Determination: 17<sup>th</sup> February 2010**

**Members will visit this site on 3<sup>rd</sup> March 2010.**

**Notes:**

**This Application has been reported to the Planning Committee for determination as the recommendation to approve conflicts with the recommendation of the Parish Council and at the request of Cllr Cathcart.**

**Site and Proposed Development**

1. The application site is the former Red Lion Public House, now the Yuva restaurant, which is a Grade II Listed Building. The building, formerly a farmhouse, dates from the 17<sup>th</sup> Century, with later 19<sup>th</sup> and 20<sup>th</sup> Century alterations. The main building fronts the Old North Road and has two storey and single storey extensions to the rear. There is an access off the main road on the South side of the building serving the restaurant car park.
2. The planning application seeks permission for the change of use of the building to include the operation of a hot food takeaway in addition to the restaurant use. The building changed its use from Public House (A4) to Restaurant (A3) in 2008. Express planning permission was not required for this change as it is a Permitted Change under the General Permitted Development Order. The takeaway use applied for in this application is already being operated at the premises and is currently an unauthorised use.

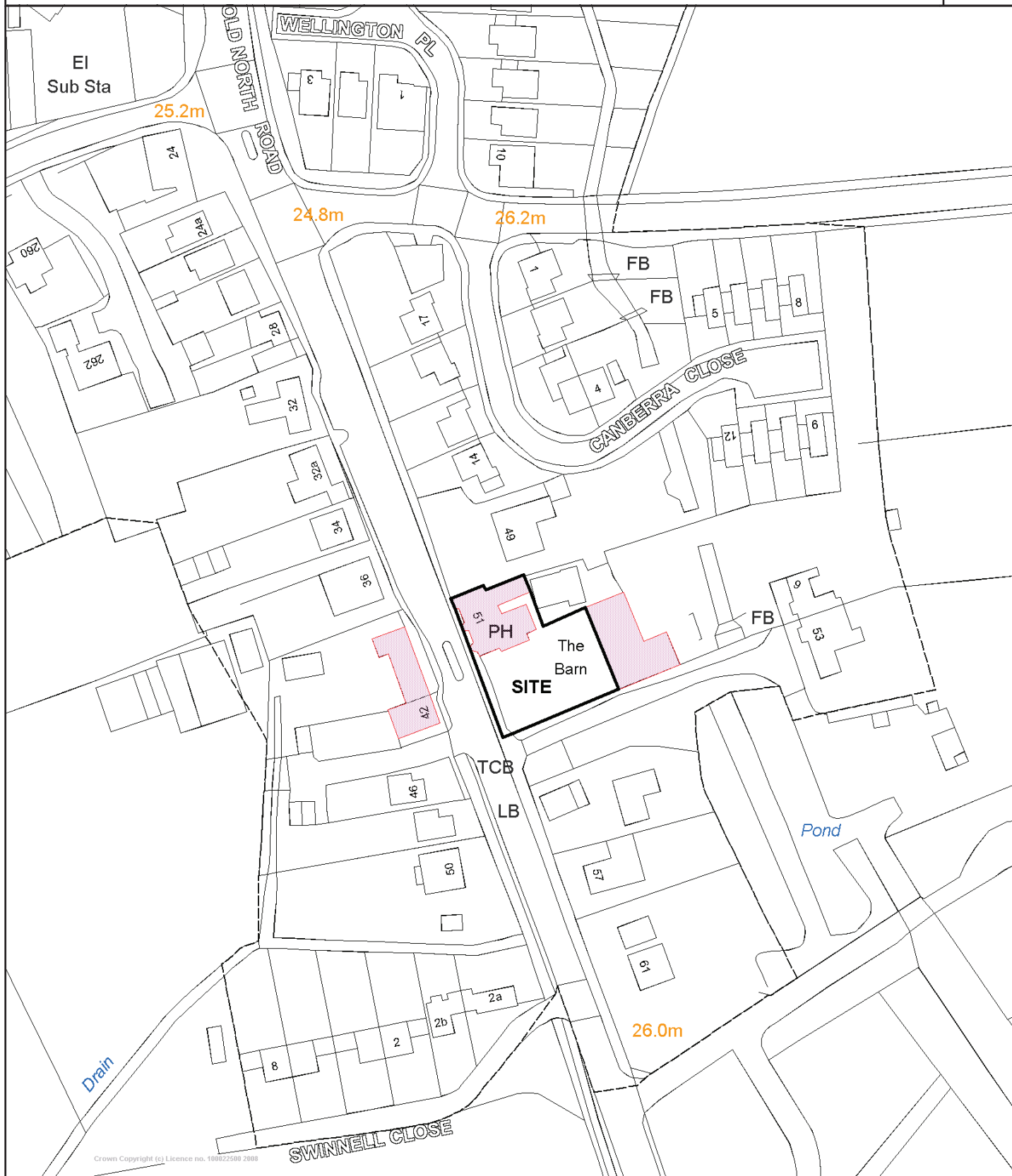
**Concurrent Planning Applications**

3. In addition to this application for change of use, planning and Listed Building Consent applications have also been submitted for the installation of an alternative kitchen extraction system and external flue and for Air Conditioning units at the premises. These applications have also been referred to the Planning Committee for consideration.

**Relevant Planning History**

4. **S/1892/07/LB** - Listed Building Consent was granted for internal and external alterations for the installation of kitchen extract system, ducted through first floor airing cupboard and terminating in a new dormer faced with horizontal louvers.
5. **S/1004/08/LB** – Listed Building Consent was granted for internal and external alterations including removal of partition and blocking of rear doorway.

S-1916-09-F



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6. **S/1275/08/LB** – Listed Building Consent was granted for alterations and replacement signage.

#### **Other Relevant Information**

7. Statutory Abatement Notices were served on the applicant in January 2009 relating to the odour created by the premises which were considered to cause an unacceptable nuisance to the owner of 49 Old North Road.

#### **Planning Policy**

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  
**CH/3** – Listed Buildings  
**CH/5** – Conservations Areas  
**NE/15** – Noise Pollution  
**NE/16** – Emissions  
**TR/2** – Car and Cycle Parking Standards

#### **Circulars**

9. **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.
10. **Circular 05/2005** (Planning Obligations) – Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respects.

#### **Consultation**

11. **Bassingbourn Parish Council** – has recommended refusal on the following grounds of noise and odour issues and inadequate car parking provision.
12. **SCDC Environmental Health Officer** – has no objection to the proposed change of use stating that the new filters, UV filters and relocation of the extraction point to a higher level will bring about significant improvements to the existing situation and would protect public health.

#### **Representations**

13. No representations specifically regarding this application have been received although comments from several neighbours have been received in respect of the proposed extraction system and flue (S/1917/09/F & S/1918/09/LB) and can be found in the report for those two applications.

#### **Planning Comments**

14. The main planning considerations in this case are the impact on residential amenity of neighbouring properties, parking and highway safety and the impact on the Listed Building and visual amenity of area.

***Residential amenity***

15. Although only the restaurant use is currently authorised, the premises is currently also operating an unauthorised hot food takeaway use. The premises has been served with Statutory Abatement Notices by the Council with regard to the odour created by the premises discharged through the existing kitchen extraction system which terminates close to the boundary with the residential property to the North. The takeaway use therefore currently contributes towards a statutory nuisance. The fact that both uses are served by the same kitchen and operate at the same times means it is difficult to measure the degree to which the unauthorised use worsens the nuisance caused by the authorised restaurant use, however the view of the Council's Environmental Health Team is that the additional impact of the takeaway use on odour generated, over and above that generated by the restaurant, is not likely to be significant. In other words, it is considered that this nuisance would remain largely unchanged were only the restaurant use in operation.
16. In order to mitigate the nuisance caused by both the authorised and unauthorised uses, the proprietor has submitted applications for a new kitchen extraction system and flue, applications which are also being considered by Planning Committee, and this system has been considered by the Council's Environmental Health Team. As the extraction system and flue would be relied upon to mitigate any odour created by the proposed takeaway use, the efficacy of the system is also of prime relevance to this application. The view of the Environmental Health Team is that the proposed extraction system and flue would adequately reduce the odour emitted by the kitchen to such a level that the impact of both uses on the amenity of residential properties in the immediate vicinity of the premises would be acceptable and would not impact on the amenity of people resident in those homes. The proposed additional hot food takeaway use is therefore considered to be acceptable in terms of residential amenity, provided that the system proposed in concurrent applications is installed. A condition requiring the installation of that system would be applied to the permission, to ensure the odour created by the takeaway use is sufficiently mitigated. Should the Committee be minded not to approve the proposed extraction system and flue, it is not considered that it would be appropriate to grant a takeaway use, given that odour created by that use would not be able to be dealt with.
17. The hours of operation proposed by the applicant for the takeaway use are 12 noon until 3pm and 5:30pm until 10:30pm, seven days per week. This is considered reasonable in terms of the potential disturbance caused to nearby residential properties by those leaving the premises by car and foot. To ensure that the takeaway does not operate significantly later than this at a time when disturbance would be more likely to be caused, it is considered necessary to ensure that the takeaway does not operate later than 11pm any night of the week. This would be ensured by the application of an appropriate planning condition restricting the hours of operation of the takeaway.

***Parking and Highway Safety***

18. The takeaway use would generate additional short stay parking requirements for customers waiting to collect food. The Council's maximum standards for car parking for restaurants are 1 space per 5 sqm of floor space. For takeaways no maximum is given rather each case is taken on its merits. The applicant states that 20 car parking spaces are available for the restaurant and takeaway. It is considered that this meets the needs of the restaurant and takeaway. Both elements are currently in use and no parking problems have been observed by officers visiting the site, including during evening visits. In addition, no concerns



have been raised regarding the parking situation as a result of the public consultation. The existing level of parking on site is therefore considered adequate for the existing restaurant and proposed takeaway uses.

19. Turning on site is possible for cars parking at the takeaway, enabling them to leave the site via the existing access in a forward gear (something considered essentially given the nature of the A1198). This existing access and turning on site is considered an acceptable situation and the use of the premises as a hot food take away would not prejudice highway safety in the area.

### ***Impact on Listed Building and visual amenity of area***

20. The proposed change of use would not result in any harm to the Listed Building. It is not considered that the additional parking and vehicle movements on site, generated by the takeaway use would have any significant impact on the visual amenity of the area, given that the demand can be accommodated in the existing car park. The change of use is therefore considered to be acceptable in terms of its impact on the listed building and the visual amenity of the area.

### **Recommendation**

21. Taking all relevant matters in to consideration it is recommended that the application be granted subject to the following conditions:

#### **Conditions**

1. Standard 3 year Condition
2. Plans
3. Restriction on opening hours
4. Installation of extract system and flue required

**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
- Circular 11/95 Circular (The Use of Conditions in Planning Permissions) and Circular 05/2005 (Planning Obligations)

**Contact Officer:** Dan Smith - Planning Officer  
Telephone: (01954) 713162

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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 3<sup>rd</sup> March 2010  
**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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**S/1516/09/F and S/1519/09/LB – BASSINGBOURN CUM KNEESWORTH  
Installation of Air Conditioning Units and Associated Screen Fencing  
(Retrospective Application) at 51 Old North Road for Mr H Khan**

**Recommendation: Approval**

**Date for Determination: 26<sup>th</sup> January 2010**

**Members will visit this site on 3<sup>rd</sup> March 2010.**

**Notes:**

**These applications have been reported to the Planning Committee for determination as the recommendation to approve conflicts with the recommendation of the Parish Council and at the request of Cllr Cathcart.**

**Site and Proposed Development**

1. The application site is the former Red Lion Public House, now the Yuva restaurant, which is a Grade II Listed Building. The building, formerly a farmhouse, dates from the 17<sup>th</sup> Century, with later 19<sup>th</sup> and 20<sup>th</sup> Century alterations. The main building fronts the Old North Road and has two storey and single storey extensions to the rear. There is an access of the main road on the South side of the building serving the restaurant car park.
2. The planning application, registered on the 1<sup>st</sup> December 2009 and Listed Building Consent application, seek to regularise the prior installation of the air conditioning system, which have units internally in the restaurant as well as units on the flat roof extension to the rear of the main building. In addition, the existing, currently unauthorised screen fencing around that flat roof extension.

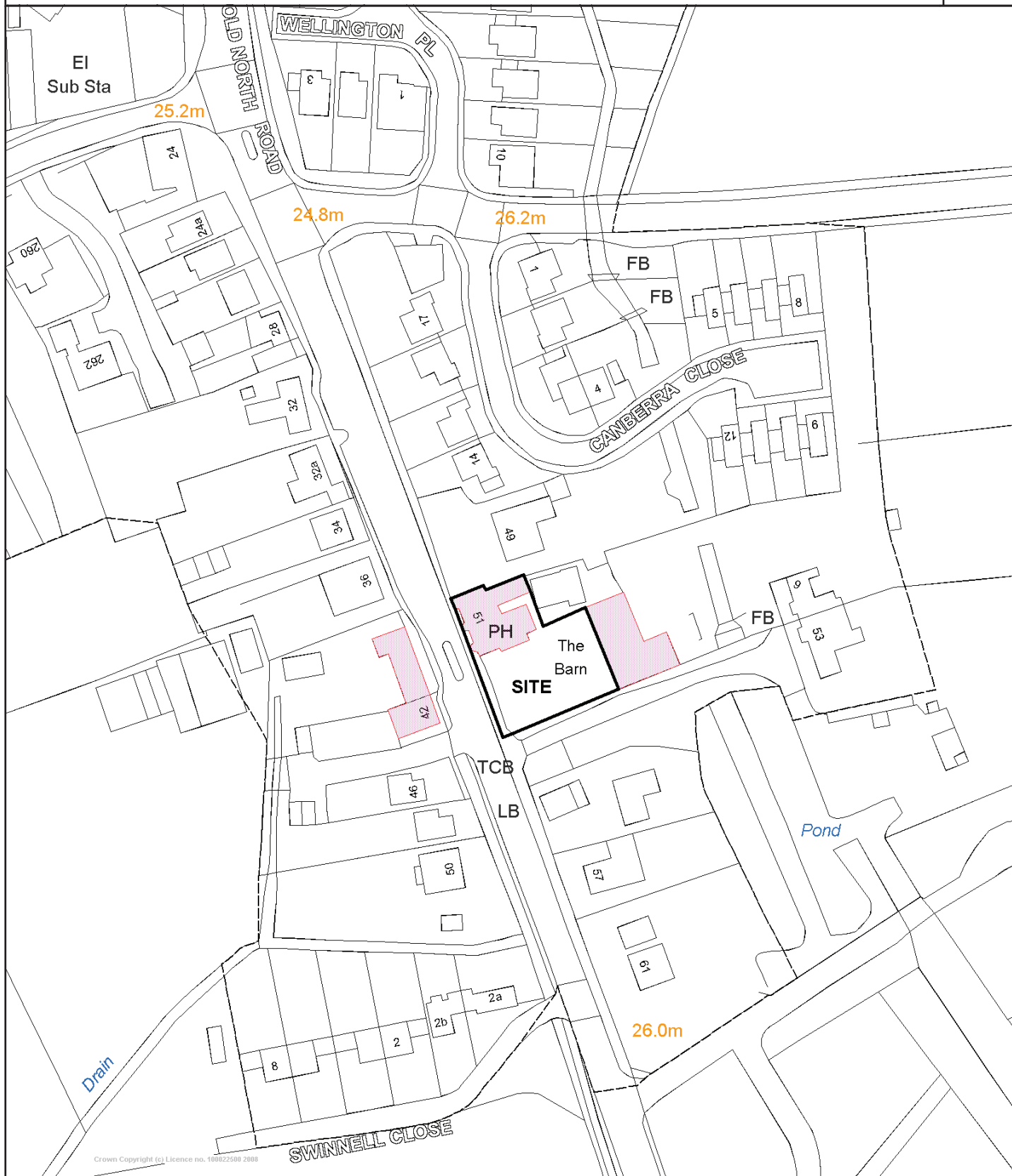
**Concurrent Planning Applications**

3. In addition to the Planning and Listed Building Consent applications for the Air Conditioning units, applications have also been submitted for the installation of an alternative kitchen extraction system and external flue and for the change of use of the building to include a Hot Food Takeaway use. These applications have also been referred to the Planning Committee for consideration.

**Relevant Planning History**

4. **S/1892/07/LB** - Listed Building Consent was granted for internal and external alterations for the installation of kitchen extract system, ducted through first floor airing cupboard and terminating in a new dormer faced with horizontal louvers.
5. **S/1004/08/LB** – Listed Building Consent was granted for internal and external alterations including removal of partition and blocking of rear doorway.

S-1516-09-F & S-1519-09-LB



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6. **S/1275/08/LB** – Listed Building Consent was granted for alterations and replacement signage.

#### **Other Relevant Information**

7. Statutory Abatement Notices were served on the applicant in January 2009 relating to the odour created by the premises which were considered to cause an unacceptable nuisance to the owner of 49 Old North Road.

#### **Planning Policy**

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  
**CH/3** – Listed Buildings  
**CH/5** – Conservations Areas  
**NE/15** – Noise Pollution

#### **Circulars**

9. **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.
10. **Circular 05/2005** (Planning Obligations) – Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respects.

#### **Consultation**

11. **Bassingbourn Parish Council** – has recommended refusal on the grounds that air conditioning units are inappropriate for a listed building.
12. **SCDC Environmental Health Manager** – does not object to the application and states that the air conditioning units are already in situ and do not emit unreasonable noise levels. No complaints regarding the units have been received by Environmental Health Services since their installation 12 months ago.
13. **SCDC Conservation Manager** – notes that the units were installed without consent and that any loss of historic fabric has already occurred. Given that the units already exist, that they are located externally on the least sensitive part of the building and that they can be screened from the outside and will not be easily seen from any public view, it is recommended that the applications be granted.

#### **Representations**

14. No representations have been received in respect of the application.

**Planning Comments**

15. The main planning considerations in this case are the impact on residential amenity of neighbouring properties, impact on the Listed Building and impact on the visual amenity of the area.

***Residential amenity***

16. The air conditioning units have been in situ for approximately a year and during that time Council officers, including an Environmental Health Officer have visited the site on several occasions and have noted that the units do not emit a level of noise which could be considered harmful to the amenity of neighbouring properties. This is particularly true given the proximity of the building to the A1198, which is a source of considerably greater noise. It is therefore considered that the air conditioning units are acceptable in terms of their impact on the residential amenity of neighbouring properties in the area.

***Impact on the Listed Building***

17. Although the installation of the units has resulted in the loss of some historic fabric, the removal of the units would not undo that damage. In addition, the units, which provide heating as well as cooling, reduce the need for other heat sources in the building such as radiators. Were the air conditioning units removed, other heat sources would be required and it is considered that this could result in further intrusions into the historic fabric. The external units are located on a flat roof extension to the rear, a later addition, which is largely screened from both sides by pitched roof elements. The units would also be screened by picket style fencing to the rear of the flat roof element, and this is considered sufficient to adequately mitigate their impact on the external appearance of the listed building. On balance, therefore, in terms of their impact on the listed building, it is considered appropriate to allow the units to remain in place.

***Impact on Visual Amenity***

18. The air conditioning units are well screened from public view being located to the rear of the property and screened from the front and both sides by other elements of the building. The proposed fencing to the rear would reduce their prominence further and it is considered that the impact of the units and the screening on the visual amenity of the area is acceptable.

**Recommendation**

19. Taking all relevant matters in to consideration it is recommended that the applications be granted subject to the following condition:

**Conditions**

1. Plans
2. No damage to be caused to Listed Building
3. Details of new picket fencing
4. Units to be removed once they are no longer needed.

**Informatives**

1. All conditions to be formally discharged
2. Retrospective works

**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
- Circular 11/95 Circular (The Use of Conditions in Planning Permissions) and Circular 05/2005 (Planning Obligations)

**Contact Officer:** Dan Smith - Planning Officer  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> March 2010**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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**S/1830/09/F – CALDECOTE****Alterations, Reconstruction and Conversion of Former Barn and Cart Shed to Offices and Demolition of 3 Outbuildings at Manor Farm, Main Street for Mr Kamper****Recommendation: Refusal****Date for determination: 18<sup>th</sup> February 2010****Notes:**

**This Application has been reported to the Planning Committee for determination because the Local Member has requested it be presented before Planning Committee, due to concerns on material planning considerations.**

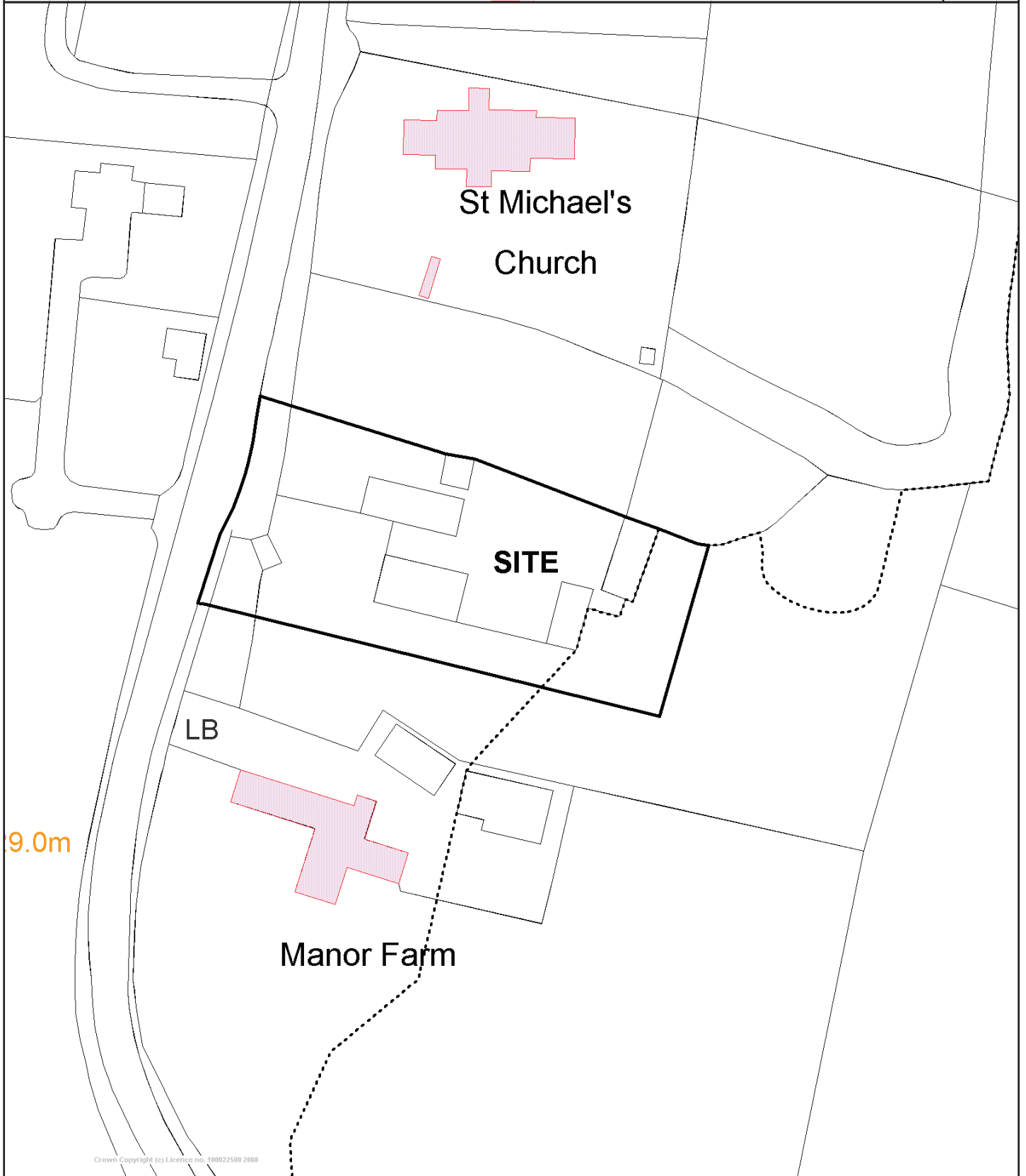
**Site and Proposal**

1. The 0.2 ha site is located in the most southern part of Caldecote, outside of the village framework, within the Conservation Area and sited between two listed buildings. The Parish of Kingston is a short distance from the application site (approximately 100m south).
2. The existing buildings comprise dilapidated wooden structures that were originally used for agricultural purposes and are set within the large grounds of Manor Farm; a grade II listed building located approximately 30 metres south of the application site. To the north is St Michaels Church, a grade II\* listed building, this is screened from the site by trees and hedging. To the east is open countryside and to the west is Main Street and access to the site.
3. The full application received 24<sup>th</sup> December 2009 proposes the conversion of existing buildings to offices and demolition of 3 existing outbuildings. The application was submitted with the following documents:
  - (a) Planning statement
  - (b) Design and Access Statement
  - (c) Heritage Statement
  - (d) Bat and Owl Survey
  - (e) Structural Survey

**Planning History**

4. **S/0937/06/LB** - Extension and Conversion of Barn and Cart shed to Dwelling and erection of garage/outbuilding – Refused.
5. **S/0938/06/F** - Extension and Conversion of Barn and Cart shed to Dwelling and erection of garage/outbuilding - Withdrawn.

S-1830-09-F



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6. **S/0111/07/LB** - Alterations, Reconstruction, Conversion and Extension to Cart shed to form 5-bed dwelling and attached double garage, workshop and store. Demolition of 3 outbuildings – Refused.
7. **S/0112/07/F** - Alterations, Reconstruction, Conversion and Extension to Cart shed to form 5-bed dwelling and attached double garage, workshop and store. Demolition of 3 outbuildings – Refused. Dismissed at Appeal.
8. **S/0096/09/LB** - Alterations, Reconstruction, Conversion and Extension of former Barn and Cart Shed. Demolition of 3 outbuildings - Refused.
9. **S/0094/09/F** – Alterations, Reconstruction, Conversion and Extension of former Barn and Cart Shed. Demolition of 3 outbuildings - Withdrawn.

### **Planning Policy**

10. **PPS1** (Delivering Sustainable Development).
11. **PPS 7** (Sustainable Development in Rural Areas).
12. **PPG15** (Planning and the Historic Environment).
13. **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.

### **East of England Plan 2008:**

14. **ENV6** (The Historic Environment)  
**ENV7** (Quality in the Built Environment)

### **South Cambridgeshire Local Development Framework (LDF) Development Control Policies 2007 (LDFDCP):**

15. **DP/1** – Sustainable Development, **DP/2** – Design of Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **ET/7** – Conversion of Rural Buildings for Employment, **ET/8** – Replacement Buildings in the Countryside, **CH/4** – Development within the Curtilage of a Setting of a Listed Building, **CH/5** – Conservation Area, **TR/1** – Planning for more Sustainable Travel, **TR/2** – Car and Cycle Parking Standards.

### **Consultations**

16. **Conservation Officer** - In summary the team are of the opinion that the best use of the buildings is that for which it was originally designed. The proposals follow the refusal of S/0094/09/F and S/0096/09/LB for alterations, reconstruction, conversion and extension of the barn and cart shed to offices and demolition of 3 outbuildings. This application is for the same scheme but omitting the extension to the cart shed. Although the proposal does not involve an extension to the cart shed there are still concerns about the impact on the character and appearance of these curtilage listed buildings and on the setting of the grade II listed farmhouse and grade II\* listed Parish Church and the Conservation Area.

In this case no compelling evidence has been presented to show that some form of agricultural or storage use could not be maintained. It is clear that an alternative non-agricultural use would be difficult to accommodate due to the close proximity of the listed farmhouse and church. However conversion to an employment use is not considered to

be an acceptable alternative for the above reasons. Consequently a less intrusive use should be sought which does not require so much alteration and extension to the buildings and which avoids destroying their special character. For the above reasons the proposed extension and alterations to the barn and cart shed would neither preserve nor enhance the character of the wider Conservation Area. The barn is prominent within the street scene and the Conservation Area and the proposal, which is considered to be visually intrusive, would be detrimental to the character of the Conservation Area. The proposal is therefore contrary to CH/5 of the LDFDCP, 2007. In addition, the setting of the listed farmhouse would be compromised and the visual relationship between the farmhouse and its former agricultural buildings would be further eroded. The setting of the adjacent grade II\* parish church would also be compromised by an office development in this location. The proposals would therefore be contrary to Policy CH/4 of the LDFDCP, 2007.

17. **Local Highway Authority** – objects to the proposal.

“The Highway Authority would recommend refusal of the above application in its present format:

The proposed development, if permitted, would involve the use of a vehicular access onto Main Street where visibility is severely restricted by a bank to the south of the access and would therefore be detrimental to highway safety. ’

If the application is granted permission by the Local Planning Authority, it will be the Local Planning Authority’s decision with regards to which conditions will be incorporated.

It is requested that the applicant provide a contour survey of Main Street (a hollow way) in relationship to the access way. As visibility splays need to be unobstructed, the Highway Authority is concerned that the cutting that has been created to join the road does obscure the visibility. The gradient of the bank to the road appears from on site observations too great to permit the access to merely follow the bank’s profile”.

18. **English Heritage** – Has not responded within the given timeframe.

19. **Biodiversity Officer** - “I have no objection to this development taking place subject to the development commencing in accordance with the information and recommendations contained within the Bat and Owl Survey, such that two internal cavity bat boxes will be provided on the west and east elevations of the building, that bird boxes will be erected around the site, that the grass will be kept short around the development area to deter the possible presence of great crested newts in the development area.

The restoration of the pond through selective desilting would provide a simple biodiversity gain for the site. The SCDC Ecology Officer would be willing to provide further guidance on the matter”.

20. **Building Control Officer** – raises no objections.

21. **Environment Agency** – The Application falls within Cell F3 (floodzone 1/<1ha change of use from ‘water compatible’ to ‘less vulnerable development’) of Flood Zone Matrix, version 2.0, as such it makes no comment. No other Agency related issues exist, and the Council will be required to respond in respect of flood risk and surface water drainage to encourage sustainable drainage methods are used.

22. **Environmental Health Officer** – Has requested conditions to control hours of demolition/construction and details regarding pile foundations, and informatives including no bonfires and burning of waste on site, and the need for a Demolition Notice establishing ways in which buildings will be dismantled.

**Planning Comments – Key Issues**

23. The key issues regarding the scheme refer to the:
- (a) Principle of development
  - (b) Sustainability
  - (c) Highway Safety
  - (d) The impact on the character and appearance of the Conservation Area and the two Listed Buildings and their settings
  - (e) The impact on neighbour amenity.

***Principle of Development***

24. There is policy support for the conversion of agricultural buildings to employment use under policy ET/7 of the LDFDCDP 2007, though other criteria must be met.

***a) The buildings are structurally sound***

25. The proposal seeks to retain some elements of the existing structures (predominantly the frames of the building with some work) though a large element of the scheme is new build. In addition, the works of the cart shed amount to some major reconstruction and the works to the Chaff Barn are significant also. The comments from the Building Control Officer inform that, though the frames can be predominately retained, the materials for the external appearance are all likely to be new and not those of the existing buildings, including completely re-roofing both structures. It is accepted that the structure of the buildings could be successfully re-used.

***b) The buildings are not makeshift in their nature and are of permanent, substantial construction***

26. It is accepted that the proposal would meet this criteria and Building Control agree that the works can be carried out in accordance with the structural statement submitted. However, the report states that although much of the original structure remains at low level the sole plate and the plinth would need to be replaced. There is no information on how the new roof would be supported but this would potentially require strengthening of the existing walls in order to take the increased load of a tiled finish. In the report on the 2007 applications, which were dismissed on appeal, the Inspector stated that “the buildings are not in good structural condition; the state of dereliction would require most of the proposal to be undertaken as new build”.

***c) The buildings are capable of re-use without materially changing their existing character or impact on the surrounding countryside***

27. The structures of the existing buildings can be re-used though the external materials for the buildings and the design would have to be as such so as not to have an adverse impact on their historic fabric, the neighbouring listed building and the character of the Conservation Area. This proposal intends to change the character of the buildings to an unacceptable level by inserting new openings, adding extensions and internal alterations and strengthening works that will have a significant adverse impact on the simple character and appearance of the buildings and would result in the loss of historic fabric.

The impact the change of use would have on the wider countryside would have a much lower impact than that of the earlier schemes though the immediate setting would still be harmed and therefore contrary to the policy criteria.

**d) *The form, bulk and general design of the buildings are in keeping with their surroundings.***

28. It has been concluded by the Conservation Manager that the form, bulk and general design of the buildings would have an adverse impact on the character of these curtilage listed buildings, the setting of the grade 2 listed farmhouse, the neighbouring grade 2 listed Parish Church and the setting of the Conservation Area. The introduction of a wall to screen the parking area is firstly not detailed and secondly an alien feature in the relationship and context of these buildings. It is seen as a visually intrusive and incongruous addition given the rural location. The extensions to the existing units are not in character with the buildings and the extension to the cart shed.
29. With regard to the new build element the statement proposes it as a replacement building. The structure it is intended to replace is no longer in situ and therefore not a replacement building and quite simply new development in the countryside that is not supported by policy in this instance. The proposal is therefore contrary to the Development Plan in this respect. There is no policy support for new build in the countryside without agricultural or similar justification. It is not considered that this application has justified.

**e) *Perform well against sustainability issues***

30. The site is not well related to the village and there are no services or facilities in the vicinity. The occupiers of this site will be entirely dependant on the car. The application fails in this respect.
31. Additional text for this policy clearly states on pages 50-51:

‘Due to their location, such developments must be carefully controlled. It is crucial that design takes account of the character and appearance of the existing building and the surrounding area. It is not sufficient to simply retain the frame of the building and substantially reconstruct around it’.

***Sustainability***

32. The site being located to the very south of the village and outside of the village framework limits easy access to public transport. The closest bus stop is located in the neighbouring village of Kingston, approximately an 18-minute walk from the application site. Visiting the site would be predominately by private vehicle and therefore the development does not promote minimising the use of the car in line with current sustainability policies. There are also no local facilities close by; the local shop is approximately 1.5 miles north of the application site. The site is quite remote for an office use; whilst this might create the perfect atmosphere for those working within them, accessibility and amenity are unsustainable.

***Highway Safety***

33. The Local Highway Authority raise objection to the above application, as submitted, as the access presents problems with highway safety due to obscured visibility. This has been an issue with both previous planning applications and is still not adequately addressed.

**Conservation Area/Listed Building**

**Chaff Barn**

34. The Chaff Barn comprises a two bay mid-late 19th Century timber framed barn with a timber framed open lean-to on the north elevation. Both elements are roofed with corrugated sheeting. The proposal seeks to convert the barn and replace the existing lean-to with an extension of a similar form that extends along the whole of the north elevation. There is no automatic right to replacement and the fact that there is an existing lean-to structure of no interest or quality is not sufficient justification for a more permanent structure. The addition of this extension would be to the detriment of the historic plan form and harm the special character and appearance of the barn. In terms of planning policy there is a presumption against extension of rural buildings for employment use and the proposal would be contrary to Policy ET/7.
35. In addition, the alterations include additional openings, internal alterations and some strengthening works all of which would have a significant impact on the simple character and appearance of this former agricultural building and would result in the loss of historic fabric.

**Cart Shed**

36. This building comprises a four bay timber framed structure that was originally open fronted on the east elevation; the roof is monopitched and covered in corrugated metal sheeting. The proposal is to convert the existing building and reinstate the pitched roof. While there would be no additional openings in the cart shed and therefore no loss of historic fabric, the alterations required for the new use including the addition of insulation, services and a new floor internally and new weatherboarding externally would have a significant impact on the simple character and appearance of this curtilage listed building.
37. For the above reasons, the proposed alterations to the barn and cart shed would neither preserve nor enhance the character of the wider Conservation Area. The barn is prominent within the streetscene and the Conservation Area and the proposal, which is considered to be visually intrusive, would be detrimental to the character of the Conservation Area. The proposal is therefore contrary to Policy CH/5.
38. In addition, the setting of the listed farmhouse would be compromised and the visual relationship between the farmhouse and its former agricultural buildings would be further eroded. The setting of the adjacent grade II\* parish church would also be compromised by an office development in this location due to the appearance of these buildings within views to and from the church. The proposals would therefore be contrary to Policy CH/4.

**Neighbour amenity**

39. The closest neighbouring property is that of Manor Farm, located some 30 metres to the south of the application site. There are no major concerns with regard to the proposed scheme having an adverse impact on the occupiers of this property.

**Conclusion**

40. The proposed scheme has been scaled down considerably from the first applications received in 2006. The proposal for the use of the buildings to offices demonstrates a re-use that is supported, in principle by the LDF policies, subject to other criteria. This scheme meets only parts of these criteria. In addition, the site is set between two listed

buildings in the Conservation Area where it is the view of officers the development would materially detract from the setting of the listed buildings and would neither preserve or enhance the character of the Conservation Area. The scheme also fails to successfully address sustainability.

41. Although changes to the buildings could increase their longevity it is not felt that the proposed scheme outweighs the level of harm on all other accounts mentioned above.

### **Recommendation**

42. For the above reasons the application is recommended for **refusal**.
1. The site lies in an unsustainable location away from village services and facilities and is not in an accessible location with a choice of means of travel, including non-motorised modes. As such the proposal is contrary to Policy DP/1 (b) and TR/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, adopted July 2007, that aims to minimise the need to travel and reduce car dependency.
  2. No compelling evidence has been presented to show that some form of agricultural or storage use could not be maintained. It is clear that an alternative non-agricultural use would be difficult to accommodate due to the close proximity of the listed farmhouse and church. However conversion to an employment use is not considered to be an acceptable alternative use. Consequently a less intrusive use should be sought which does not require so much alteration and extension to the buildings and which avoids destroying their special character. For the above reasons the proposed extension and alterations to the barn and cart shed would neither preserve nor enhance the character of the wider Conservation Area. The barn is prominent within the street scene and the Conservation Area and the proposal, which is considered to be visually intrusive, would be detrimental to the character of the Conservation Area. The alterations to the barns and the introduction of a formal business use and associated parking areas will materially detract from the simple, rural agricultural character of the site to the detriment of the setting of the adjacent Grade II Listed Manor Farmhouse, the character and appearance of the Conservation Area, and the visual quality of the street scene and surrounding countryside. As such the proposal is contrary to Policies DP/2 (a) that aims to preserve or enhance the character of the local area, CH/4 that aims to avoid development that would adversely affect the curtilage or wider setting of a Listed Building and CH/5 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, adopted July 2007, that aims to determine applications in accordance with legislative provisions and national policy currently in PPG15.
  3. The scheme is not in accordance with the requirements of Policy ET/7 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, adopted July 2007, as it fails to convert buildings without materially changing their existing character or impact upon the surrounding countryside due to the proposed extension and alterations to the barn and cart shed neither preserving nor enhancing the character of the wider area. The proposed changes to the barn will be prominent within the street scene and is considered to be visually intrusive, and therefore detrimental to the character of the site. The alterations to the barns and the introduction of a formal business use and associated parking areas will materially detract from the simple, rural



agricultural character of the site and the visual quality of the street scene and surrounding countryside.

4. The proposed development is contrary to the requirements of Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, adopted 2007, as it would involve the use of a vehicular access onto Main Street where visibility is severely restricted by a bank to the south of the access and would therefore be detrimental to highway safety.

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

- South Cambridgeshire Local Development Framework Core Strategy 2007
- South Cambridgeshire Local Development Framework Development Control Policies 2007
- Regional Spatial Strategy - East of England Plan 2008
- PPS1 Delivering Sustainable Development
- PPS7 Sustainable Development in Rural Areas
- PPG15 Planning and the Historic Environment
- Circular 11/1995 The Use of Conditions in Planning Permissions
- Planning files Ref: S/0937/06/LB, S/0938/06/F, S/0111/07/LB, S/0112/07/F, S/0096/09/LB, S/0094/09/F and S/1830/09/F

**Contact Officer:** Saffron Garner Senior Planning Officer  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee3<sup>rd</sup> March 2010**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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**S/1956/09/F – GREAT AND LITTLE CHISHILL**  
**Removal of Condition 1 of Planning Permission S/1930/08/F to Allow the Permanent Use as a Rabbit Sanctuary at Land South-West of Wallers Close for Mr Derek Collins****Recommendation: Approval subject to Conditions****Date for determination: 16<sup>th</sup> March 2010****Members will visit the site on 3<sup>rd</sup> March 2010.****Notes:**

**This Application has been reported to the Planning Committee for determination because the Local Member has requested it due to concerns on material planning grounds.**

**Site and Proposal**

1. The 0.15 hectare site is located in the southwest corner of Great Chishill and outside of the village framework boundaries, of which there are two in Great Chishill. The site is located almost equally between the two boundary edges approximately 100 metres south of Hall Lane. The site is accessed via Wallers Close and the access runs through a residential garage block and then closely behind residential properties 4 to 8 Wallers Close. The site is bound by mature trees and hedging on the northwest and northeast facing boundaries, though predominately open on the remaining boundaries.
2. The site currently consists of a mixture of small and medium sized sheds used for storage and rabbit housing. There is also an array of wooden hutches and runs all enclosed with post and wire fencing. There is an area for parking and turning for 3 vehicles and an area where waste is located.
3. The full application, received 19<sup>th</sup> January 2010, proposes the removal of condition 1 of planning permission S/1930/09/F to allow for the permanent use of the site as a rabbit sanctuary.
4. Accompanying the application is a Design and Access Statement, a copy of a letter of support from the RSPCA and a copy of a petition in support of keeping the rabbit sanctuary open which has, at the time of writing this report, 772 signatures.

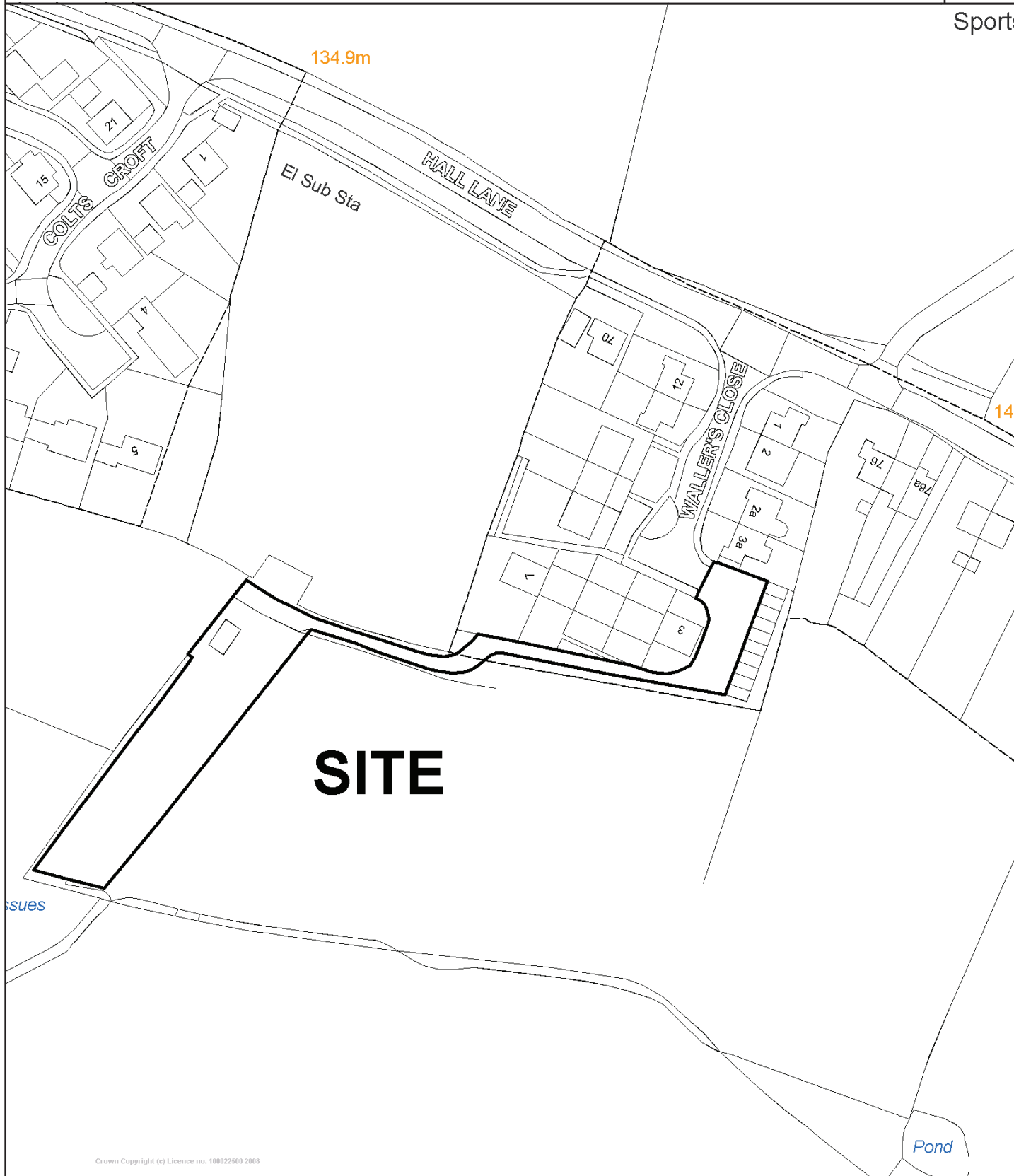
**Planning History**

5. Residents in Wallers Close and the Parish Council originally brought the existence of the rabbit sanctuary to the attention of planning officers following incidents where visitors were parking in front of the communal garages whilst visiting the site. The main issue surrounding the determination of past applications related to whether the

S-1956-09-F



Sports



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Scale 1/1250 Date 18/2/2010

Centre = 542530 E 238562 N

March 2010 Planning Committee

numbers of visitors and helpers who accessed the site via the only vehicular access was unacceptable having regard to neighbouring amenity. The first application under planning reference **S/1369/07/F** was granted a temporary consent of one year. This was to allow an appropriate period of time in which to monitor the impact upon neighbour amenity of the use which was also restricted to limit the number of visitors to the site. Planning reference **S/1930/08/F** was received a year later to allow for a continued change of use. It proposed an increase in visitor numbers on certain days, an increase in volunteer numbers and an extension of time in which power operated machinery could be used (i.e. generators for lighting purposes). In light of the letters of objection received from local residents officers were of the view that the previous consent had not been monitored closely enough and with an increase of volunteers and opening hours seen as being acceptable subject to conditions, another temporary consent was granted for 1 year. This was to allow officers further time to monitor the site more closely as well as allowing the applicants to increase usage to meet the needs of the sanctuary.

### **Planning Policy**

6. **PPS1** (Delivering Sustainable Development)
7. **PPS 7** (Sustainable Development in Rural Areas)
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.
9. **Circular 02/99 - Environmental Impact Assessments:** provides guidance on the Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 1999 for Local Planning Authorities.

### **South Cambridgeshire Development Control Policies 2007:**

10. **DP/1** Sustainable Development, **DP/3** Development Criteria, **DP/7** Development Frameworks, **TR/2** Car and Cycle Parking Standards.

### **Consultations**

11. **Chishill Parish Council** - Recommends refusal for the following reasons:
  - (a) The location of the sanctuary has presented continuing problems with parking and vehicular access causing a source of friction with the residents of Wallers Close. Wallers Close is already facing significant parking issues as documented by Mr Rutland of the SCDC housing department.
  - (b) There have been many complaints about the non-clearance of rubbish and waste from the site and its generally run-down appearance (see attached pictures). In the past two months environmental health has been called to investigate the site for rats resulting from the non-clearance of rubbish. Waste has been burnt causing a nuisance for residents.
  - (c) Looking forward, after 3 years there is no evidence of improving management, a simple management committee with basic guidance procedures, formal charity status, sufficient funding or a sustained attempt to deal effectively with the neighbours concerns.

- (d) There is a professional Rabbit Reception approximately 1 mile away at the Wood Green Animal Shelter; this has a dedicated small animal refuge with its own car parking and easy access.
12. **Environmental Health Officer** – Several visits have been made to the above site. On no occasion has there been any evidence of rodent activity within the curtilage of the premises, even when visiting in response to complaints from nearby residents. The issue of waste removal from the site has been addressed and improvements have been noted. The issue of a pro-active pest control scheme on site was also discussed on my more recent visit and is to be implemented immediately. I therefore have no adverse comments in respect of the removal of condition 1 of planning permission S/1930/09/F. In the interest of public health I would recommend that a scheme for the pro-active baiting of rodents should be implemented, and the periodic removal of any accumulation of refuse should take place.
13. **Councillor Barrett** - *I support the Parish Councils recommendation to refuse this application. There have been a number of problems with this location over a period of 3 years including parking and vehicular access to Wallers Close. The biggest problem is non-clearance of rubbish from the site, which has, in the past certainly encouraged vermin and as guidelines are not being adhered to, will no doubt again. Waste is being burnt on the site, which causes a nuisance to the residents of Wallers Close. This situation, I feel, cannot continue, especially as there is a professional rabbit reception within one mile of this location.*
14. One letter of objection has been received from the occupier of No.7 Wallers Close. It has been signed by 6 other local residents from 1, 2, 2a, 9, 10 and 11 Wallers Close. Concerns raised include:
- (a) Dumping of green refuse close to residential properties
  - (b) Verbal abuse from members of staff
  - (c) The use encourages rodents
  - (d) Use of generator on site in the cold weather causes interference with television reception
  - (e) Loss of privacy due to people visiting
  - (f) Noise pollution
  - (g) The opening times are not being adhered to and many visitors still use Wallers Close as a car park
  - (h) Question why this use is present when Wood Green Animal Shelter is located in the neighbouring village
  - (i) Increase in additional sheds not appropriate as already at capacity
  - (j) Petition is signed by many people who don't live next to the site, therefore not truly representative of local support
  - (k) Burning of waste on site is unacceptable
  - (l) Build up of waste on site is unacceptable
15. **Enforcement Officer** – has no concerns with regard to the site not be managed in accordance with the conditions put in place under reference S/1930/08/F
16. **Project Manager for Affordable Homes** - There are parking problems in Wallers Close. Whilst the access and road to the application site is owned by SCDC we would only be able to restrict parking on that particular piece of land and not that in the adopted public highway. Conditions previously restricted numbers of visitors/volunteers/cars though we could improve this by restricting parking in the area owned by SCDC if necessary. We have no control over parking elsewhere in the Close. With regard to providing further provision for SCDC residents in Wallers Close

this is limited due to cost and also with regard to the number of now privately owned properties in the Close.

### **Planning Comments**

#### ***Principle of Development***

17. The use of the site for the accommodation of rescued rabbits is not considered to be inappropriate in the countryside, though the site needs to be managed in such a way as to limit the impact upon neighbour amenity. Given issues that surround the access to the site it was felt that the most appropriate course of action was to grant consent for a limited period of time. This was done for two reasons; firstly to monitor the effectiveness of the conditions that were used to limit visitor numbers and visiting times; the second is in order to give the applicant time to look for an alternative site where issues of access would not apply. The applicant has not found another site and hopes to stay in the current location.

#### ***Neighbour amenity***

##### *Access and Visitors*

18. Access to the site is owned by SCDC and runs closely behind the residential dwellings in Wallers Close, some of the gardens to the rear are very shallow. The views of the surrounding countryside afford the residents pleasant views that they do not wish to block out by erecting close boarded fencing or the like, therefore the rear gardens are very open. Past temporary consents have assessed this as one of the primary reasons for further monitoring and the introduction of strict conditions were put in place to control the level of use.
19. Recent conditions have restricted visiting times to Saturdays between 10:00am and 18:00 via appointment only, with no vehicular access for visitors and limited to no more than 20 visitors on any one Saturday. The number of volunteers on site is restricted to no more than 6 on site at any one time and the number of vehicles restricted to no more than 3 on site at any one time. This has increased from the first temporary consent that limited visitors to 10 and volunteers to three.

##### *Parking*

20. Parking on site allows for only 3 vehicles and this was restricted to ensure the volume of traffic was carefully controlled and the impact on local residents was minimal whilst still meeting the need of the application site. Whilst it is agreed that on site parking is at an acceptable level there is limited control over visitors parking in the neighbouring streets.

##### *Privacy*

21. The privacy of occupiers is marginally compromised when vehicles access the application site via the access road that runs to the rear of the properties in Wallers Close. Officers have tried to reduce any negative impact this may have on its occupiers by restricting the number of vehicles on site at any one time. This is also the case with regard to the number of volunteers on site. With the shallowness of the rear gardens and the desire of the occupants to retain their countryside views the erection of fencing is not an option to try and overcome these concerns. The site owners and users are expected to take residents into consideration whilst carrying on their duties.

*Neighbour objections*

22. When the earlier consent was granted for a further one year, all residents who wrote in were sent a letter with regard to the status of the application and how to put forward their complaints with regard to the use of the site should any future concern be raised. Particularly if the applicants were not complying with the conditions or noise/rubbish became a concern. It advised that if there were problems officers needed to be made aware of it and notified as soon as possible. It was asked that these were received in writing. To date officers have received 3 complaints over the last year (dated 3/11/09, 7/12/09 and 27/01/09). These have been addressed immediately and the Environmental Health Officer has not raised any objection to the continued use of the site subject to conditions. The first complaint received, about the applicants not complying with their conditions, was received as an objection to this application.

**Environmental Health**

*Waste build up*

23. Local residents have raised this as a concern and the Environmental Health Officer has visited as a result. Waste build up has occurred on a number of occasions though officers are informed that this was due to the then existing arrangement regrettably not being met. This has since changed and the waste is now removed weekly. No conditions were put in place on either of the previous consents with regard to regulating waste disposal, however, in light of the concern raised from residents and Environmental Health Officers this would not be an unreasonable condition to put in place.

*Noise (generator)*

24. The applicant does not have a power source on site and lighting has been restricted to ensure there is no harm to local residents and the wider setting of the countryside. This means the applicant uses a generator in the darker months of the year to carry out the necessary care requirements. Head and handheld torches are also used where possible. The generator use has been limited under previous consents to certain times of the day and it is felt this is necessary to limit neighbour disturbance.

*Burning of waste*

25. It is understood that a small fire took place last year, however, officers are informed this was a one off and has not happened since.

*Vermin*

26. It is agreed that it is likely rats are present in the area, however, it is to the detriment of the rabbits being cared for and therefore discouraged where possible. Discussions between the applicant and Environmental Health have looked at ways in which to do this. It is also confirmed by Environmental Health that there have been no sightings or evidence of rats when visits have been made.

**Other Issues**

*Evidence of improved management*

27. Officers are advised that The Rescue has a committee that deals with all procedural matters including the planning application and it does have an agent dealing with all matters relating to planning. This application is on behalf of The Rescue and not the Collings family. Ms Caroline Collings is a key member of The Rescue committee. She is also the day to day manager and main volunteer at The Rescue. Mr Collings is not on the committee and is not involved in the management of The Rescue; he is, however, the owner of the land. This information has been provided to inform



Members that the management of the site has greatly improved since the first application. Whilst it is appreciated that there is still work to be done, the site and its support mechanisms are in place and the intention is to keep building on this.

*Local support - Wood Green Animal Shelter*

28. After brief discussion with the Manager of the Heydon Wood green Animal Shelter about the possibility of re-homing rabbits should the application site close I was informed that it would not turn away any animal that was brought to them subject to capacity. At present this is currently stretched in light of recent construction work at the Shelter involving the erection of replacement cat pens. Noise and disturbance on site can present real problems for animal welfare and whilst Wood Green would help wherever possible other local animal welfare charities may have to help if numbers exceeded their own capacity.

*New Sheds on site*

29. This application is solely for the removal of condition 1 of planning consent S/1930/08/F to allow for the permanent use as a rabbit sanctuary. The application, if approved, would not include the erection of new sheds/storage facilities.

**Conclusion**

30. The level of use has increased from the first temporary consent to allow the applicants a greater opportunity of re-homing rabbits. The level of support proves that The Rescue carries out very commendable work, however, with reference to the reasons for a temporary consent, it was noted that this site should be scaled down and the use relocated to a site that would have less impact on nearby residents. It would seem that the scale of the use is increasing rather than decreasing and though the Council has received only a handful of complaints over the few years it has had specific planning consent it is recommended that this site is scaled down rather than closed completely.
31. Officers are of the view that since the increase in visitors and volunteers more complaints have been received with regard to waste, rats and neighbour disturbance. With this in mind it is suggested that The Rescue reverts back to a level where capacity of the use required is manageable. Whilst officers appreciate the new status of The Rescue and its promise to become better managed, the applicants have had the chance to prove this over the last year and this has not been made apparent timely enough to warrant a recommendation to approve without revisiting conditions. If, in future The Rescue can manage the site better officers would consider revisiting the level of use on this site once again.
32. Recommendation approve subject to the following conditions:
1. Visitors to the rabbit sanctuary shall be permitted access to the site by appointment only between the hours of 10.00 and 18.00 on Saturdays. Between these hours there shall be no vehicular access to the site for visitors and the total number of visitors shall not exceed 10 on any given Saturday.  
(Reason - To protect the amenities of adjoining residents from increased vehicular movements associated with the uncontrolled access to the site by visitors.)

2. The number of volunteer's vehicles on the application site at any one time shall not exceed three, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To ensure that the scale of the use does not generate a volume of traffic movements that would cause unreasonable disturbance to adjoining residents.)
3. The number of volunteers working on the application site at any one time shall not exceed 4, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To ensure that the scale of the use does not generate a volume of traffic movements that would cause unreasonable disturbance to adjoining residents.)
4. Within one month of the date of this decision notice a scheme detailing the periodic removal of refuse shall be submitted for approval in writing by the Local Planning Authority. The use, thereafter, shall be carried out in accordance with the approved details.  
(In the interests of residential amenity in accordance with the requirements of Policy DP3 j of the Local Development Framework Development Control Policies 2007).
5. Within one month of the date of this decision notice a scheme detailing the proactive baiting of rodents shall be submitted for approval in writing by the Local Planning Authority. The use, thereafter, shall be carried out in accordance with the approved details.  
(In the interests of residential amenity in accordance with the requirements of Policy DP3 j of the Local Development Framework Development Control Policies 2007).
6. No power operated machinery (or generators) shall be operated on the premises before 08.00 am on weekdays and 08.00 am on Saturdays nor after 18.00 pm on weekdays and 16.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.  
(Reason - To minimise noise disturbance to adjoining residents.)
7. Neither the site (including the structures within it) nor the access shall be illuminated in any way, unless otherwise previously agreed in writing by the Local Planning Authority.  
(Reason - To ensure that the uncontrolled illumination of the site does not detract from the rural character of the area.)

### **Informative**

In order to clarify the use of 'visitor' and 'volunteer' as referred to in conditions 2, 3 and 4 the following definitions are provided:

1. Visitor: A person visiting the rabbit sanctuary in order to view the rabbits or their runs/hutches with the intention of adopting, boarding (for behavioural reasons without charge) or leaving a rabbit. This shall also include members of the local community who visit the site solely to view the rabbits or to be educated in issues of rabbit welfare.
2. Volunteer: A person who is employed without pay or contract to maintain the rabbit sanctuary and the rabbit runs/hutches within it.

**Informative**

1. The approved plans for this application are as originally submitted unless otherwise specified in this Decision Notice. The development should be completed strictly in accordance with these plans. Any amendment to these approved plans must be first agreed in writing by the Local Planning Authority.

**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
- Site Specific Policies
- Planning files Ref: S/1369/07/F and S1930/08/F

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