

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on  
Wednesday, 12 January 2011 at 2.00 p.m.

PRESENT: Councillor Pippa Corney – Chairman  
Councillor Mervyn Loynes – Vice-Chairman for the meeting

Councillors:	Richard Barrett (substitute)	Val Barrett
	Trisha Bear	Brian Burling
	Lynda Harford	Sally Hatton
	Sebastian Kindersley	David McCraith
	Charles Nightingale	Deborah Roberts
	Hazel Smith	John F Williams
	Nick Wright	

Officers in attendance for all or part of the meeting:

Nigel Blazeby (Development Control Manager), Gary Duthie (Senior Lawyer), Matthew Hare (Senior Planning Officer), Gareth Jones (Head of Planning), Michael Jones (Senior Planning Assistant), John Koch (Team Leader), Ray McMurray (Principal Planning Officer (East)), Corrie Newell (Principal Conservation Officer), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer), Dan Smith (Planning Assistant), Charles Swain (Enforcement Officer) and Kate Wood (Planning Team Leader (East))

Councillors Steve Harangozo, Tony Orgee and John G Williams were in attendance, by invitation.

Apologies for absence were received from Councillors Robert Turner.

### 118. GENERAL DECLARATIONS OF INTEREST

Councillor Sebastian Kindersley declared a personal interest as a Cambridgeshire County Councillor.

### 119. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as correct records, the minutes of the meetings held on 1 December 2010 and 6 December 2010.

### 120. S/1687/10 - GREAT SHELFORD - 36-38 WOOLLARDS LANE.

Richard Farndale (representing the Shelford Tesco Action Group), Matthew Roe (representing the applicant Company), and County Councillor Tony Orgee (Sawston Electoral Division covering the village of Great Shelford) addressed the meeting.

Prior to considering this application, the Committee viewed the site on 12 January 2011. The Committee **approved** the rectangular signs to side elevations, subject to the Condition set out in the report from the Corporate Manager (Planning and New Communities), but **refused** the proposed fascia sign to the front elevation by virtue of its modern projecting lettering and use of non-traditional acrylic materials being unduly prominent and unsympathetic in appearance within the special historic centre of Great Shelford, designated as a Conservation Area. Members considered the fascia sign to be contrary to the requirements of Policies CH/4 and CH/8 of the South Cambridgeshire Development Control Policies Development Plan Document 2007, the South Cambridgeshire Development Affecting Conservation Areas Supplementary Planning

Document 2009, the Great Shelford Village Design Statement and Planning Policy statement 5 (Planning for the Historic Environment), all of which require advertisements either to preserve or enhance the character and appearance of Conservation Areas and to contribute positively to the appearance of an attractive and cared-for environment.

Councillor Charles Nightingale declared a personal interest as a member of Great Shelford Parish Council.

**121. S/1688/10 - GREAT SHELFORD - 36-38 WOOLLARDS LANE.**

Richard Farndale (representing the Shelford Tesco Action Group), Matthew Roe (representing the applicant Company), and County Councillor Tony Orgee (Sawston Electoral Division covering the village of Great Shelford) addressed the meeting.

Prior to considering this application, the Committee viewed the site on 12 January 2011. The Committee **refused** the application to install an Automated Teller Machine (ATM) for the reasons set out in the report from the Corporate Manager (Planning and New Communities).

Councillor Charles Nightingale declared a personal interest as a member of Great Shelford Parish Council.

**122. S/1689/10 - GREAT SHELFORD - 36-38 WOOLLARDS LANE.**

Richard Farndale (representing the Shelford Tesco Action Group), Matthew Roe (representing the applicant Company), Bridget Hodge (representing Great Shelford Parish Council), and County Councillor Tony Orgee (Sawston Electoral Division covering the village of Great Shelford) addressed the meeting.

Prior to considering this application, the Committee viewed the site on 12 January 2011. The Committee **deferred** the application to install plant and associated fencing in order to allow officers to assess its impact in terms of noise and traffic congestion, reference being made to relevant policies contained in the South Cambridgeshire Local Development Framework 2007, and such assessment taking into account impact at various times of the day and evening. Members instructed officers to present a further report to a future meeting of the Planning Committee so that a final decision could then be made.

Councillor Charles Nightingale declared a personal interest as a member of Great Shelford Parish Council.

**123. S/1690/10 - GREAT SHELFORD - 36-38 WOOLLARDS LANE.**

County Councillor Tony Orgee (Sawston Electoral Division covering the village of Great Shelford) addressed the meeting.

Prior to considering this application, the Committee viewed the site on 12 January 2011. The Committee **refused** the application to alter the shop front. Reasons: Members considered that the proposed alterations would not enhance, and would be inconsistent with, the character of the Conservation Area, and would detract from the local vernacular when compared with the previous shop front. As such, the proposal conflicted with policies CH/5 and CH/9 of the South Cambridgeshire Local Development Framework 2007.

Councillor Charles Nightingale declared a personal interest as a member of Great Shelford Parish Council.

**124. S/1642/10 - GREAT SHELFORD - 28 HINTON WAY**

The Committee **approved** the application subject to the Conditions set out in the report from the Corporate Manager (Planning and New Communities).

Councillor Charles Nightingale declared a personal interest as a member of great Shelford Parish Council.

**125. S/1776/10 - GREAT SHELFORD - 11 HIGH GREEN**

Don Proctor (applicant's agent) addressed the meeting.

The Committee approved the application subject to the Conditions set out in the report, Conditions 2 and 7 being amended as indicated in the update report from the Corporate Manager (Planning and New Communities), and additional Conditions requiring the submission of details of the parking area layout and of a landscaping scheme acceptable to the Local Planning Authority.

Councillor Charles Nightingale declared a personal interest as a member of great Shelford Parish Council.

**126. S/1745/10 - COMBERTON - 17 LONG ROAD**

Stirling Essex (objector) and Councillor Dr. Steve Harangozo (local Member) addressed the meeting

Prior to considering this application, the Committee viewed the site, and the gardens of 1 and 2 Mallows Close, on 12 January 2011. The Committee **refused** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities). Members concluded that the alterations and extension of the garage would materially alter its size and massing such that it would appear unduly overbearing on the outlook from, and increase the existing level of overshadowing of the surrounding residential properties. As such the proposal would unacceptably affect the existing level of amenity enjoyed by the neighbouring occupiers contrary to SCDC LDF DPD Policy DP/3 which states that planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity. The changes to the size and massing of the existing garage and the changes to its roof would give it an incongruous appearance and the appearance of a dwelling when viewed from adjoining properties to the detriment to the visual amenity of the surrounding area. As such the proposal would unacceptably affect the existing level of amenity enjoyed by the neighbouring occupiers contrary to SCDC LDF DPD Policy DP/2 which states that all new development must be of high quality design and as appropriate to the scale and nature of the development should preserve or enhance the character of the local area and be compatible with its location and appropriate in terms of scale, mass, form, siting and design in relation to the surrounding area; and to Policy DP/3 which states that planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.

**127. S/1765/10 - COTTENHAM - 22 RAMPTON ROAD**

Gerald Cambridge (applicant) addressed the meeting.

The Committee **approved** the application, subject to the Conditions set out in the report from the Corporate Manager (Planning and New Communities).

Councillor Lynda Harford declared a personal interest as a member of Cottenham Parish Council considering the matter afresh.

**128. S/1831/10 - FULBOURN - LOCKSLEY HOUSE COXS DROVE**

Dr Michael O'Sullivan (applicant) and Councillor John G Williams (local Member) addressed the meeting.

The Committee **approved** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities). Reason: Members considered that the proposal posed no significant harm in planning or conservation terms. Appropriate safeguarding Conditions would be attached to the Decision Notice.

**129. S/1846/10 - FULBOURN - LOCKSLEY HOUSE COXS DROVE**

The Committee **refused** the application for the reason set out in the report from the Corporate Manager (Planning and New Communities).

**130. S/0663/10 - GAMLINGAY - LAND AT AND TO THE S/E OF 76 CINQUES ROAD**

David Mead (applicant's agent) addressed the meeting.

The Committee **approved** the application subject to the Conditions set out in the report from the Corporate Manager (Planning and New Communities).

**131. S/1848/10 - GIRTON - 17 ST MARGARETS ROAD**

Helen Wilson (objector) and Paul Greaney (applicant) addressed the meeting.

The Committee **approved** the application, as amended by drawings numbered 10/29/03 B and 10/29/02 B date stamped 29 November 2010, subject to the Conditions set out in the report from the Corporate Manager (Planning and New Communities).

**132. S/1624/10 - LONGSTANTON - ST MICHAEL'S MOUNT, ST MICHAELS**

The Committee **approved** the application, subject to the Conditions set out in the report from the Corporate Manager (Planning and New Communities).

**133. S/1811/10 - LONGSTANTON - 14 THATCHERS WOOD**

The Committee **approved** the application to extend the time limit for implementation of extant planning permission S/0996/07/F, subject to the Conditions set out in the report from the Corporate Manager (Planning and New Communities).

**134. S/1602/10 - THRILOW - 1 FOWLMERE ROAD**

Paul Belton (applicant's agent) addressed the meeting.

The Committee **approved** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities). Reason: Members considered that the proposal would not lead to any significant loss of privacy for neighbouring properties. The Decision Notice would refer to relevant policies within the South Cambridgeshire Local Development Framework 2007 and contain appropriate safeguarding Conditions.

**135. CAMBOURNE DRAINAGE UPDATE**

The Committee **received and noted** a report updating Members about measures being adopted in Cambourne to address flooding concerns in Cambourne.

The Planning Lawyer highlighted paragraph 2(f) in the report from the Corporate Manager (Planning and New Communities).

**136. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION**

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action.

The Head of Planning highlighted the fact that the Council had won 27 of the 30 Appeals referred to in the report. He concluded that this reflected very positively on the role played by officers. Councillor Nick Wright, Planning Portfolio Holder, welcomed the results.

**137. ENFORCEMENT ACTION - CURRENT CASES**

The Committee **received and noted** a summary of current enforcement cases.

The Head of Planning referred Members to the recent case relating to trees at Histon Football Club. He acknowledged that the standard Committee report did not refer to enforcement action other than in relation to development control, and assured Members that, in future, this would be rectified.

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**The Meeting ended at 5.55 p.m.**

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Planning Committee held on  
Wednesday, 1 December 2010 at 2.00 p.m.

PRESENT: Councillor Pippa Corney – Chairman  
Councillor Robert Turner – Vice-Chairman

Councillors:	Val Barrett	Trisha Bear
	Brian Burling	Lynda Harford
	Mervyn Loynes	David McCraith
	Charles Nightingale	Hazel Smith
	John F Williams	Nick Wright

Officers in attendance for all or part of the meeting:

Paul Derry (Senior Planning Assistant), Gary Duthie (Senior Lawyer), Matthew Hare (Senior Planning Officer), Emily Ip (Planning Assistant), Gareth Jones (Head of Planning), Michael Jones (Senior Planning Assistant), John Koch (Team Leader), Karen Pell-Coggins (Senior Planning Assistant), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer) and Kate Wood (Planning Team Leader (East))

Councillors Tumi Hawkins, Tony Orgee and Peter Topping were in attendance, by invitation.

Apologies for absence were received from Councillors Sally Hatton, Sebastian Kindersley and Deborah Roberts.

**99. JANICE GUEST**

Members observed one minute's silence in remembrance of former Councillor and Planning Committee member Janice Guest.

**100. GENERAL DECLARATIONS OF INTEREST**

There were no general declarations of interest.

**101. MINUTES OF PREVIOUS MEETING**

The Committee authorised the Chairman to sign, as a correct record, the minutes of the meeting held on 3 November 2010,

**102. S/1439/10 - THRILOW, 19 WHITEHALL GARDENS, HEATHFIELD**

Don Proctor (applicant's agent), Martyn Corbet (Heathfields Residents' Association) and Councillor Peter Topping (local Member) addressed the meeting.

The Committee **approved** the application subject to the Conditions referred to in the report from the Corporate Manager (Planning and New Communities) and an additional Condition relating to the number of refuse bins to be allowed and the means of their storage.

**103. S/1633/10 AND S/1986/10 - CALDECOTE, MANOR FARM, MAIN STREET**

Councillor Dr Tumi Hawkins (local Member) addressed the meeting.

Prior to consideration of this item, Members attended a site visit on 1 December 2010. The Committee **approved** applications S/1633/10 and S/1986/10/LB contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities). Members agreed the reasons for approval as being that the existing buildings were detrimental to the setting of the adjacent Listed Building and church; that some effective use needed to be found for the buildings; economic development would provide the potential for local employment opportunities; significant structural work was in any event needed; and the previous concerns regarding highway visibility had now been overcome. Members concluded that these reasons for approval outweighed the planning harm to policies contained in the South Cambridgeshire Local Development Framework 2007, particularly Policy ET/7. The Senior Lawyer reminded Members that the resolution would have to be advertised as a departure from the Development Plan.

**104. S/1247/10 - COTTENHAM, 50 CHURCH LANE**

David Joy (applicant's agent) and David Mudd (Chairman, Cottenham Parish Council) addressed the meeting.

Prior to consideration of this item, Members attended a site visit on 1 December 2010. The Committee **approved** the application contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities). In agreeing the reasons for approval, Members gave weight to the Planning Inspector's comments during the appeal against refusal of application S/1904/09/F. They concluded that, although the application was contrary to policies set out in the South Cambridgeshire Local Development framework 2007, potential planning harm was outweighed by the setting, siting and size of plot. The application would have to be advertised as a departure from the Development Plan, and have conditions attached to it relating to materials and removing permitted development rights.

Councillor Lynda Harford declared a personal interest as a member of Cottenham Parish Council but had not been present at the meeting at which this application had been discussed.

**105. S/1700/10 - OAKINGTON, 9 STATION ROAD**

Councillor Tom Bygott (applicant) addressed the meeting.

Prior to consideration of this item, Members attended a site visit on 1 December 2010. The Committee **refused** the application for the reasons set out in the report from the Corporate Manager (Planning and New Communities).

Councillor Tom Bygott declared a personal and prejudicial interest by virtue of being both the applicant and a South Cambridgeshire District Councillor, withdrew from the Chamber following his presentation, and did not vote.

**106. S/1132/10 - FULBOURN, LAND WEST OF 8 LUCERNE CLOSE**

Don Proctor (applicant's agent) addressed the meeting.

Prior to consideration of this item, Members attended a site visit on 1 December 2010. The Committee **approved** the application, as amended by drawing number KMA3199/01 (site location plan) date stamped 20 September 2010, subject to the Conditions set out in the report from the Corporate Manager (Planning and New Communities).



**107. S/1735/10 - GAMLINGAY, LONG MEADOW, 2 LONG LANE**

Martin Ledger (applicant's agent) addressed the meeting.

The Committee **approved** the application contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities) subject to the approval of a scheme for the removal of the currently permitted scrap yard use. Conditions would be attached to the planning consent relating to, among other things, foul water drainage. Members agreed the reason for approval as being that removal of the scrapyard use would outweigh the impact of a larger dwelling on the site.

**108. S/1297/10 - CROYDON, CROYDON FARM, LOWER ROAD**

Don Proctor (applicant's agent) addressed the meeting.

The Committee gave officers **delegated powers to approve** or refuse the application, dependant on the outcome of negotiations over the drafting of a Section 106 Legal Agreement securing terms of use, and subject to the Conditions referred to in the report from the Corporate Manager (Planning and New Communities).

**109. S/1539/10 - HISTON, LAND TO THE SOUTH OF 102 COTTENHAM ROAD**

For the reason set out in the report from the Corporate Manager (Planning and New Communities), the Committee **agreed to vary** Condition 4 of Application.S/1318/09/F so as to state as follows:

Prior to the occupation of the dwelling, hereby approved, the Silver Birch and Acer Drummondi shall be planted in accordance with the tree planting scheme as shown on drawing ref.SCDC1 and date stamped 9th September 2010. If within a period of five years from the date of the planting, or replacement planting, any tree is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

**110. S/1609/10 - BARRINGTON, 36 HIGH STREET**

Peter Cox (applicant's agent), Anthony Scholl (Objector) and Tony Fletcher (Barrington Parish Council) addressed the meeting.

The Committee **approved** the application subject to a condition covering the need for contributions towards outdoor play space and informal open space in the village and to the conditions referred to in the report from the Corporate Manager (Planning and New Communities).

**111. S/1748/10 - GREAT ABINGTON, THREE TUNS, 75 HIGH STREET**

Mrs Adomeit (applicant) and Councillor Tony Orgee (local Member) addressed the meeting.

Prior to consideration of this item, Members attended a site visit on 1 December 2010. The Committee **approved** the application contrary to the recommendation in the report from the Corporate Manager (Planning and New Communities). Members considered the objection from the Council's Conservation Manager and potential harm to the setting of the listed building. They concluded that the proposal's design aspects would not cause harm

and that the proposal would contribute to the economic success of the Three Tuns Public House. Appropriate Conditions would be attached to the planning consent, including a Condition requiring the weatherboarded walls to be painted black.

**112. S/1362/10 - PAMPISFORD, PHASE 2, ICONIX, LONDON ROAD)**

Members noted that this application had been **withdrawn** from the agenda.

**113. S/1363/10 - PAMPISFORD, PHASE 3, ICONIX, LONDON ROAD - WITHDRAWN FROM THE AGENDA**

Members noted that this application had been **withdrawn** from the agenda.

**114. CAMBOURNE DRAINAGE UPDATE**

The Committee **received and noted** a report updating Members about measures being adopted in Cambourne to address flooding concerns in Cambourne. They noted that there was no prospect of planning permission being granted in relation to the application for a further 950 dwellings at Cambourne until the Planning Committee was satisfied with the master programme and until that master programme had been implemented and shown to be satisfactory in addressing the infiltration of surface water into the foul water system.

John Hillier (a Director of WSP) addressed the meeting, focussing on findings displayed in the form of a graph. He spoke about the processes being adopted in order to carry out the action Plan. He anticipated that remedial work would be complete by the end of January 2011. Moving forward, he agreed that the best way to make sure that similar problems did not arise in future was to ensure the better management of, and control over, contractors, coupled with a more rigorous inspection regime.

Those present discussed a number of matters related to the presentation. The Planning Lawyer concluded by saying that the success of the Action Plan would only be demonstrated once evidence had become available that flooding issues had disappeared.

Members agreed that, in future; inspections must be independent, carried out either by South Cambridgeshire District Council's Building Control team or by the N.H.B.C., rather than by the developers themselves.

It was suggested that adopting a selection of differently coloured pipes might reduce the risk of cross-connections being made in future. Mr Hillier welcomed this idea and undertook to investigate its feasibility.

**115. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION**

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action.

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**The Meeting ended at 5.55 p.m.**

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## Appeal Decisions

Inquiry held on 30 September –  
3 October 2008

Site visit made on 3 October 2008

by **D R Nicholson RIBA IHBC**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
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**Decision date:**  
**12 November 2008**

### **Appeal A: APP/Q0505/A/08/2066756** **163-167 Mill Road, Cambridge CB1 3BQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Tesco Stores Ltd. against Cambridge City Council.
- The application Ref. 07/0811/FUL is dated 12 July 2007.
- The development proposed is the erection of a single storey extension to the rear of the unit and the installation of plant.

### **Appeal B: APP/Q0505/A/08/2073579** **163-167 Mill Road, Cambridge CB1 3BQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tesco Stores Ltd. against the decision of Cambridge City Council.
- The application Ref. 08/0099/FUL, dated 18 January 2008, was refused by notice dated 13 March 2008.
- The development proposed is the erection of a single storey extension to the rear of the unit and the installation of plant.

### **Preliminary Matters**

1. Appeal B follows a re-submission of the same proposals as those in Appeal A. The Inquiry sat for 4 days, including an accompanied site visit on 3 October. I made an unaccompanied visit by car on 29 September 2008.

### **Decisions**

2. **I dismiss Appeal A and I dismiss Appeal B.**

### **Main issues**

3. The main issues are the effects of servicing the proposals on:
  - (a) highway safety along Mill Road;
  - (b) highway safety and parking provision in adjoining streets.

### **Planning History**

4. Planning permission Ref. 71/826 was granted in 1972 for the erection of three lock-up shops at ground level, with offices over, on the appeal site. The shops therefore have an existing permission for the retail sale of goods (Class A1. Shops) under the Town and Country Planning (Use Classes) Order 1987.

5. Condition 3 of the existing permission states: *No loading or unloading of goods, including fuel, shall take place otherwise than within the curtilage of the site.* The reason given was: *to avoid obstruction of the surrounding streets and to safeguard the amenities of adjacent premises.* There was disagreement at the Inquiry as to whether this condition is currently enforceable or as to its precise meaning. These matters are not before me. However, there was no disagreement that development requiring permission provides the possibility of imposing a condition to restrict loading or unloading.

### Reasons

6. Mill Road is a local distributor road running out from Cambridge city centre. The appeal site is within part of the Mill Road (East) District Shopping Centre. The Centre contains a mix of commercial uses, mostly in small units. Exceptionally, a nearby branch of the Co-operative Stores (Co-op) extends to approximately 500m<sup>2</sup>. The loop of roads, from Mill Road, along Catherine Street, around the junction with Fairfax Road, along Sedgwick Street, and past the appeal site back to Mill Road, is one-way only, in that direction. The site includes the existing shops and a service/parking area to the rear with access from Sedgwick Street. The front of the store is set back from the footway to the highway with an extra area of pavement behind bollards.
7. The site was last used as a motorists' discount store but is now vacant. The scheme in both appeals is for an extension of 98m<sup>2</sup>, giving a ground floor area of 368m<sup>2</sup> plus external plant. The proposals would allow the appellant to operate one of its Tesco Express stores. There was no dispute between the main parties that the site is suitable for retail use and that the location would satisfy local and national planning policies in this regard. Indeed, I heard evidence, on behalf of the Council, that had the previous occupier sought this size of extension, it would probably have been granted. The previous use must have required deliveries but evidence on the details of these was not agreed.
8. The Tesco Express format requires six types of delivery. Four of these: mail, newspapers, bread, and milk, are made from small vehicles, belonging to other businesses, and are probably of short duration. The other two deliveries, chilled/frozen and ambient (room temperature) goods are delivered in 10.35m long rigid vehicles (not articulated) belonging to Tesco Stores Ltd. (Tesco). The Council's concerns relate to the effects of deliveries by these Tesco lorries.
9. The appellant has considered four alternative ways of servicing the proposed store with its own lorries. First, from a lay-by to be constructed within the footway alongside Mill Road, so that its lorries could draw off the carriageway before unloading. Second, by altering the regulations on Sedgwick Street to allow vehicles to enter the street directly from Mill Road far enough to reach the rear service area without negotiating the loop of roads. Third, by loading and unloading from lorries parked on the carriageway in Mill Road without a lay-by (but outside restricted hours). Fourth, using the rear yard via the loop of roads starting with Catherine Street.
10. The first option was excluded by the Highway Authority as the bay would occupy the footway which is part of the adopted highway. The second option would require a Traffic Regulation Order (TRO) to allow lorries to turn in from Mill Road. The appellant has offered to fund a TRO and associated works and,
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while no signed undertaking is before me, I give some weight to this offer as it would facilitate deliveries and so efficiency. However, although originally given favourable consideration by an officer of the Highway Authority, when reviewed at a higher level, the Authority gave a different view (Document 5). The appellant accepted at the Inquiry that a TRO was now unlikely and, given the latest evidence, I find that there is no realistic prospect of a TRO. I have therefore restricted my deliberations to the third and fourth options.

11. It was accepted at the Inquiry that enforceable conditions could restrict the size of vehicles delivering to the site, whether from Mill Road or via Sedgwick Street. It would be open to me to consider limiting delivery lorries to those much smaller than the 10.35m long Tesco vehicles. However, I was told that restricting lorry size would not allow the appellant to implement its proposed operation, and that a permission with such a condition would be worthless to Tesco. I have therefore taken this possibility no further and reached my Decision on the basis that the proposal would result in two deliveries per day using 10.35m long lorries.

*Issue (a): Mill Road Option*

12. It is common ground that both Mill Road and Sedgwick Street form part of the historic street pattern and that carriageway and footpath widths are below what would be required by modern standards. Mill Road is subject to a 30 mph speed limit and has street lighting; its carriageway width between the junctions with Catherine Street and Sedgwick Street varies between 5.9m and 6.3m. There are loading restrictions in force between 0815 – 0915 and 1700 – 1800 along the kerb on Mill Road in front of the appeal site. There are pedestrian controlled crossings along Mill Road on either side of the site.
  13. Accident statistics indicate that a cluster along Mill Road is amongst the joint 3<sup>rd</sup> worst sites in Cambridgeshire. The appellant has examined these statistics and suggested that the site should have been separated, in which case the locality would be much lower down the list at around 31<sup>st</sup>. However, a comparable exercise has not been carried out for the other sites in the county and so I give this suggestion limited weight. Of the accidents, a significant number involved pedal cyclists.
  14. The existing traffic flows along Mill Road were not agreed. The appellant undertook a 12 hour survey in August, when there were roadworks, and recorded roughly 10,500 vehicles, including cyclists. A further count in September supported these figures (Document 7). A count for the Council recorded around 25% more traffic. It was agreed that Cambridge has an unusually high proportion of cyclists and that about 20% of traffic along Mill Road is by bicycle.
  15. The Design Manual for Roads and Bridges (DMRB), Volume 5 Section 1 Part 3, 1999 (Document 6) includes a table to Advice Note TA 79/99, Traffic Capacity of Urban Roads, which identifies road types and determines theoretical road capacity. It was agreed that Mill Road is type UAP4 which, for a width of 6.1m, has a theoretical capacity of 750 vehicles per hour in the busiest direction. No capacity is given for roads below 6.1m in width and no guidance is given on bicycles. On the appellant's figures, the use of Mill Road is well within its theoretical capacity; the Council contends the road is at or beyond it.
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16. I saw from my visits that, irrespective of theoretical capacity, the road is congested, both during and outside peak hours. I note that the road reduces to 5.9m wide near the appeal site, below the minimum figure for which the table in DMRB applies, and I saw that the high proportion of cyclists substantially reduces the free flow of vehicular traffic.
  17. Most stores along Mill Road are small, probably have a relatively low turnover of goods compared with Tesco, and so require comparatively few deliveries, generally from small vehicles. Exceptionally, the Co-op uses delivery lorries of a similar size to Tesco. However, these deliveries are usually made to the rear yard off Catherine Street, not from Mill Road. The survey conducted for the Council identified one Heavy Goods Vehicle (HGV) delivering to a shop between Catherine Street and Sedgwick Street. This took around 10 minutes and caused a long queue of traffic. On my site visit, a delivery was made to a shop adjacent to the site in a wide but shorter van to that proposed by Tesco. I saw that this type of delivery caused traffic to back up appreciably, even though it was there for a relatively short time after 0915.
  18. Under this option, the Tesco lorries would stand against the kerb close to the junction with Sedgwick Street. Wheeled cages would be used to manoeuvre goods from the lorry to the store. Deliveries from each lorry would be likely to take around 30 to 40 minutes each. From evidence of other deliveries along Mill Road, I find that a twice daily 30-40 minute delivery, even outside peak hours, would cause a considerable obstruction and for traffic to back up a long way. The appellant has suggested the possibility of imposing a condition restricting the duration of deliveries from Mill Road. However, not only would this be difficult to monitor, and so to enforce, but if the goods were not all unloaded during a shorter period, it would probably result in a further trip, further obstruction at another time, and a similar level of overall congestion.
  19. The appellant has pointed to the pedestrian crossings on either side of the section of Mill Road in front of the appeal site, and argued that these lead naturally to platoons of traffic negotiating any obstruction. I accept that obstructions may slow vehicular traffic and do not necessarily lead to an increased risk to highway safety.
  20. I heard evidence on cycling from, amongst others, the Cambridge Cycling Campaign (Document 11). This is local voluntary group with more than 1,000 fee-paying members which has some expert traffic knowledge and undertakes various cycling advocacy work; this was not challenged. In particular, I heard evidence on the behaviour of cyclists and saw for myself that not all cyclists in Cambridge necessarily abide by all traffic regulations all of the time. Rather, they can sometimes become frustrated by delays which can lead to risky manoeuvres and illegal use of pavements. Overtaking stationary vehicles was highlighted as a problem, and the general experience of cyclists on Mill Road was described as continual chaotic manoeuvres.
  21. Even disregarding the effects on the free-flow of motorised traffic, obstructions and consequential delays are likely to cause a large number of alternative actions by cyclists. Given the pattern of behaviour of some cyclists, I consider that a significant number would take alternative action to get round the Tesco lorries which, in total, would be parked for at least an hour a day.
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22. Many cyclists would be likely to try and overtake the stationary lorry. Depending on how close the lorry parked to the kerb, the remaining width of Mill Road against on-coming traffic would be up to 3.27m. Government advice in *Manual for Streets* paragraph 7.2.3 (Document 3) advises that widths between 2.75 – 3.25m should be avoided in most cases since they could result in drivers trying to squeeze past cyclists. Given that lorries will not always park accurately, the effective gap might well be at or below 3.25m. Adding the facts that Mill Road is used by a high proportion of cyclists and has had many accidents involving bicycles, I find that this risk would be considerable.
23. From the evidence, and my own observations, I expect that some cyclists would probably use the pavement to get round the delivery lorry. This of itself would be likely to lead to increased potential conflicts and the risk of accidents. Coupled with deliveries across the pavement by wheeled cages, I find that the potential for conflict between pedestrians, cyclists and delivery cages, and so subsequent injury, would be substantial and unacceptable.
24. The Highway Authority did not object to the proposed extension. However, in objecting to the lay-by option, it noted that significant movement of goods from any delivery vehicle to the store has a high potential for pedestrian conflicts, to the detriment of pedestrian safety. In my view, with or without a lay-by, pedestrian conflicts as a result of two 30-40 minute deliveries, using wheeled cages over the pavement, would be significant. Moreover, even if this could be managed, what was not referred to by the Highway Authority was the likely conflict between cages and cyclists illegally using the footway. I have noted that large vehicles deliver to the Co-op but also that this is a long-standing arrangement. In any event, the fact that there is an existing but less than ideal delivery arrangement to the Co-op is not a good reason to allow an unsatisfactory proposal to compound the existing problems.
25. For the above reasons, I find that the Mill Road delivery option would pose unacceptable risks to highway safety in general, and for cyclists in particular. This option would therefore conflict with current adopted Cambridge Local Plan Policy 8/2, which only permits developments where they do not have an unacceptable traffic impact. It would be contrary to paragraph 29 of Government advice in Planning Policy Guidance Note 13 (PPG13): *Transport*, which places great emphasis on people being able to travel safely, whatever their chosen mode, and expects that, in adapting existing development, the needs and safety of all in the community should be considered from the outset. On this issue I conclude that it would be unacceptable for 10.35m long lorries to load and unload from Mill Road. For the proposals to be made acceptable would require a condition preventing this. In my opinion this was also the purpose of the condition imposed in 1972. I have therefore gone on to consider the fourth option for deliveries.

*Issue (b): Catherine Street/Sedgwick Street Loop Option*

26. Catherine Street and Sedgwick Street are each around 450m long and lined with terraced houses. Including the junction with Fairfax Road, the total loop is approaching 1km in length. For most of both streets there are parking bays on both sides. These bays have been achieved by taking up a combination of road and footway so that cars park partly on the pavement. It is common ground that in some places the resulting footpath is reduced to 1.25m in width. For
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- much of Sedgwick Street the gap between the parking bays was jointly recorded as 3m, or a little above, (Document 22). Moreover, not all cars park accurately, and on my visit the narrowest separation between cars was 2.82m.
27. There are refuse collections once a week and a public house on one corner (which must require deliveries). I saw that the road system is negotiated by some quite large lorries and assume that, on occasions, access is required for emergency vehicles. On the other hand, evidence demonstrated that poor parking in narrow streets does cause problems, such as when a car needs to be 'bounced' onto the pavement to make room for an on-coming lorry to pass (Document 11, photograph 5).
  28. Using this option, the proposals would lead to two 10.35m long delivery lorries around the loop of roads every day, in addition to any existing HGV traffic. The Tesco lorries are approximately 2.45m wide, plus mirrors. Given the separation distances between cars, there would be occasions when the 10.35m long lorries would have less than 20cm to spare on either side.
  29. In my assessment, negotiating the road system in a vehicle or on foot is already difficult, on account of the cars parked partly on the pavement, and the layout is already likely to cause occasional, if not frequent problems. The proposals would significantly increase the use of the loop by some of the largest lorries that can physically negotiate these streets. I find that this increase in use by large delivery lorries with little space on either side is likely to make obstruction and congestion much worse, and interfere with the free flow of traffic. Given the likely resulting use of the narrow pavements, and other consequential behaviour by some cyclists, I find that this would pose a significant increase in the risk of accidents, damage and injury to vehicles, cyclists and pedestrians around the loop.
  30. Lorries also need to access the rear servicing yard. By comparison, a short section of Catherine Street at the junction with Mill Road is two-way, which allows large delivery vehicles to reach the back of the Co-op without then negotiating the rest of the loop. However, evidence showed that delivery vehicles regularly reverse from Mill Road into the rear service area, and the appellant acknowledged that this is a matter of concern. While a similar manoeuvre is certainly not proposed for the appeal site, the fact that it takes place indicates to me the difficulty of large vehicles gaining access to the rear yard at the Co-op. Yet at their junctions with Mill Road, Catherine Street is wider than Sedgwick Street.
  31. The appellant has submitted swept path analyses to demonstrate that it is possible for Tesco lorries to access the rear service yard without mounting the pavement. I acknowledge that a banksman could be employed to assist lorry drivers to reverse accurately and safely into the rear yard, although they could not control traffic on Sedgwick Street. Nonetheless, the geometry of Sedgwick Street is such that reversing would be awkward and, as a result, very slow, and the manoeuvres observed at the Co-op support this assessment. Gaining access to the rear yard would therefore be likely to lead to further obstruction and congestion and, for similar reasons, this would add to the highway safety risks I have found for the rest of the loop.
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32. On account of the long distance around the loop, the narrow pavements and separation between parked cars, the difficulty of access to the rear yard, the probable obstruction and congestion that all these problems would cause, and the likely resulting behaviour of cyclists, I conclude that the use of the loop and rear yard by Tesco lorries would pose unacceptable risks to highway safety. This option would not offer an adequate alternative means of servicing, but would also conflict with Local Plan Policy 8/2 and advice in PPG13.

#### *Parking*

33. The existing rear yard provides around 15 parking spaces and access to 3 more spaces for the adjacent estate agents. The proposed alternative of rear servicing would require much of the yard to be free of cars during deliveries and reduce the effective number of spaces available. PPG13 (paragraph 52) expects development plan policies to set maximum levels of parking as part of a package of measures to promote sustainable transport choices, enable schemes to fit into central urban sites, promote linked trips and access to development for those without use of a car, and to tackle congestion. There should be no minimum standards for development, other than parking for disabled people.
34. While the proposals might displace parking, and so add to demand for spaces in the surrounding streets, no evidence was put forward by the Council that reduced parking provision would compromise highway safety. The remaining provision would include a parking space for those with disabilities and hoops for bicycles. External waste storage could be prevented by a condition and there would be customer parking when deliveries were not taking place. With regard to parking, I find that the proposals would comply with Local Plan Policy 8/10 which, through parking standards, promotes lower levels of private car parking, and with advice in PPG13. Consequently the effect on parking provision is not a determining factor in my Decision.

#### **Other Matters**

##### *Shopping Character*

35. Mill Road is renowned for its small, independent traders. I was referred to a statement made by the Secretary of State for Communities and Local Government, in launching the consultation of draft Planning Policy Statement 6 (PPS6): *Planning for town centres*, expressing her commitment to defend the future of independent shops.
36. On the other hand, the proposed store is within the same Use Class as the previous trader. Draft PPS6, to which I give only limited weight at this early stage, refers to units of less than 1000m<sup>2</sup> while the proposal, even when extended, would only amount to some 370 m<sup>2</sup>. Policy in the current PPS6 does not impose the requirement to demonstrate need within existing centres; indeed it states that it is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation.
37. It follows that neither the Use Classes Order nor policy in PPS6 (current or draft) support objections on the grounds of competition, rather the reverse. For these reasons I give no weight to concerns over the effect of the proposal on the shopping character of Mill Road.
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### *Noise*

38. The proposed plant would include refrigeration and air conditioning. An acoustic report suggests that the noise from the refrigeration plant would be below the background level and that a condition could control the hours of operation of the air conditioning plant to prevent any significant nuisance to neighbours. From my site visit it appears that there are one or more bedrooms adjoining the rear of the site. The Council's Environmental Health Officer sought more information and objectors challenged some of the report. Further details were supplied during the course of the Inquiry.
39. Regardless of the details, I note that conditions could control the hours of operation and the noise level at the boundary with the residential properties. From the information submitted, I accept that it is feasible to adequately attenuate the proposed plant and that enforceable conditions could provide this certainty. I therefore find that, subject to conditions, the plant would not cause unacceptable noise.
40. Under the fourth option, there would be noise from deliveries at the rear of the site. No details were submitted on this point. Conditions were suggested limiting the hours of deliveries and, in the absence of details of the likely noise problems that might arise from deliveries, these could be extended to exclude early mornings, evenings and Sunday/Bank Holiday deliveries. Consequently I find that conditions could prevent noise arising from deliveries at unacceptable hours.

### **Benefits**

41. I acknowledge that the proposals would enhance retail space and that parallel proposals could improve the appearance of the premises within the Shopping Centre. Given that the site is currently vacant, footfall would increase and the vitality and viability of the Centre would be enhanced. By some measures, the site is highly accessible and the proposals would offer the benefits of a parking space for people with disabilities and provision of more cycle racks. In these regards the proposals would comply with the Local Plan and government policy. Nonetheless, even taken together, these do not outweigh the harm I have found with regard to highway safety.

### **Fallback Position**

42. The appellants have argued that the shops on the appeal site already exist, that use of the existing floorspace could cause the same issues, that the extension would not necessarily result in increase in delivery numbers, that neither the previous use nor the other shops cause recorded problems. I accept these points but, for the above reasons, they do not mean that I should permit development without imposing conditions on the size of delivery vehicles, which I consider would be necessary but which the appellant has rejected.
43. I accept that the appellant might be able to extend sideways, but this is not before me and I have limited information on existing movements to adjoining shops, conditions applying to neighbours or the likelihood that the existing businesses might relinquish their tenure.
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**Conclusions**

44. For the reasons given above, I find that both of the realistically available servicing options would pose unacceptable risks to highway safety, which would not be outweighed by benefits or the fallback position. I therefore conclude that both appeals should be dismissed.

*David Nicholson*

INSPECTOR

## APPEARANCES

## FOR THE LOCAL PLANNING AUTHORITY:

Richard Ground of Counsel instructed by Legal Services, Cambridge City Council  
 He called:  
 Chris Ackroyd BSc CEng MICE Whitehall Waterfront, 3 Riverside Way, Leeds LS1 4EH  
 Roderick MacLean - chartered 1/2 West Cherrybank, Stanley Rd., Edinburgh EH6 4SW  
 town planner

## FOR THE APPELLANT:

Stephen Morgan of Counsel instructed by CgMs Ltd.  
 He called:  
 Rupert Lyons MSc CMILT Pinnacle Transportation Ltd., Mercury House, Broadwater Road,  
 Welwyn Garden City AL7 3BQ  
 Matthew Roe BA MTP RTPI CgMs Ltd., Morley House, 26 Holborn Viaduct, London EC1A 2AT

## INTERESTED PERSONS:

Clr Kilian Bourke	270 Mill Road, Cambridge CB1 3NF
Ali Kassim, on behalf of Clr Ben Bradnack	72 Ainsworth Street, Cambridge CB1 2PD
Thomas Yates	1 Sedgwick St., Cambridge CB1 3AJ
Clr Nichola Harrison	233 St. Matthews Gardens, Cambridge CB1 2PS
Jannie Brightman	106 Gwydr St., Cambridge CB1 2LL
Sonia Cooter, No Mill Road Tesco Campaign	84 Lichfield Road, Cambridge CB1 3TP
Dr Ruth Deyermund, No Mill Road Tesco Campaign	94 Argyle Street, Cambridge CB1 3LS
Sheila Jeffrys	13 Sedgwick St., Cambridge CB1 3AJ
Clr Miriam Lynn	75 Argyle Street, Cambridge CB1 3LS
Leonard Freeman	23 Hope Street, Cambridge CB1 3NA
Lulu Agate, Cambridge Friends of the Earth	5 Brackyn Road, Cambridge CB1 3PL
Martin Lucas-Smith	Cambridge Cycling Campaign
Robert Hardy	24 Romsey Rd., Cambridge CB1 3DD
Katie Preston	6 Golding Rd., Cambridge CB1 3RP

## DOCUMENTS

- 1 Agreed drawing list
- 2 Appellant's opening statement
- 3 Extract from Manual for Streets
- 4 Traffic Appraisal Advice, May 1996, Chapter 3
- 5 Email from Jon Finney, Highway Authority, 29 September 2008
- 6 DMRB Volume 5 Section 1 Part 3, May 1999
- 7 Traffic and parking counts, Traffic Survey Solutions, for the appellant, 23 September 2008
- 8 Statement by Clr. Nichola Harrison
- 9 Statement by Clr. Kilian Bourke
- 10 Traffic Monitoring Report 2007
- 11 Statement by Martin Lucas-Smith for the Cambridge Cycling Campaign
- 12 Statement by Sonia Cooter for the 'No Mill Road Tesco' Campaign
- 13 Email from Alison Twyford to Chris Ackroyd, 18 September 2008
- 14 Photograph submitted of carpet delivery submitted by Rupert Lyons
- 15 Email from Tom Yates, 1 October 2008
- 16 Statement by Robert Hardy
- 17 Statement by Lulu Agate, co-ordinator Cambridge Friends of the Earth
- 18 Statement by Leonard Freeman
- 19 Appellant's reply to 'No Mill Road Tesco' comments on Acoustic Report
- 20 Drawing showing vehicle dimensions
- 21 Bundle of suggested conditions
- 22 Plan showing agreed dimensions taken on surrounding streets
- 23 'No Mill Road Tesco' final comments on Acoustic Report
- 24 Closing statement for the Council
- 25 Closing statement for the appellant
- 26 Statement of Common Ground and agreed conditions



# Appeal Decision

Site visit made on 28 September 2010

by **Stephen Roscoe** BEng MSc CEng MICE

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**21 October 2010**

## Appeal Ref: **APP/L5810/A/10/2130338** **39-41 Sheen Lane, Mortlake, London SW14 8AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Tesco Stores Ltd against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref DC/JIT/09/0662/FUL/FUL, dated 16 March 2009, was approved on 14 December 2009 and planning permission was granted subject to conditions.
- The development permitted is the installation of one refrigeration condenser unit and three air conditioning units within an approved rear service yard and associated minor external alterations at the rear.
- The condition in dispute is No U29494 which states that: No development shall take place until a Servicing Management Plan, which provides for the parking of delivery and maintenance vehicles visiting the premises, the loading and unloading of goods at the site and the hours during which deliveries to and the servicing of the premises shall take place, has been submitted to and approved in writing by the local planning authority. The approved Servicing Management Plan shall come into effect from the first occupation of the retail premises for trading purposes and shall be permanently retained thereafter.
- The reason given for the condition is: To ensure that the proposals do not result in an adverse impact on the functioning of the local highway network or on the amenities of neighbouring residential occupiers.

### Decision

1. For the reasons given below, I allow the appeal and vary the planning permission for the installation of one refrigeration condenser unit and three air conditioning units within an approved rear service yard and associated minor external alterations at the rear at 39-41 Sheen Lane, Mortlake, London SW14 8AB in accordance with the application Ref DC/JIT/09/0662/FUL/FUL dated 16 March 2009 deleting condition No U29494.

### Main Issues

2. I consider the main issues in this case, having particular regard to the effectiveness and appropriateness of the condition in dispute and any other conditions that could be reasonably imposed, to be whether the disputed condition is necessary or reasonable:
  - (i) in the interests of highway safety on Sheen Lane; and
  - (ii) to protect the living conditions of nearby occupiers.

**Reasons***Highway Safety*

3. The appeal property comprises two former premises in a shopping parade that have been combined to create one retail unit which is appreciably larger than others in the parade. The unit has planning permission for Class A1 retail use subject to conditions that include a restriction on deliveries to and from the site to between 07.00 and 22.00 daily. The Council's decision notice specifically advises that the permitted retail use would not raise highway safety concerns. At the time of my visit, work to implement this permission and the appeal permission was in progress. That part of Sheen Lane which lies outside the appeal property is subject to a Traffic Management Order which restricts loading and unloading to 20 minutes in the hour between 11.00 and 18.30 with no limit outside this period. Sheen Lane is a busy local distributor road, and nearby parking and a level crossing affect the operation of the road.
4. The installation of air conditioning and refrigeration plant is not unusual for a newly refurbished retail unit of a size such as this, with permission for Class A1 use that could include food retailing. Indeed, the presence of similar plant at the rear of a much smaller adjoining food retail unit supports this view. Delivery and servicing arrangements for the appeal unit with the appeal development in place would therefore lie within the range that should be anticipated following the Council's grant of permission for a Class A1 use. The disputed condition therefore seeks to unreasonably restrict activities related to the permitted use that could already occur.
5. No reasoned link has been identified between the installation of the appeal plant and the frequency of, and the size of vehicles used for, deliveries and servicing. There is thus no convincing evidence that the appeal development would increase the frequency of, or the size of vehicles used for, these activities. The appeal development itself would not therefore create any hazard on the road network or harm any highway safety interests in conflict with UDP<sup>1</sup> Saved Policy TRN 2. It follows that the disputed condition would not be necessary in this regard.
6. The permission for Class A1 use was granted in the context of the restriction on loading which is in force outside the appeal unit. This restricts loading during the evening peak time which the Council's evidence identifies as having the highest traffic flows, and therefore the greatest likelihood of congestion. When considered in conjunction with the absence of any Council highway safety concerns in relation to the permitted Class A1 use, the restriction adds weight in support of the appeal.
7. It has been put to me that the appeal planning application was the first time that the Council had knowledge of the retail use to which the unit would be put. Whilst I recognise that food retailing usually requires more frequent deliveries than other forms of retailing, the Council's permission included for food retailing. The Council could have imposed a condition prohibiting food retailing, or indeed any aspect of food retailing thought to be harmful, but it did not do

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<sup>1</sup> London Borough of Richmond upon Thames: Unitary Development Plan: First Review: 1 March 2005

so. The opportunity to regulate the permitted use therefore existed but was not taken.

8. I have also been referred to appeal decisions Refs. APP/Q0505/A/08/2066756 and 2073579. In these cases however, the proposals comprised extensions to a retail unit and the installation of plant. Here, the appeal is against the imposition of the disputed condition on the permission for air conditioning and refrigeration plant. It does not have any impact on the permission for the Class A1 use, which has already, and recently, been granted by the Council. Moreover, in these other cases, the retail use was conditioned to prohibit loading and unloading outside the curtilage of the site. This has not been the case at the current appeal property, where the permitted retail use with kerbside loading already exists as a fallback position. The other cases are therefore different to that which is the subject of this appeal.
9. I therefore conclude that the disputed condition is not necessary or reasonable in the interests of highway safety on Sheen Lane and that it would fail these tests in conflict with Circular 11/95<sup>2</sup>.

#### *Living Conditions*

10. Residential properties are close to that part of the appeal property which would contain the appeal plant. The plant would however be surrounded by a wall incorporating acoustic treatment. The appellant has undertaken a noise assessment which concludes that the appeal development would not have an adverse effect on residential amenity by reason of noise. Furthermore, the Council's Environmental Protection Department had no objection to the appeal development, subject to a noise criteria condition which was subsequently imposed. It is also reasonable to assume that the Council's Environmental Protection Officers were well aware of the influence of air and rail traffic on the local noise environment. In view of all of these points, I am satisfied that the appeal development would not create any unreasonable noise and disturbance in accordance with UDP Saved Policy BLT 16. Moreover, all of these points are in addition to the fact that I have not found any reasoned evidence of a relationship between the disputed condition and the use of the appeal plant.
11. I therefore conclude that the disputed condition is not necessary or reasonable to protect the living conditions of nearby occupiers and that it would fail these tests in the circular.

#### *Other Matters*

12. The appeal representations include much local opposition to the intended store operator. It is however the air conditioning and refrigeration plant, and not the operator, which is under consideration in this appeal, and little weight can therefore be given to concerns in relation to the particular operator. Many of these concerns also relate to the operation of the store, and not the appeal development, and again little weight can be given to these concerns in this particular appeal. I have also taken into account a letter from the MP for Richmond Park and North in respect of the appeal. The appeal plant would be visible from the upper floors of nearby buildings. It would however be seen in

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<sup>2</sup> Circular 11/95: The Use of Conditions in Planning Permissions

the context of the rear elevations of the buildings in the shopping parade and, as such, it would not be of an unreasonably harmful appearance.

*Conclusion*

13. I have taken into account all other matters raised, but none carry sufficient weight to alter the decision. I therefore conclude that the appeal should be allowed.

*Stephen Roscoe*

INSPECTOR





# Appeal Decision

Inquiry held on 10 to 13 February 2009

Site visit made on 23 February 2009

by **David Hogger** BA MSc MRTPI MIHT

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**17 March 2009**

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## Appeal Ref: APP/T0355/A/08/2089309

### 1-3 High Street and part of 1 School Road, Sunninghill, Berkshire SL5 9NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tesco Stores Limited against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref 08/02350, dated 23 September 2008, was refused by notice dated 31 October 2008.
- The development proposed is the reconfiguration and minor extension of ground floor retail floorspace at 1-3 Sunninghill High Street and the creation of a dedicated service/car parking area on part of land at 1 School Road and associated minor works.

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## Decision

1. I dismiss the appeal.

## Preliminary Matters

2. I was provided with an executed Unilateral Obligation dated 11 February 2009. Among a number of contributions it includes one towards the promotion of Traffic Regulation Orders for that part of School Road near the site. I am satisfied that it meets the requirements of Circular 05/2005: Planning Obligations and, bearing in mind the Council support the contents of the Obligation, I have taken it into account in reaching my decision.
3. At the start of the Inquiry I was asked by the appellant to consider amended plans that showed a number of changes to those plans that were considered by the Borough Council. Whilst I accept that some of the changes could be considered to be relatively minor they had not been subject to public consultation.
4. Bearing in mind the very high number of objections to the proposal and the significant amount of public interest in the scheme (as evidenced by the high number of people attending the Inquiry), I decided that interested parties could be prejudiced if I agreed to the consideration of the amended plans. My decision is therefore based on the plans on which the Council took its decision.

## Main Issues

5. I consider the main issues to be the effect of the proposal on:
    - highway safety, particularly with regard to parking provision and the proposed servicing; and
    - the living conditions of neighbours, particularly with regard to noise.
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**Reasons**

6. The appeal premises lie on the corner of High Street and School Road, Sunninghill. There is currently a narrow vehicular access between the property and No 5 High Street leading to a small number of parking spaces to the rear. On the first floor of the building are a vacant flat, a vacant office and a chiropractor's surgery.
7. The premises, which have been vacant for over a year, lie within the defined Sunninghill village centre, where a good range of retailers can be found. To the north, on the other side of School Road, lies St Michael's Primary School and to the west/north west lie predominantly residential properties.

**Highway Safety - Parking Provision**

8. The site currently has 7 marked car parking spaces in the courtyard to the rear, although because of their configuration, both the appellant and the Council considered that only 5 of them are usable. The spaces are accessed by a comparatively narrow drive to the side of the property.
9. The proposal would result in the loss of this parking area and the provision of 3 spaces – none of which would be allocated for use by shoppers. There would be 2 spaces within the servicing area (accessed off School Road), one for the use of an employee and the other for the resident of the flat. A single space between the appeal premises and the access to the private car park to the rear of 5 High Street would be provided for use by the chiropractor's surgery. There would therefore be a net loss on the site of 2 parking spaces.
10. There would also be a loss of about 7m of parking space in School Road if the proposed Traffic Regulation Order was implemented, which for the purposes of the calculations I shall describe as 1 parking space. Thus a total of 3 parking spaces would be lost.
11. Section 7.4 of the Royal Borough of Windsor and Maidenhead Local Plan (LP) specifically identifies the inadequacy of parking provision as one of the main issues in Sunninghill. It advises that the intensification of commercial uses would increase the existing serious problems of parking, traffic congestion and pedestrian/vehicle conflict and that Sunninghill does not have potential for retail expansion as this would exacerbate the traffic problems.
12. I was told by the Council that the bus service along High Street is not frequent and I was provided with no substantive evidence to demonstrate that a significant number of customers would cycle to the proposed shop. The appellant agreed that Sunninghill is poorly served by public transport.
13. I saw from the DVD that was submitted by the Sunninghill Community Action Group that traffic does not always run smoothly in the vicinity of the appeal site. In my opinion the Council correctly identifies Sunninghill as an area of poor accessibility and from my observations I consider that the LP provides an accurate assessment of the situation in the village.
14. A number of parking availability surveys were undertaken by the appellant, the Council and by Mr Deason. The findings were not identical because different methodologies were employed. The appellant's survey basically recorded areas where parking is not illegal and what was observed at the time, whereas both

- the Council and Mr Deason appear to have assessed the capacity based on the number of cars that could be safely accommodated.
15. I undertook three visits to the site and surrounding area, at different times of the day, and from my observations it is clear that the 3 main public car parks in Sunninghill were utilised to near full capacity – on one occasion there were no vacant spaces. I also saw significant amounts of on-street parking and only a few spaces available within 300m of the site. A large number of dwellings near the site do not have off-street parking provision.
  16. Mr Deason considered that the appellant's assessment over-estimated the number of available spaces by 10% and the Council suggests that the over-estimate is even greater, as shown on Plan 2350: Parking Availability Within 300m of Application Site. There were, however, some inconsistencies in the surveys. For instance parking was identified by the appellant in locations where there are access protection markings and parking areas were identified where parking does not occur.
  17. An example was the parking identified in Sunninghill Road to the north of the site (between Kings Road and Kingswick Drive). On my visits I saw no parking in this area and local residents confirmed that it is not used for parking because it is on the brow of a hill and visibility is poor. Whilst I accept that legally parking could take place there, I have no evidence to demonstrate that it does.
  18. In terms of available capacity the surveys reveal a range of availability in the potential supply of parking. For example, the appellant identifies an available supply of 53 spaces on a December Saturday, whereas the worst scenario is provided by Mr Deason who identifies a maximum deficit of 16 spaces, although that is within 150m of the site (plus the School Road and Bowden Road car parks).
  19. These surveys can only provide a snapshot of the situation and a pragmatic approach has to be taken to a situation such as this, where it is not possible to take into account every eventuality that could occur or reconcile the results of the different approaches that have been adopted. Similarly, although I have taken into account the likelihood of linked trips taking place, I have not been given any substantive evidence which would enable me to accurately assess the proportion of all trips that would be linked.
  20. In my opinion it is appropriate to take a precautionary approach towards the figures that have been presented to me because I consider that any restrictions to parking should be taken into account. For example although I acknowledge that access protection markings are not enforceable they do serve to highlight that any vehicle parking there is causing an obstruction, which could be dealt with by the police.
  21. Therefore based on the information I have before me, including my own observations, I find that particularly at peak times there is little spare parking capacity in the vicinity of the appeal site. A situation which would be exacerbated by the net loss of 3 spaces which would occur should the proposal be implemented.

22. Having concluded that there are times when there is very little spare parking capacity, I turn now to consider the additional demand for spaces that would be generated by the Tesco Express store.
23. The appellant considers that between 08.00 and 19.00 on a Friday, the number of vehicles attracted would vary from between 9 to 23 per hour. Mr Deason, who considers a number of scenarios, concludes that the number could be significantly greater – possibly reaching as high as 43 an hour.
24. Mr Lyons confirmed that the calculations in his table RL4 (Traffic Attraction Calculation) were based upon the methodology used in the Bathwick Hill appeal (Ref APP/F0114/A/06/2033644), which was for a Tesco Express. Indeed the appellant places some reliance on this decision in other respects but in my opinion the circumstances are different.
25. It appears that Bathwick Hill is an area that includes student accommodation and is served by frequent bus services. The Inspector concluded that the bulk of the store's custom would come from shoppers who have travelled by foot, bicycle or public transport and that a large proportion of customers would not travel by car.
26. She agreed that there was no requirement to provide any dedicated parking and concluded that the lack of on-site parking would not have significant implications for road safety. It would appear from her decision that there is parking available close to the premises – "immediately outside the existing shops in the local centre and on the opposite side of the road".
27. I do not consider that there are strong similarities between the two appeals and consequently I have not come to the same finding. In any event I must consider this appeal on its own merits and therefore, in all respects, I have given only limited weight to the Bathwick Hill decision.
28. The evidence regarding traffic generation is conflicting because different methodologies have been used and again only a snapshot of the situation has been provided. Nevertheless I am satisfied that additional traffic would be generated by the store, from customers and employees, and that at peak times it is likely that demand for parking spaces in the village would exceed supply.
29. I have set out above the situation as I see it but before I reach any conclusions on the first issue with regard to parking, I must consider the policy framework because I must determine this appeal in accordance with the development plan unless material considerations indicate otherwise. Saved LP policy P4 requires all development to provide car parking in accordance with the adopted standards. These are, however, maximum standards and in the case of a retail use in an area of poor accessibility, the maximum provision would be 1 space per 14 sqm of floorspace.
30. The Council argued that because of the circumstances in Sunninghill, the maximum provision would be justified and this would result in the need for 8 spaces to be provided for the development. However, only 1 space would be provided - for an employee of the store. The shortfall in provision would therefore be 7 spaces. On this basis the Council considers that, in terms of parking provision, the proposal is contrary to policy and a danger to highway safety would result.

31. One of the objectives of PPG 13: Transport (PPG 13) is to reduce the demand for travel by car. One mechanism for achieving this is to make travel by car less attractive, for example by restricting the availability of car parking. Thus in paragraph 51 it advises that developers should not provide more parking spaces than they themselves wish, other than in exceptional circumstances. PPG13 gives the example of an exceptional circumstance being where a proposal would result in significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls. The nub of the matter, therefore, is whether or not any exceptional circumstances exist in Sunninghill.
32. In my opinion there would be more traffic on the local streets, the availability of on and off-street parking would be significantly reduced or indeed at times would be lost (to the detriment of many residents), there is a risk of further congestion and parking in front of accesses (which I was told already occurs) and highway safety for motorists, pedestrians and cyclists would be prejudiced.
33. Taking into account also the current level of demand for parking, the predicted level of additional traffic generated by the proposed store, the relatively poor accessibility to the premises by public transport, the lack of dedicated cycle routes or cycle priority measures and the fact that the proposal would result in a reduction of car parking spaces, I conclude that, in combination, those exceptional circumstances that I refer to in paragraph 31 do exist.
34. Paragraph 49 of PPG13 advises that reducing parking provision should be as part of a package of planning and transport measures. I consider that such a package is not being proposed in this scheme. The provision of cycle racks and a contribution towards a table-top crossing in High Street do not, in my opinion, constitute a package. No measures are proposed that would specifically encourage the use of public transport.
35. Paragraph 53 of PPG13 requires local authorities to reflect local circumstances when setting levels of parking for schemes such as this and I consider that this is the approach that has been taken by the Borough Council. I consider that the Council is therefore right to seek 1 space per 14 sqm of floorspace in accordance with its policy.
36. PPG13 does refer to the resolution of parking problems by the introduction or enforcement of parking controls. The Council's witness was not aware of any imminent changes to parking controls in the area but did confirm that enforcement was undertaken. On the evidence before me I consider that there is little likelihood in the near future of the existing or the future road safety problems which would be caused as a result of this proposal, being resolved through the introduction of parking controls or the implementation of additional enforcement measures.
37. Paragraph 56 of PPG13 advises that a balance has to be struck between encouraging new investment in town centres by providing adequate levels of parking and potentially increasing traffic congestion caused by too many cars. In my opinion this proposal would not achieve an appropriate balance because it would be weighted too heavily towards increasing traffic congestion.
38. The Council's Parking Strategy (2004) includes the objectives to "achieve a balance between the supply of car parking and the needs and priorities of

users” and “to ensure that on-street parking does not create congestion or danger for other road users”. In my opinion the appeal proposal would not contribute to meeting those objectives.

39. On the first issue, in relation to parking, I therefore conclude that the net reduction in parking provision would be detrimental to highway safety primarily because of the impact on the free flow of traffic caused by the additional traffic generated by the proposal. The requirement of LP saved policy P4, which seeks to ensure that car parking is provided in accordance with the adopted standards, would not be met.

### **Highway Safety - Servicing**

40. For the avoidance of doubt I have based my assessment on the premise that the Traffic Regulation Order (as set out in the Unilateral Obligation) would be in place, which would include extending the yellow lining along School Road thus making more space available for the turning manoeuvre. This would, however, result in the loss of a parking space, to which the Council objects.
41. The proposed access and service yard would lie close to the junction of School Road and High Street. The swept path analyses for the servicing manoeuvres demonstrate that the use of both lanes in School Road would be required for reversing into the yard. It is clear that there would be no margin for error as the body of the vehicle would pass very close to the kerb on the northern side of School Road. Indeed one of the photographs submitted as evidence by the Council shows a delivery vehicle overhanging the footway during the trial.
42. It is proposed to employ the services of a banksman in order to ensure that the safety of pedestrians and other road users would be protected during these manoeuvres. Appropriate training would be provided for the banksman and a commitment to this provision would be enshrined in the Servicing Management Plan, which forms part of the Unilateral Obligation. In my opinion, however, the need for such a measure is an indication that the manoeuvres, per se, would not be safe. There is also no way of requiring the suppliers of other goods to the premises (i.e. other than Tesco) to adhere to the Servicing Management Plan.
43. I am mindful that School Road forms part of the route for school children walking from St. Michael’s Primary School to the playing field which lies to the south of the village centre. I was told that there were no restrictions on the time of day when the movement of children could occur. I also saw that the library is located in School Road and that there is a Nursery School in The Terrace. These activities are all likely to generate pedestrian activity in School Road, along the footway that is adjacent to the proposed service yard. There would be over 35 deliveries a week and the vehicles would have to reverse across this footway, to the detriment of the safety of pedestrians.
44. The access to the proposed service yard would be relatively close to the junction of School Road and High Street. Vehicles turning left into School Road from the High Street would not be aware of any servicing manoeuvres until they were at the junction, causing a potential highway safety hazard.
45. I have given very careful consideration to the swept path analyses. Whilst I accept that they provide an indication of the likely movement of the vehicle,

- they are only a technical assessment and do not necessarily reflect what would happen in reality. For example they show that the vehicle could be accommodated within the servicing area without straying on to the area described as a footpath (the access to the entrance to the first floor). However, the appellant did concede that in the trial the vehicle over-ran but it was suggested that because it would be a shared space (such as might be found in a pedestrianised town centre) this would be acceptable. I disagree.
46. This is a very cramped area where it is proposed to accommodate vehicle parking, servicing and the needs of pedestrians seeking access to the first floor of the premises. The LP in Appendix 7 refers to the Freight Transport Association publication entitled *Designing for Deliveries*. This advises that sufficient safety margins should be included in any analyses but based on the evidence provided I am not satisfied that all 3 activities could be accommodated safely in this area.
  47. One of the suggested conditions would prevent the arrival/departure of weekday delivery vehicles between 8.30 and 9.30 and 14.45 and 16.45 (during the school run). However, this would increase the likelihood of deliveries taking place during the evening rush hour, which would be likely to disrupt traffic, particularly in High Street, during an already busy time.
  48. The supporting text to LP saved policy T5 refers to the need to prevent congestion. In my opinion, for the reasons given above, the proposed servicing arrangements would not achieve that objective.
  49. On the first issue, in relation to servicing, I conclude that the manoeuvring of the servicing vehicles would have a detrimental effect on highway safety both for vehicles and pedestrians. The requirement of LP saved policy T5 which requires development to meet the Council's highway design standards, would not be met.

### ***Impact on Living Conditions of Neighbours***

50. The site adjoins the garden of No 1 School Road and the rear gardens of properties in The Terrace. The elevation of No 1 that faces the appeal site includes a large patio door and at first floor level the principle window serving a bedroom. The distance between the side of the property and the proposed boundary of the servicing area would be just under 3m.
51. To the rear of No 22 The Terrace, immediately adjacent to the site, is an area of decking which, from the photographs provided, appears to be used by the occupiers of the property for their enjoyment.
52. PPG 24: Noise requires local planning authorities to ensure that development does not cause an unacceptable degree of disturbance and advises that a difference of around 10dB or higher indicates that complaints are likely. The appellant undertook a noise assessment which concluded that if delivery times were restricted, the increase in noise levels at No1 School Road from deliveries would only be about 5dB, although the appellant agreed that it would be significantly higher in the gardens of both No 1 School Road and No 22 The Terrace, where noise levels would be doubled.

53. The appellant also conceded that a number of noise sources, for example the vehicle's radio, door banging, the collision of rollcages, refrigeration units on a vehicle, the voices of the operatives and the vehicle's reversing bleeper were not taken into account in the noise assessment. The appellant confirmed that such noises could be intrusive and paragraph 11 of PPG 24 advises that sudden impulses and irregular noise will require special consideration. There is therefore a degree of uncertainty over the thoroughness of the assessment.
54. The Servicing Management Plan includes a requirement for vehicle engines to be switched off during deliveries but this would not be applicable to other suppliers. Although I am satisfied that Tesco would respect the living conditions of neighbours, it cannot be assumed that other suppliers would show the same courtesy.
55. The proposal would introduce a new source of noise and although properties that are located next to commercial premises may expect to experience some disturbance, it is my opinion that the frequency and duration of some of the deliveries and their associated sources of noise, would all contribute to a significant deterioration in the living conditions of neighbours, particularly in the gardens.
56. I have considered whether the imposition of appropriate conditions relating to noise attenuation measures and the timing of deliveries would satisfactorily mitigate the nuisance caused. However, although for example the provision of acoustic close boarded timber fencing along the boundary would help to ameliorate the situation by reducing noise levels by up to 5dB, this would not alleviate any noise from vehicles manoeuvring in the road.
57. It is proposed that the timing of deliveries would be restricted but I note that deliveries could occur between 8.00 and 16.00 on Saturdays, Sundays and Bank Holidays – the very time when many residents would wish to make use of their gardens for leisure purposes.
58. On the second issue I conclude that the requirement of LP saved policy NAP3, which seeks to protect the living conditions of neighbours in terms of noise, would not be met.

### ***The Fallback Position***

59. The premises enjoy a lawful use as an A1 shop and if this appeal is unsuccessful the appellant has indicated that a Tesco One Stop store would open in the premises. On the evidence before me I have no reason to doubt that the fallback position would be implemented. The issue is whether or not it would be more harmful than the appeal scheme.
60. A Tesco One Stop would, for example, have no restrictions regarding opening hours, delivery times or the location of the servicing. However, it is likely to attract fewer customers than a Tesco Express (because it would have a smaller floorspace and consequently stock fewer goods), would not result in the loss of the existing parking spaces and would involve fewer deliveries.

### ***Fallback - Parking***

61. In terms of parking there would be fewer customers to a One Stop store and consequently the demand for parking would be less than for a Tesco Express.
-



The pressure for the limited availability of both on and off-street parking would therefore be less and the needs of the residents who are obliged to park in the street would be more likely to be met. The parking space in School Road, adjacent to the site, would not be lost.

***Fallback - Servicing***

62. I was told that a Tesco One Stop would be likely to attract up to 3 service vehicle trips a day (for newspapers, bread and milk) plus 3 or 4 deliveries a week for refrigerated/frozen and ambient goods. This would compare to up to 5 service vehicle trips a day for the Tesco Express (for newspapers, bread, milk, refrigerated/frozen and ambient goods). Other deliveries, for example for mail or high value goods, would be similar for both operations. There would therefore be fewer deliveries each week to a Tesco One Stop.
63. The service vehicles, the size of which would not be restricted, could park partially or fully on the High Street footway outside the premises or reverse into the side access as shown on Mr Lyon's figure RL-9. In my opinion this could result in reduced visibility for motorists. However, as I saw on my visits, this type of manoeuvre already takes place elsewhere in High Street because many of the retail units do not have rear servicing facilities.
64. This approach to servicing could therefore be considered to be the norm in Sunninghill and whilst I acknowledge that this does not necessarily make it acceptable because it may reduce visibility for motorists and pedestrians, it is the reality of the situation.
65. In my opinion many motorists would be local to the area and regular users of the route. Consequently they would be aware of the potential for delivery vehicles to be present in High Street and adjust their driving accordingly. Similarly many pedestrians would be familiar with the manoeuvres that take place in High Street. In my opinion such servicing arrangements are likely to continue if the health of the village centre is to be maintained. A balance has to be struck between highway safety and the retention of the vitality and viability of High Street. The fallback position would follow what appears to be accepted practice, which from what I saw is enabling the village to remain vibrant.
66. The Council could potentially enforce against such servicing operations. One alternative therefore, in respect of the appeal site, would be for vehicles to turn into School Road, either in forward gear or reverse, and park adjacent to the premises to unload. Once the servicing was complete the vehicle would have to manoeuvre into High Street or possibly continue along School Road in order to return to the B3020.
67. The Council agreed with the appellant that in highway safety terms the servicing as currently proposed would be preferable to any of the options in the fallback position. In my opinion, however, there is little to choose between the alternatives because none of them are without risk. There would be fewer deliveries with the fallback position and it would be a reflection of what already takes place in High Street. On the other hand, for example, there would be no restrictions on the size of vehicles or the times when servicing was undertaken.

68. Therefore in terms of servicing I conclude that there is an equal balance between the fallback options and the appeal proposal.

***Fallback -Noise***

69. With regard to noise there would be less intrusion for the nearby residents in School Road and The Terrace if servicing were to take place in High Street because in general terms the distance between the source and the receptor would be greater.

70. If deliveries were to take place in School Road it is likely that the living conditions of the occupiers of No 1 would be impaired but those of the occupiers of The Terrace would not be so significantly affected because they would be further away. There would still be noise from, for example, the rollcages and the voices of the operatives but in my opinion because of the lower number of deliveries, the impact of the School Road fallback position would, in overall terms, be less than for the appeal proposal.

***Fallback - Conclusion***

71. In terms of the fallback position I consider that its effect in terms of parking and noise would not be as detrimental as the appeal proposal before me. With regard to servicing it is my opinion that all options contain elements of risk which are equally balanced. I conclude that overall the fallback position would be less harmful than the appeal proposal.

72. Should the fallback position be implemented I would expect the advice in paragraph 46 of PPG13 to be heeded. This seeks to ensure that all parties work together in order that a more efficient and sustainable approach is taken to deliveries in sensitive locations. I therefore do not agree with the appellant that the fallback position would inevitably result in the realisation of what Mr Lyons described as the "worst-case scenario".

**Other Matters and Conclusion**

73. The views of interested parties are a material consideration and there was significant local opposition to this proposal. Although it is not a matter on which my decision on this appeal has turned, the amount of public objection adds weight to my conclusions on the main issues.

74. There were some representations of support from local residents and I agree that in terms of the vitality and viability of High Street and making use of premises that have been vacant for some time, then in principle the proposal would be acceptable. I also acknowledge that there may be some residents who do not have access to a car and would therefore benefit from a Tesco Express nearby. Off-street servicing would be provided, the size of vehicles, hours of use and times of deliveries could be restricted and cycle parking would be provided. However, these benefits do not outweigh the harm that I have identified above.

75. In accordance with the definition in Annex A of PPS6: Planning for Town Centres, I would describe Sunninghill as a local centre. Paragraph 2.58 of PPS6 advises that a positive approach to strengthening local centres should be adopted but that this should be achieved using Development Plan Documents or if appropriate other local strategies. I was given no evidence to show that

any such documents relating to Sunninghill are in the course of preparation and therefore I have based my determination of this appeal primarily on the policies of the Development Plan.

76. A number of other appeal decisions were submitted by both main parties. Although there were some similarities with the proposal before me, none of the circumstances were identical and so are not comparable. In any event I must determine this appeal on its own merits. I have therefore given only little weight to those decisions.
77. I have given careful consideration as to whether any of the suggested conditions could satisfactorily overcome the harm that I have identified but conclude that they would not lead to a satisfactory development.
78. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

*David Hogger*

Inspector

## APPEARANCES AT THE INQUIRY

## FOR THE LOCAL PLANNING AUTHORITY:

Josef Cannon of Counsel                      Instructed by the Borough Solicitor, Royal Borough of Windsor and Maidenhead

He called  
John Brewster BSc                      Highway Development Control Team Leader  
IEng(CEI) FIHIE

Linda Arlidge JP BSc                      S106 Special Projects Officer  
DipUP MRTPI

## FOR THE APPELLANT:

Hereward Phillpot of Counsel              Instructed by CgMs Consulting Morley House,  
26 Holborn Viaduct, London EC1A 2AT

He called  
Rupert Lyons MSc                      Pinnacle Transportation Ltd. Mercury House,  
CMILT                                      Broadwater Road, Welwyn Garden City, AL7 3BQ

Rhys Scrivener MSc                      KR Associates (UK) Ltd, International House, George Curl  
MIOA                                      Way, Southampton SO18 2RZ

Matthew Roe BA(Hons) CgMs Consulting  
MTP MRTPI

## FOR THE SUNNINGHILL COMMUNITY ACTION GROUP

Andrew Beresford                      9 Norton Park, Sunninghill SL5 9BW  
Peter Deason BSc(Hons)              27 The Terrace, Sunninghill SL5 9NH  
CEng MICE MIHT

## INTERESTED PERSONS:

Cllr Alison Knight                      Cllr. for Sunninghill and South Ascot  
Robert Bayne                              Fircroft House, Dawnay Close, Ascot SL5 7PQ  
Cllr Barbara Hilton                      Chair Sunninghill and Ascot Parish Council Planning  
Committee

Valerie Woods                              Headteacher St. Michael's CE Primary School,  
Sunninghill

Brian Finch                                  The Oak, St Mary's Hill, Sunninghill SL5 9AS  
Peter Standley                              Society for the Protection of Ascot and Environs  
Pauline Teale                                55 Cavendish Meads, Sunninghill SL5 9TB  
Gillian Shaw                                Cedar Lodge, Bagshot Road, Sunninghill SL5 9JL

## DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Notification of Inquiry
- 2 Statement of Common Ground
- 3 Executed Unilateral Obligation
- 4 Statement of Mr Deason (including Parking Survey Analysis)
- 5 Summary of Mr Beresford's Proof of Evidence
- 6 Extract relating to Wheatcroft Ltd v S of S for Environment
- 7 Parking Strategy 2004 (RBWM)
- 8 Local Transport Plan 2006-2011 (RBWM)
- 9 Late Observations Windsor DC Panel 11 June 2008
- 10 Extracts from User Manual for Autotrack
- 11 Extract from Council's Design Guide
- 12 Extract form Manual for Streets
- 13 Comments on the application from the Council's Environmental Protection Officer dated 10 December 2008
- 14 Copy of Appeal Decisions at 163-167 Mill Road, Cambridge (2066756 and 2073579)
- 15 Technical Assessment of the Planning Application by Mr Deason
- 16 Extract from Designing for Deliveries (FTA)
- 17 Tables relating to types and capacities of urban roads
- 18 Summary and Key Findings of Shopping and Transport Survey (Feb 2009) undertaken by Sunninghill Village Action Group
- 19 Statement of Cllr Allison Knight
- 20 Statement of Robert Bayne
- 21 Statement of Cllr Barbara Hilton
- 22 Statement of Valerie Woods
- 23 Statement of Brian Finch
- 24 Statement of Peter Standley
- 25 Statement of Pauline Teale
- 26 Submission from Ian Jacobs
- 27 Submission from Mr M A Brown
- 28 Submission from Mary and Pat Morris
- 29 Closing statement of Mr Bayne (not presented verbally)

## PLANS SUBMITTED AT THE INQUIRY

- A Parking Availability within 300m of application site
- B Route between St Michael's Primary School and the playing field

## PHOTOGRAPHS SUBMITTED AT THE INQUIRY

- 1 Photographs of a number of the surrounding streets

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## Shelford Tesco Action Group

Mr Michael Jones  
Senior Planning Officer  
South Cambridgeshire Hall,  
Cambourne Business Park,  
Cambourne,  
Cambridge CB23 6EA

21 Hawthorne Road,  
Stapleford,  
Cambridge  
CB22 5DU

3<sup>rd</sup> December 2010

Dear Mr Jones,

Planning Applications S/1687/10, S/1688/10, S/1689/10 and S/1690/10  
36-38 Woollards Lane, Great Shelford

I am writing to advise you of Shelford Tesco Action Group's formal objections to each of the above planning applications.

For ease of reference, our representations are attached to this letter as appendices, as follows

- Appendix A: S/1687/10  
(Fascia Sign to Principle Elevation & Rectangular Signs to Side Elevations)
- Appendix B: S/1688/10 (Installation of ATM unit)
- Appendix C: S/1689/10 (Installation of Plant and Associated Fencing)
- Appendix D: S/1690/10 (Alterations to Shopfront)
- Appendix E: Analysis of safety issues: deliveries and ATM
- Appendix F: Cambridge City Council Planning Refusal ref 08/0794/FUL
- Appendix G: Planning Appeal Decision: Sunninghill, Berkshire ref ATT/T0355/A/08/2089309
- Appendix H: Design and Access Statement
- Appendix I: Transport Assessment Guidelines

This submission is being emailed to you on the date of this letter, with a hard copy to follow in the post. The email copy has Appendix G and the photographs from Appendix E as separate documents.

Please acknowledge receipt of this submission and advise us of the current position regarding each of these applications. It would also be helpful if you could let us know what the next procedural steps are likely to be.

Please note that (a) Shelford Tesco Action Group would like to send a representative to speak at the planning committee meeting in January – we would be grateful if you could provide details of the arrangements in due course; and (b) we would like to be given a copy of your report to the planning committee in order to comment on this as early as possible prior to the committee meeting.

Any enquiries relating to this submission should be addressed to Mrs Rosemary Humby, initially via email: [rosemaryhumby@aol.com](mailto:rosemaryhumby@aol.com).

Yours sincerely,

  
pp Professor Richard Farndale  
on behalf of

**Shelford Tesco Action Group**

cc (by email) Cllrs B Hodge and C Nightingale, Great Shelford Parish Council; Dr J Finney CCC;  
Cllrs Orgee, Shelton, Dipple, Corney, Turner, Bear and Wright SCDC; Mr Gareth Jones SCDC.

## Appendix A

### Application S/1687/10: Fascia Sign to Principle Elevation & Rectangular Signs to Side Elevations

This proposed signage conflicts with the express policies for advertisements in a Conservation Area, as set out in Chapter 5 of the Development Affecting Conservation Areas SPD and in particular in respect of its:

1. **Size** – the signs are sufficiently large to be dominant, especially taking into account their proposed colour, brightness and illumination.
2. **Illumination** – the proposed illumination of the signage would cause unnecessary light pollution for nearby residents and would harm the character and appearance of this part of the Conservation Area, to the detriment of the visual amenity of the street scene. At present, there is very little illumination of retail signage in Woollards Lane.

*5.4 .....Where signs are to be illuminated this is to be achieved with modest and appropriately styled lamps directed onto the sign. Strict controls will be applied over the extent of any illuminated signs in Conservation Areas, to avoid harming their character and / or appearance, and also to avoid unnecessary light pollution.*

*(Local Development Framework – Development Affecting Conservation Areas SPD (Jan 2009))*

We surveyed the signage of commercial premises in Woollards Lane at 21.00 on Saturday 13<sup>th</sup> November, and from the total of 19 premises only two (Tucker Gardner and McColl's) had signs which were illuminated. Both of these were softly illuminated from above, not from below;

3. **Number** – Eaden Lilley had traditional painted boards high up on each side of the front gable and no sign at the front of the building. We consider the proposed number of signs to be excessive and not suitable for a Conservation Area nor consistent with Policy CH/8, particularly in view of the prominence of the side elevations.
4. **Materials** – planning policy is quite clear that permission is 'likely to be refused' for modern, plastic signage in a Conservation Area and we object to the materials proposed in this application.

*5.4 The presumption is that on traditional buildings within Conservation Areas signage will be applied in a traditional manner, i.e. using traditional sign writing techniques on timber boards, or direct onto masonry or render. Permission is likely to be refused for modern, plastic signage and / or applied lettering where such materials will be out of keeping with the context of a Conservation Area.*

*(Development Control Policies DPD)*

5. **Projection** - Policy CH/8 paragraph 8.23 provides that projecting fascia signs and obtrusive externally illuminated signs, as proposed in this application, are 'unlikely to be permitted' in a Conservation Area. The front fascia signage as proposed in this application is both projected and externally illuminated. This is unacceptable.

*8.23 In Conservation Areas the District Council will seek to ensure that advertisements are kept to the **minimum necessary** to identify the building and its function in order to protect the appearance of the area. It is therefore **unlikely** that any advertisement will be permitted which involves:*

- Internally illuminated or other **projecting** fascia signs;



- *Obtrusive externally illuminated signs;*
- *Obtrusive lettering, lighting, symbols, material or colour of fascia displays, window stickers, pavements signs and signs advertising particular products.*

**6. Character and Visual Quality** - Chapter 5 of the relevant SPD asks the question: “*Can the proposal be said to ‘preserve or enhance’ the character and appearance of the Conservation Area?*” – we consider not only that the proposed signage would fail to do this, but also that it would harm the character and appearance of this area.

Great Shelford’s Village Design Statement provides that the design of shopfronts and their associated signage are a ‘***matter for attention in relation to raising standards of visual quality***’, yet the signage proposed in this application fails to achieve this, being standard Tesco signage which is non-traditional and has no design connection with the Conservation Area in which it would be placed.

Relevant policy guidance provides as follows:

*‘1. Advertisements will be restricted to the **number, size, format, materials and design** appropriate to the building or locality to which it is proposed they be attached in order not to detract from the **character** and appearance of the district.*

*3. In Conservation Areas and on, or affecting, Listed Buildings, advertisements will be kept to a **minimum** in order to maintain the character and appearance of Conservation Areas and to avoid harm to the fabric, character or setting of Listed Buildings.*

*(Policy CH/8: Development Control Policies DPD)*

*8.22 The most stringent controls are needed in Conservation Areas... ..*

*Where the proposals replace existing signage or affect a Conservation Area or Listed building, a **traditional, simple and minimal approach is appropriate and the intention should also be to retain any historic signage in situ ...**’.*

*(District Design Guide SPD (March 2010), para 6.181)*

*5.4 The presumption is that on traditional buildings within Conservation Areas signage will be applied in a **traditional manner**, i.e. using traditional sign writing techniques on timber boards, or direct onto masonry or render. Permission is likely to be refused for modern, plastic signage and / or applied lettering where such materials will be out of keeping with the context of a Conservation Area. Permission is also unlikely to be granted for internally illuminated signs within Conservation Areas.*

*(Local Development Framework – Development Affecting Conservation Areas SPD (Jan 2009))*

**Conclusion:** we consider that this application should be refused.

## Appendix B

### Application: S/1688/10: Installation of ATM unit

1. There is already a disabled access ATM set off the street at Barclays Bank opposite (which has its own parking spaces for customers). There is also an ATM at Lloyds Bank in the village, with parking spaces nearby. Several shops also offer cash back facilities. The proposed additional ATM is therefore totally unnecessary.
2. The proposed ATM would detract from the character of this building by adding visual clutter to the front elevation, especially taking into account its associated illumination and signage.
3. The bollards which the applicant proposes to locate in front of the ATM would be unacceptable and would restrict movement on the pavement.
4. The proposed ATM would cause safety problems if it was allowed, in particular regarding:
  - 4.1 The amount of space on the narrow pavement, which is inadequate for both queuing and passing pedestrians, some disabled.
  - 4.2 Conflict with lorries delivering to the proposed store and the movement of delivery cages.
  - 4.3 The potential for illegal parking in an area which is already hazardous (eg double yellow lines outside the store; directly opposite a junction and very close to four other junctions; heavy pedestrian use of the pavement; cars reversing onto main road from Boots car park etc – see Appendix E). This would compromise the safety of both road users and pedestrians.
  - 4.4 The pressure on available parking in the area, particularly at busy times, such as market days, Saturdays, village events, school opening and closing times etc. The previous planning application (S/0640/10/F) for an extension to the rear of the building will result in the loss of all staff car-parking facilities; permission for the extension was granted on 15<sup>th</sup> July 2010.
  - 4.5 The fact that Woollards Lane is a busy main route through the village. Many of our village children use this as a route to get to the village primary school and it is much used during the day by elderly residents and by all ages of villagers visiting the local shops and village amenities in Woollards Lane, eg. library, recreation ground, village market, Memorial Hall activities.
  - 4.6 Detailed points regarding the safety issues relating to this proposed ATM are set out in our safety analysis which is attached as Appendix E.
5. The proposed ATM would be highly likely to cause noise pollution and disturbance for nearby residents at unsocial hours, for example car doors slamming, engine noise, conversation etc.

**Conclusion:** we consider that this application should be refused.

## Appendix C

### **Application: S/1689/10: Installation of Plant and Associated Fencing**

In relation to this application, we set out below our comments regarding noise, deliveries and the need for a Conservation Officer report:

#### **1. Noise**

1.1 Owing to the technical nature of the Noise Impact Assessment Report which forms part of this application it is necessary for an independent report to be commissioned or for an independent acoustic engineer to review the report submitted by the applicant. KR Associates (UK) Ltd carries out many of the applicant's noise impact assessment reports and hence cannot be viewed as independent.

1.2 It is essential that the District Council's Health and Environmental Services Department should rigorously analyse this application and we request written confirmation that this has been done.

1.3 Although we are not in a position to comment fully on such a technical report we can highlight the following deficiencies:

- 1.3.1 The test date is more than one year ago, which means that it may not be sufficiently up to date.
- 1.3.2 S1.4: why was background noise level measured in the car park behind the building and not closer to the noise sensitive façade? The car park would be noisier than a quiet alleyway.
- 1.3.3 S2.4.2 and s 2.4.3 – it is not recorded how close these would be to residential property;
- 1.3.4 S 2.5 – we do not understand why the nearest noise sensitive façade is located '*1m from the nearest residential façade on the flats to the side of the store*'. An independent expert should confirm whether this is appropriate.
- 1.3.5 S 3.3.2.1

It is perfectly possible for the background noise levels to be measured at the assessment position, which should be at the nearest noise sensitive façade – i.e. the flats in the side alley where the units are to be located. This has not been done and the noise levels have been recorded in the car park, where noise is likely to be considerably higher. This must render the report inaccurate.

- 1.3.6 S4.3.1, 4.3.2, 4.3.3 and 4.4 – these sections require independent expert verification;  

We cannot be sure that the correction for reflection of +3dB is accurate as regards the relevant alleyway, given the position of the proposed plant. This requires independent expert verification. The geometric divergence calculation, which effectively halves the noise levels from the plant, also requires independent expert verification. The alleyway is unusually narrow and is narrower at the back than at the front and this will affect noise levels, an issue which has not been considered in the report. We also question the corrections set out in s4.3.3, which also require independent expert verification.
- 1.3.7 BS 4142 requires 5dB to be added for tonal character in refrigeration condensers, yet this report (table 5.1) states that “neither the refrigeration nor air conditioning equipment

had a distinct tone or character". Because of this, the noise level for the condenser needs to be increased by 5dB;

1.3.8 S9.1

These recorded noise levels are highly unlikely to be accurate and require independent verification. We challenge most strongly the suggestion that the lowest level of background noise in the relevant alleyway between 7am and 11pm could be 42dB – we do not believe that this could possibly be correct had a measurement actually been taken at this point, which is where it ought to have been taken. Whilst the nearby Cambridge Building Society air conditioning units are turned off, this alleyway would have exceptionally low background noise levels.

1.3.9 We do not understand why the report divides the 24 hour period into four periods – morning, day time, evening and night time. Our understanding is that to comply with BS 4142 the assessment should relate to two periods: day time and night time. We find this misleading, confusing and a bias in the reporting standard.

1.3.10 We are unclear as to what the proposed opening hours would be, but based on other similar stores operated by the applicant we believe that it could be open from 7am until 11pm. We therefore question the report's assumption that the air conditioning equipment will be switched off at 11pm – this is unlikely to be the case when staff will continue to work at the store for some time after the store itself has closed. Hence, the noise pollution for neighbours will continue until very late.

1.3.11 We believe that it is necessary to consider the cumulative effect of both the applicant's proposed plant and also the air conditioning plant operated by the Cambridge Building Society, which is located very close by, in the same narrow alleyway. This has not been addressed in the applicant's Noise Impact Assessment Report.

1.3.12 We understand that conditions have been attached to the operation of the Cambridge Building Society air conditioning plant, owing to its potential impact on the nearby residential flats. The applicant's proposed plant would add to this noise significantly. There is no apparent provision in the application for insulation or mitigation measures to reduce the noise impact, conditions which were imposed on the building society.

1.4 Noise from the plant is not the only noise issue relating to this application. It is extremely important that noise from deliveries is also considered, as this could be highly disruptive for nearby residents and also for the village community generally. Deliveries are likely to be made using standard metal cages, which will require to be pushed across the pavement and in and out of the proposed shop and delivery truck. This noise is likely to be significant as far as local people are concerned, yet the issue is not addressed in the application. The same issue was addressed by the Planning Inspector in the public enquiry involving Tesco at Sunninghill, Berkshire, when he noted in his decision:

*'The appellant also conceded that a number of noise sources, for example the vehicle's radio, door banging, the collision of rollcages, refrigeration units on a vehicle, the voices of the operatives and the vehicle's reversing bleeper were not taken into account in the noise assessment. The appellant confirmed that such noises could be intrusive and paragraph 11 of PPG 24 advises that sudden pulses and irregular noise will require special consideration. There is therefore a degree of uncertainty over the thoroughness of the assessment.'*

1.5 Relevant planning policy relating to noise includes the following:

Development Control Policies DPD – POLICY NE/15

1. *Planning permission will **not** be granted for development which:*

*a. Has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development;*

*c. Would be subject to unacceptable noise levels from existing noise sources, both ambient levels and having regard to noise impulses whether irregular or tone.*

*Conditions may be attached to any planning permission to ensure adequate attenuation of noise emissions or to control the noise at source. Consideration will be given to the increase in road traffic that may arise due to development and conditions or Section 106 agreements may be used to minimise such noise.*

**POLICY DP/3 Development Criteria**

1. *Planning permission will **not** be granted where the proposed development would have an unacceptable adverse impact:*

*j. On residential amenity;*

*k. From traffic generated;*

*l. On village character;*

*n. From undue environmental disturbance such as noise, lighting, vibration, odour, noxious emissions or dust;*

*s. On recreation or other community facilities.*

**2. Deliveries**

2.1 Importantly, we would like to stress that the very serious public safety issues relating to deliveries to this proposed store are a material planning consideration as regards this application. A planning application relating solely to plant at Mill Road Tesco (Cambridge) (ref:08/0794/FUL) – see Appendix F - was refused by Cambridge City Council because of safety issues with deliveries, as was a planning appeal involving the applicant at Sunninghill in Berkshire – see Appendix G. These planning precedents are highly relevant to this application and must be addressed by South Cambridgeshire District Council.

2.2 The plant which is the subject of this application is required by the applicant to allow it to sell refrigerated and frozen foodstuffs, which will be delivered to the shop in 10.35m lorries which would be unable to park anywhere other than outside the front entrance to the shop, on a highly congested street.

2.3 Safety issues relating to deliveries to the proposed store and which relate to this application are set out in the safety analysis attached as Appendix E. It is extremely important that these issues should be addressed. This planning application does not mention them and we question why these important issues are being ignored.

2.4 We wrote to Mr Michael Jones, Senior Planning Officer at South Cambridgeshire District Council on 29<sup>th</sup> November (by email) to request formally that the issues set out in Appendix E should be passed

to the Highways Department at the Council for comment. It is essential that expert advice is obtained on these points prior to a decision on the application being made by the relevant planning committee.

- 2.5 Neither a Transport Assessment nor a Transport Statement has been included in this application, despite the very clear safety issues relating to the applicant's proposed deliveries.

*9.11 'It is important that all development mitigates its transport impact. 'Major development' proposals or development proposals with 'significant transport implications' will be required to produce a **Transport Assessment** and a Travel Plan (for non-residential proposals). A **Transport Statement** should be submitted alongside all other development proposals to enable the applicant to demonstrate to the Council that they have properly considered the transport impact of the proposal and taken into account how to mitigate them. The level of detail of the Transport Statement will vary according to the scale and complexity of the application.'*

*(Development Control Policies DPD July 2007)*

### **Planning Policy Guidance 13: Transport**

*23. Where developments will have significant transport implications, Transport Assessments should be prepared and submitted alongside the relevant planning applications for development...*

*24. These assessments enable local planning authorities better to assess the application and provide a basis for discussion on details of the scheme, such as the level of parking, the siting of buildings and entrances, and the need for further measures to improve access arrangements to the site.....*

*25. Prospective developers should hold early discussions with the local authority in order to clarify whether proposals are likely to be acceptable in transport terms and to scope the requirements of any Transport Assessment.*

*29. The Government places great emphasis on people being able to travel safely whatever their chosen mode. The planning system has a substantial influence on the safety of pedestrians, cyclists and occupants of vehicles through the design and layout of footpaths, cycleways and roads. Planning can also influence road safety through its control of new development. When thinking about new development, and in adapting existing development, the needs and safety of all the community should be considered from the outset, and addressed in the Transport Assessment accompanying development proposals, taking account of the importance of good design.*

*31. The Government wants to promote public transport that is accessible to disabled people and a pedestrian environment that enables them to make use of it. However, for some disabled people there is no substitute for the private car. Local authorities, developers and transport providers should work together to seek to meet the accessibility needs of disabled people in all developments by:*

*3. ensuring developments, including transport infrastructure, are accessible to and usable by disabled people as motorists, public transport users and pedestrians – through decisions on location, design and layout.*

#### *82. Planning Conditions*

*Where clearly justified and in accordance with the usual statutory and policy tests, conditions may legitimately be used to require on-site transport measures and facilities as part of development or to prohibit development on the applications site until an event occurs, including:*

6. *arrangements for deliveries to the site and removals from the site, covering specification of types of vehicles and hours of operation, design of delivery areas and specifications for lorry parking and turning spaces;*

**Note: see Transport Assessment Guidelines, issued by Cambridgeshire County Council in partnership with the city and district councils in Cambridgeshire, which is attached as Appendix I.**

- 2.6 Further relevant legal background and planning policy relating to deliveries is as follows:

**Highway Code:**

*Do not stop or park opposite or within 10 m of a junction, except in an authorised parking space; do not park on a bend; You must not wait, park or stop to sit down or pick up passengers unless there are signs that specifically indicate seasonal restrictions*

An examination of the Ordnance Survey map and the applicant's own plans clearly shows a junction less than 10m away from where delivery lorries and vehicles will need to park; access to and from the rear in a 10.35m long lorry is not possible.

**Law RTA 1988 sec 22 and CUR reg 103**

*You must not leave your vehicle or trailer in a dangerous position or where it causes unnecessary obstruction of the road.*

Note: there is a statutory requirement for a banks man to accompany deliveries, yet there is no mention of this in this application.

**Great Shelford Village Design Statement**

*P.20 Woollards Lane is the principal shopping centre and locus of village activity. There is an obvious conflict between pedestrians and vehicles in this concentrated area, presenting an opportunity for a more pedestrian-friendly and attractive, locally-scaled trading environment.*

*P.22 Principles include: 'Improvement to pedestrian and cyclist safety, including safer routes to school.*

*P.22 para 2.1 The local road network is good, but the growth of employment in the Cambridge area has brought substantial traffic volume, speed and congestion problems around and within the village. These are particularly severe along Church Street in the morning, along Woollards Lane, Station Road and Hinton Way and on parts of Cambridge Road.*

**POLICY DP/3 Development Criteria**

1. *All development proposals should provide, as appropriate to the nature, scale and economic viability:*
  - b. Appropriate access from the highway network that does not compromise safety, enhanced public and community transport and cycling and pedestrian infrastructure;*
  - 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.*
  - a. Planning permission will not be granted where the proposed development would have an unacceptable adverse impact:*
    - j. On residential amenity;*
    - k. From traffic generated;*
    - l. On village character;*
    - n. From undue environmental disturbance such as noise, lighting, vibration, odour, noxious emissions or dust.*
    - s. On recreation or other community facilities.*

**3. Conservation Officer Report**

We request that South Cambridgeshire District Council's Conservation Officer should report formally to the relevant planning committee regarding the placement of condensers and air conditioning units on the exterior of a key building in a Conservation Area, together with the question of how the storage of delivery cages and the storage of waste are to be dealt with, as this application is silent regarding these issues.

**Conclusion:** for these reasons we believe that application S/1689/10 to install plant and fencing should be refused.



## Appendix D

### Application: S/1690/10: Alterations to Shopfront

1. The uniform sheet glass façade which the applicant wishes to impose on this character building is clearly not in keeping with the relevant sections of SCDC's planning policy, in particular Policy CH/9 as well as many different sections of the Village Design Statement. It amounts to visual suburbanisation and has no relationship with Woollards Lane's 'sense of place', being a standard Tesco shopfront which is identical to many thousands of similar faceless retail facades throughout the country. The design makes no attempt to improve, or even be consistent with, the character of the building's surroundings. It fails to respect either the building's previous history or its position within a Conservation Area.

#### **Great Shelford Village Design Statement**

*p.7 Ensure that new development, redevelopment and adaptation of existing buildings respect scale and character, especially in the central shopping area.*

*p.7 Encouraging sympathetic and sensitive uses of redundant buildings to preserve their character and setting.*

*p.7 Encouraging high standards in quality and design, especially where buildings are redeveloped or adapted.*

*p.14 Great Shelford exhibits variety in diverse ways, which imparts distinct character to the village, and the individual areas within it. That character and distinctiveness should be acknowledged, and development and change be mindful of it.*

*p.17 During their life buildings generally undergo changes that affect their appearance, and buildings that incorporate some visible record of their history retain their integrity. Imaginative treatment is called for in alteration and change of use, to preserve these visual associations.*

*p.21 The design of shopfronts makes a strong and varied impact on the appearance of the streets in the village and these, coupled with their associated signage, are a matter for attention in relation to raising standards of visual quality.*

2. The District Design Guide SPD para. 4.21 (March 2010) states that:

*'The starting point for development proposals should be what is "the spirit of the place" (the genius loci); what is good, strong and desirable to harness and what is poor, weak and undesirable that presents the opportunity for change and improvement.....'*

The design for the proposed shop front does not relate in any way to the *genius loci* of either Woollards Lane or the remainder of Great Shelford's Conservation Area.

3. This building is one of the most attractive buildings in Woollards Lane. It has great value despite not being listed, and to fail to protect its character would run counter to many provisions of Great Shelford's Village Design Statement, including the following express objective:

*'Protect good examples of historic and modern buildings and building types, their features and details, whether or not protected by listing.' (p.18).*

4. The proposed removal of the open porch, which villagers previously used for shelter (e.g. buggies) and which added to the character of the building, is unacceptable and inconsistent with the express provisions of the Great Shelford Village Design Statement, which provides as follows:

*The features and accessories of a building in the form of verandas, porches, balconies, shutters, chimneys etc. have an enriching effect on the modelling and appearance of a building, where these are plainly working elements and not merely decorative adjuncts (p.19)*

*Alterations and extension to an existing building should be visually congruent with the original..... Removal or unsympathetic replacement of even minor features can have a deleterious effect on the whole appearance of a building.*

5. The proposed movement of the front door so that it is located on the dominant front gable of the building would damage the character of the front of the building. The proposed double doors would also be out of scale with the rest of the building. These changes are inappropriate within a character and Conservation Area.

6. Taking into account the relative size of the building compared to most of the other smaller scale retail premises in Woollards Lane, the proposed alterations to the shop front would cause the building to become harsh, characterless and dominant within its surroundings. This is not clear from the application itself, which fails to show any drawing or picture of the developed building within its context. The application therefore fails to comply with Policy CH/5, which provides as follows:

*'In order to assess the impact of development proposals, the District Council will require details including drawings or other pictorial material which shows the proposed development in its context.'*

7. Policy CH/9 is highly relevant to the above points, as is the District Design Guide SPD (March 2010) and Policy DP/2, which provide as follows:

**POLICY CH/9**

*1. The District Council will **only** grant planning permission for shop fronts and alterations to existing shop fronts which:*

- a. Create a fascia and shop window which is **in character with the building itself and the street scene;***
- b. Do not result in a **needless loss of architectural features;***
- c. Do not introduce **'house styles' and materials which are alien to the building and its surroundings.***

*8.12 Conservation Areas are designated not on the basis of individual buildings but because of the overall quality of the area, its mix of uses, historic layout, characteristic materials, scale and detailing of buildings and open spaces..... Once designated, special attention must be paid in all planning decisions to the desirability of **preserving or enhancing its character and appearance.***

*8.14 The District Council will be looking for development to provide a level of visual interest equivalent to that of the existing buildings in the Conservation Area. The choice of materials and detailed design are vital elements in achieving new buildings worthy of the small-scale village context which typifies South Cambridgeshire's Conservation Areas.*

**District Design Guide SPD (March 2010)**

**DESIGN PRINCIPLES**

*3.2.2. Ensure new developments reflect the form, scale and proportions of the existing vernacular buildings of the area and pick up on the traditional building styles, materials, colours and textures of the locality.*

**THE IMPORTANCE OF CHARACTER AND GOOD DESIGN.**

*3.5 The Council is concerned that poorly designed new development will erode the established character of the landscape and settlements through lack of respect for local diversity and distinctiveness. Common use of standardised building designs and layouts, and the suburbanisation of rural settlements through poorly designed village extensions will have particularly significant effects on character.*

**Development Control Policies DPD (adopted July 2007)**

*2.2. There are a number of principles that need to be taken into account fully in new development, whether large or small and for whatever use, whether new buildings or conversions of existing ones, so that the special qualities of the area remain. It is also essential that we achieve attractive, high quality sustainable places where people want to live, work and relax.*

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

*New Development Design*

- 1. All new development must be of high quality design and, as appropriate to the scale and nature of the development, should:*
  - a. Preserve or enhance the character of the local area;*
  - c. Include variety and interest within a coherent design, which is legible and provides a sense of place whilst also responding to the local context and respecting local distinctiveness;*
  - f. Be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area'*
  - i. Provide an inclusive environment that is created for people that is and feels safe, and that has a strong community focus.*

**8. Conclusion:** We consider that this application should be refused.

## Appendix E\*

\*note: email copies of this submission include Appendix E photographs in a separate Word document.

### Analysis of safety issues as material conditions relating to the applications:

#### The proposed Tesco Development, 36-38 Woollards Lane, Great Shelford

##### Deliveries and ATM

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###### S/1688/10 Installation of ATM unit

ATM units are a recognised cause of parking contraventions (see, e.g. *Liverpool City Parking Regulation policy*, p.7; [www.liverpool.gov.uk/Images/tcm21-180859.doc](http://www.liverpool.gov.uk/Images/tcm21-180859.doc)). Woollards Lane is already a congested area, and the ATM is to be sited on frontage that currently is a No Parking Zone (see **Plan A**). The ATM will add to the congestion, will invite inappropriate parking, and will be a further hazard to other traffic and to pedestrians using the pavement outside the premises. There will be a conflict between the users of the ATM and Tesco delivery drivers. **The Tesco site plan also indicates the presence of iron bollards, though their position and height is not identified.** These will represent a hazard to pedestrians, especially to those with impaired sight, or to parents with pushchairs and users of mobility scooters.

**It would be difficult to imagine a site with less need for an ATM than that proposed by Tesco.** The existing Barclays ATM, situated back from the road and served by its own customer parking, is directly opposite, just 12 metres from the planned Tesco ATM (see **Plan B**). Lloyds TSB, north side of the village on High Green, also has an ATM. The Post Office (High Green) and Cambridge Building Society (Woollards Lane) offer cash facilities, and the Co-op (High St) offers cashback. Great Shelford is well-served for cash facilities. This proposal adds nothing to village amenity.

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###### S/1689/10 Installation of Plant and Associated Fencing

The purpose of this plant is to allow the sale of chilled and refrigerated goods. Re-supplying such foods will require 5 to 7 deliveries per day. The refrigerated vehicles needed for this purpose are large. Tesco uses its own refrigerated fleet for this purpose; vehicles are over 10 metres in length (not including tailgate) and up to 2.6 metres wide. These vehicles will represent an intolerable burden on the village.

The site plan submitted by Tesco, adapted and included here as **Plans A and B**, does not identify existing parking restrictions or the vehicle and pedestrian access points for existing users of Woollards Lane. This is already an awkward road for vehicles to negotiate, and we draw the Planning Committee's attention to the following:

- Throughout its length, Woollards Lane is a deceptive and dangerous road, with poor line-of-sight throughout (see **Figures 1a and 1b**), and multiple access points to and from car parks.
- The proposed Tesco frontage on the north side of Woollards Lane is on a double yellow line (**Figure 1a**), extending from its easterly boundary to McColls. The south side of the road is a No Parking (double yellow line) zone from the Hall car park at the east, to the High St junction at the west (See **Plan A**).
- Access into and out of the car park to the north of Woollards Lane, heavily used at all times, is via narrow, low-grade roadways between McColls and Solutions hairdressers (In) and between Haart estate agents and Cambridge Building Society (Out). See red arrows, **Plan B**.
- The north car park entrance road serves as a footpath that provides well-used pedestrian access (**green arrows, Plan B**) from the Health Centre to the north, through the car park to Woollards Lane, and

especially to Boots Pharmacy set back behind its own car park, < 20 m to the west, on the south side of Woollards Lane. Both entrance and exit roads provide pedestrian access to the car park.

- Users of the Boots car park must reverse out onto the carriageway, unsighted to the west, a hazardous procedure at any time.
- The **Tesco site plan, based on an OS map, is misleading** regarding the width of the carriageway to the east of the site. What appears to be a marked widening of the road is restricted by a 2.4 metre-wide marked parking bay outside the Hall car park (**see blue blocks on Plan A**), and by unrestricted parking on the north side.
- Woollards Lane is heavily used by pedestrians, including parents and children walking to Shelford Primary School (particularly from the Macauley area), and by (often unaccompanied) children walking to the library and to the playground and recreation ground. The latter is also used for local league football, and houses the very busy Tennis Club. These are accessed through the (Memorial) Hall car park. The village is even busier on Wednesday mornings as a consequence of the Country Market, which operates in the Hall.
- Woollards Lane is at best narrow. The carriageway is 5.7 metres wide immediately outside the proposed Tesco site, diminishing to 5.15 metres at the easterly boundary of the site, outside the adjacent bicycle shop (**see Figure 1b**).
- A disabled parking bay, and a general parking bay (each extending 2.15 metres into the carriageway, and about 5 metres long; **see Figure 1b**) are located eastwards from the boundary of the proposed Tesco site. Both bays have a high occupancy (not least by users of the Barclays ATM), restricting the road to a single carriageway.
- Parking bays to the west of McColls are also usually occupied, restricting that region of the road also to a single carriageway. **See Figure 1b.**
- 36-38 Woollards Lane is situated on the inside of a pronounced bend in the road (**see Figure 3a**). This means that traffic moving in either direction is unsighted by vehicles parked in either bay.

We draw your attention to the above traffic issues to point out that the **servicing of the chilled and frozen foods section of the proposed Tesco, using vehicles of whatever size, but especially Tesco's usual 10 metre refrigerated lorries, will render the flow of traffic through the village impossible at times, and will endanger all pedestrians.** As examples:

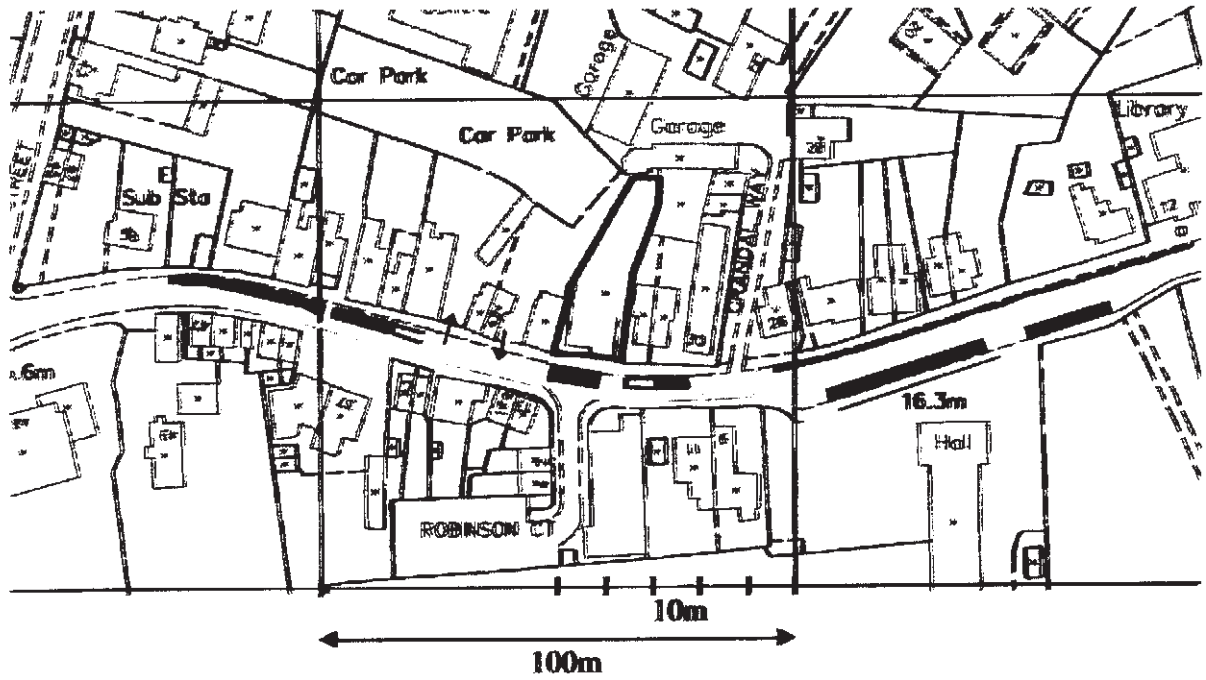
- **Plan B** shows the effect of parking a 10 metre vehicle (red block) outside the proposed site: **access into or out of Robinson Court will be extremely difficult. A right turn out of Robinson Court will be virtually impossible.**
- A **left turn out of the north car park** is already difficult, because the driver's line of sight is impeded by the Cambridge Building Society frontage. A driver turning left out of the car park will be completely unsighted to oncoming traffic by any vehicle parked to unload at 36-38 Woollards Lane, especially a 10 metre refrigerated lorry. (**See Figure 2a and 2b.**)

To illustrate the current congestion, we enclose **Figure 3**, showing extreme traffic congestion engendered by parking in the general and disabled bays just to the east of the proposed site, restricting Woollards Lane to single file at that point. The disruption caused by a large delivery lorry, clearly, would be substantial. You may note two Transit-like vans in **Figures 3b and 3c**, both parked on double yellow lines whilst the occupants buy sandwiches at Days.

- This kind of illegal parking will increase through the availability of the ATM and the provision of sandwiches and other chilled foods at Tesco.



**Plan A. Current on street parking provision, Woollards Lane-**



*Figure adapted from Tesco site plan  
R. Farndale*

- Double yellow zones
- Unrestricted parking
- Marked parking bays, unrestricted: 2.4m wide (south, outside Hall)  
~2.15m wide (north, throughout)
- Marked Parking bays, Disabled: ~2.15m wide
- 10m x 2.6m vehicle
- Vehicle access to and from car park (north of Woollards Lane)

Plan B. Critical access points surrounding the proposed Tesco Development: Woollards Lane, Shelford

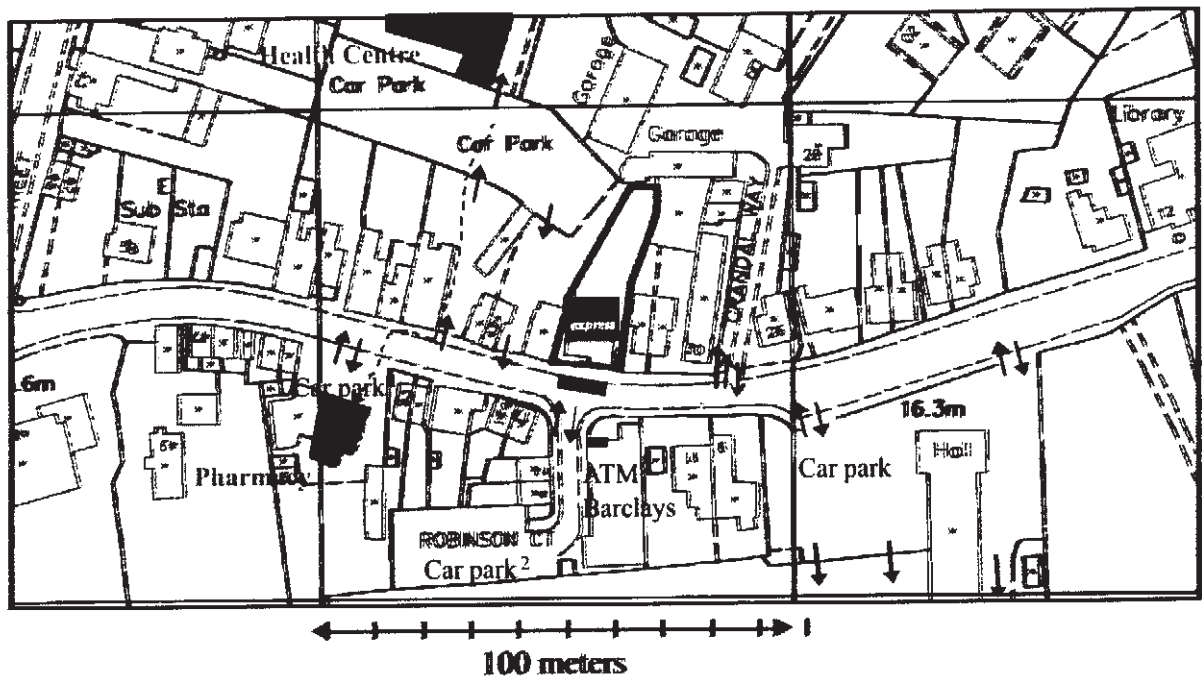


Figure adapted from Tesco site plan  
R. Farndale

- Car parks:**
- 1 = private parking for pharmacy and estate agent: 5 cars
  - 2 = mixed parking; part residents (north bays), part Barclays staff (south), part Barclays customers (south).
- ATM:**
- Set back on Barclays frontage
- 10 x 2.6 metre vehicle parked outside proposed Tesco store
- ↑ Vehicle flow off Woollards lane, indicating permitted direction
- ↗ Pedestrian access to Health Centre, via existing car park, and pedestrian route to Boots Pharmacy
- ↕ Vehicle access to garage at rear
- ↑ Pedestrian access to optician at rear
- ↓ Pedestrian access to recreation field (football, playground, tennis club)



**Figure 1a: View East from opposite 36-38 (Access to Robinson Court): road bends to the left, and is restricted to a single lane by parked car**



**Figure 1b: View West from opposite Crandal Way: road bends right, then left again. White building (arrowed) is just beyond Boots Pharmacy car park. Note occupied parking bays outside McColl's**



The Parking bay is 2.15m wide, remaining roadway is 3m wide. A Tesco delivery lorry, up to 2.6m wide, would substantially obstruct the carriageway. 36-38 is identified by the Eaden Lilley signboard

Figure 2: View from the exit of the car park north of Woollards Lane



Figure 2a: View from the exit of the car park is limited by the Cambridge Building Society frontage. The pushchair is exactly outside 36 - 38 Woollards Lane. Line-of-sight to the left is poor.



Figure 2b: A vehicle is pulling out of the car park, turning left. A large vehicle off-loading at 36 - 38 Woollards Lane would completely obscure the driver's view to the left (On the right, people are preparing to use the Barclays ATM)

**Figure 3: Congestion adjacent to the proposed development.**



**Figure 3a: Traffic in the village is mixed. Here, pedestrians cross the road outside 36 - 38 Woollards Lane, a cyclist negotiates the parked car, at risk as oncoming traffic is halted to allow the SUV through.**

**Cycling is popular in the village: the bike shop is on the left behind the iron railings.**

**Cyclists do not mix well with large delivery vehicles**

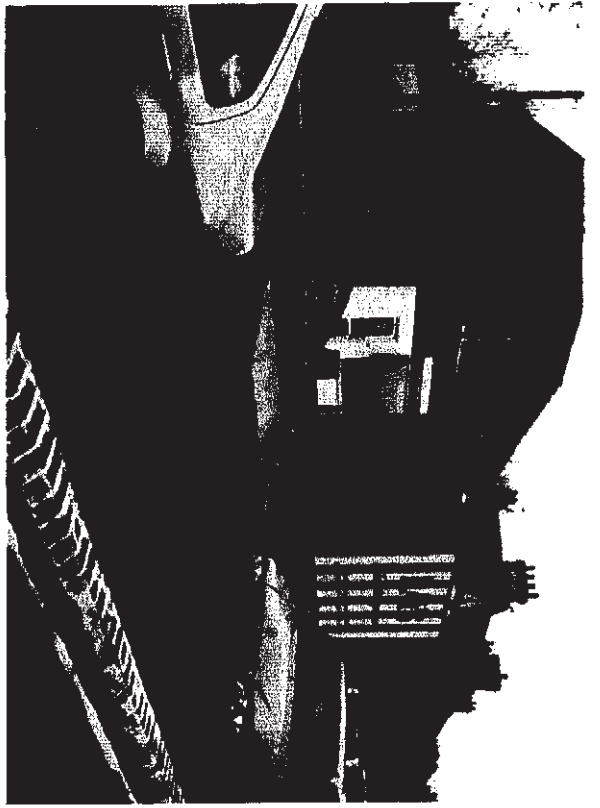


**Figure 3b: At this point, westbound traffic is exerting its right of way past the parked vehicles.**



**Figure 3c: Eastbound traffic has forced oncoming traffic to halt, and is negotiating the illegally parked vans with difficulty.**

**The Eaden Lilley signboard shows that this bottleneck is at the site of the proposed Tesco development.**



1. Towards Turwalle Lane direction



2. Towards High Street/Church Street junction



3. Towards High Street/Church Street junction



4. Towards High Street/Church Street junction

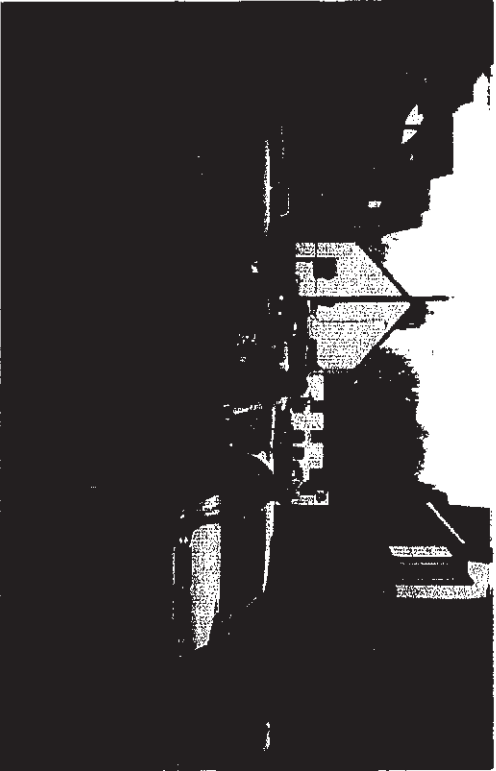
Figure 4: Photographs taken between 09.22 and 09.26 on 01-12-2010. Note the car mounting the pavement.



1. Towards High Street/Church Street Junction



2. Towards High Street/Church Street Junction

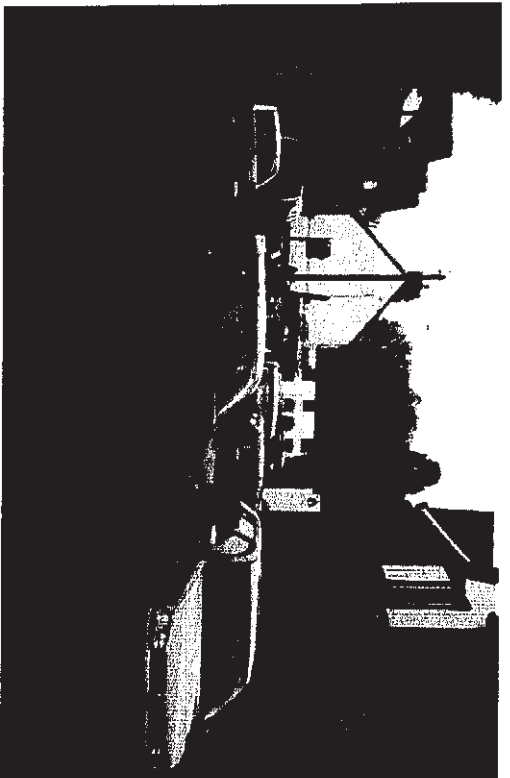


3. Towards High Street/Church Street Junction

Figure 5: Photographs taken between 09.22 and 09.26 on 01-12-2010. Note: Cyclists amongst traffic.



1. Towards High Street/Church Street Junction



2. Towards High Street/Church Street Junction



3. Towards High Street/Church Street Junction



4. Towards High Street/Church Street Junction

Figure 6: Photographs taken between 09.22 and 09.26 on 01-12-2010. General congestion on a normal Wednesday morning.



1. Towards High Street/Church Street Junction

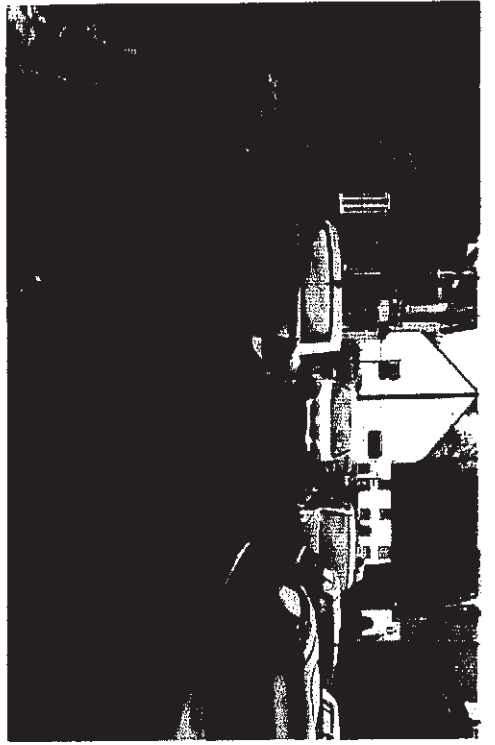


2. Towards High Street/Church Street Junction



3. Towards High Street/Church Street Junction

Figure 7: Photographs taken between 09.22 and 09.26 on 01-12-2010. Note: Lorry size and congestion.



1. Towards High Street/Church Street Junction



2. Towards High Street/Church Street Junction



3. Towards High Street/Church Street Junction



Figure 8: Photographs taken between 09.22 and 09.26 on 01-12-2010. Car mounting the pavement. Note: Lorry in middle distance (No. 2).



Appendix F

AP 12813)



**CAMBRIDGE CITY COUNCIL**

**The Guildhall, Cambridge, CB2 3QJ**

TOWN AND COUNTRY PLANNING ACT 1990

**REFUSAL OF PLANNING PERMISSION**

Ref:08/0794/FUL

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CgMs  
FAO John Mumby  
Morley House  
26 Holbourn Viaduct,  
London  
EC1A 2AT

---

The Council hereby refuse permission for

**Installation of plant installation equipment and development ancillary thereto.**  
at  
**163-167 Mill Road Cambridge Cambridgeshire CB1 3AN**

in accordance with your application received 16th June 2008 and the plans, drawings and documents which form part of the application, for the following reasons:

1. The introduction of the plant and equipment to the retail unit is unacceptable in that it will inevitably require additional movements of delivery vehicles, bringing chilled/frozen goods to the site, which would not otherwise visit the site. Any additional deliveries to Mill Road, a Local Distributor road, which carries high levels of motor and cycle traffic and is recorded as being the 3rd/4th worst site in Cambridgeshire for clusters of traffic accidents is unacceptable, given that there is no appropriate means of servicing the site by rigid axle vehicles of 10.3 metres length (which the applicants have previously stated they wish to use), other than from Mill Road itself. Additional deliveries that would be a direct consequence of the plant and equipment here proposed would seriously prejudice the safety and free flow of traffic on the public highway, Mill Road and will have an unacceptable transport impact placing the proposal in conflict with Cambridge Local Plan (2006) policy 8/2.

Simon Payne  
Director of Environment & Planning  
Cambridge City Council The Guildhall Cambridge CB2 3QJ  
Telephone 01223 457000 Minicom (non-speaking phone) 01223 457050





2. The proposed development is unacceptable in that the application does not demonstrate adequately what space is required in the rear yard for servicing, car and cycle parking and waste and other storage. In the absence of that information and the lack of clarity as to whether sufficient space would be retained for those various activities, the proposed development is contrary to policy 3/14 of the Cambridge Local Plan (2006).
3. The proposed development is unacceptable in that the acoustic report and the information it provided did not meet all the requirements of BS 4142 and it had not therefore been adequately demonstrated that the proposed development would not result in noise disturbance to neighbouring residential property. In the absence of such information and certainty about the noise impact the new plant and equipment would have, the proposed development is contrary to policy 4/13 of the Cambridge Local Plan (2006).
4. In failing to demonstrate that the potential for noise pollution and waste pollution has been minimised, and to demonstrate how refuse will be dealt with, the application has not demonstrated that the development will meet the principles of sustainability and is therefore in conflict with Cambridge Local Plan (2006) policy 3/1.

This decision notice relates to the following drawings: **P503 - location plan and P205 A - proposed plant sections and elevations.**

A copy of the refused plan(s) is/are kept in the planning application file.

Dated: 8 August 2008

Guildhall, Cambridge, CB2 3QJ



Director of Environment & Planning  
M 

SEE NOTES OVERLEAF

**Appendix G**

**Planning Appeal Decision: Sunninghill, Berkshire ref ATT/T0355/A/08/2089309**



## Appeal Decision

Inquiry held on 10 to 13 February 2009

Site visit made on 23 February 2009

by **David Hogger BA MSc MRTPI MIHT**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

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email:enquiries@plns.gsl.g  
ov.uk

**Decision date:**  
**17 March 2009**

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### Appeal Ref: APP/T0355/A/08/2089309

#### 1-3 High Street and part of 1 School Road, Sunninghill, Berkshire SL5 9NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tesco Stores Limited against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref 08/02350, dated 23 September 2008, was refused by notice dated 31 October 2008.
- The development proposed is the reconfiguration and minor extension of ground floor retail floorspace at 1-3 Sunninghill High Street and the creation of a dedicated service/car parking area on part of land at 1 School Road and associated minor works.

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#### Decision

1. I dismiss the appeal.

#### Preliminary Matters

2. I was provided with an executed Unilateral Obligation dated 11 February 2009. Among a number of contributions it includes one towards the promotion of Traffic Regulation Orders for that part of School Road near the site. I am satisfied that it meets the requirements of Circular 05/2005: Planning Obligations and, bearing in mind the Council support the contents of the Obligation, I have taken it into account in reaching my decision.
3. At the start of the Inquiry I was asked by the appellant to consider amended plans that showed a number of changes to those plans that were considered by the Borough Council. Whilst I accept that some of the changes could be considered to be relatively minor they had not been subject to public consultation.
4. Bearing in mind the very high number of objections to the proposal and the significant amount of public interest in the scheme (as evidenced by the high number of people attending the Inquiry), I decided that interested parties could be prejudiced if I agreed to the consideration of the amended plans. My decision is therefore based on the plans on which the Council took its decision.

#### Main Issues

5. I consider the main issues to be the effect of the proposal on:
    - highway safety, particularly with regard to parking provision and the proposed servicing; and
    - the living conditions of neighbours, particularly with regard to noise.
-

**Reasons**

6. The appeal premises lie on the corner of High Street and School Road, Sunninghill. There is currently a narrow vehicular access between the property and No 5 High Street leading to a small number of parking spaces to the rear. On the first floor of the building are a vacant flat, a vacant office and a chiropractor's surgery.
7. The premises, which have been vacant for over a year, lie within the defined Sunninghill village centre, where a good range of retailers can be found. To the north, on the other side of School Road, lies St Michael's Primary School and to the west/north west lie predominantly residential properties.

**Highway Safety - Parking Provision**

8. The site currently has 7 marked car parking spaces in the courtyard to the rear, although because of their configuration, both the appellant and the Council considered that only 5 of them are usable. The spaces are accessed by a comparatively narrow drive to the side of the property.
9. The proposal would result in the loss of this parking area and the provision of 3 spaces – none of which would be allocated for use by shoppers. There would be 2 spaces within the servicing area (accessed off School Road), one for the use of an employee and the other for the resident of the flat. A single space between the appeal premises and the access to the private car park to the rear of 5 High Street would be provided for use by the chiropractor's surgery. There would therefore be a net loss on the site of 2 parking spaces.
10. There would also be a loss of about 7m of parking space in School Road if the proposed Traffic Regulation Order was implemented, which for the purposes of the calculations I shall describe as 1 parking space. Thus a total of 3 parking spaces would be lost.
11. Section 7.4 of the Royal Borough of Windsor and Maidenhead Local Plan (LP) specifically identifies the inadequacy of parking provision as one of the main issues in Sunninghill. It advises that the intensification of commercial uses would increase the existing serious problems of parking, traffic congestion and pedestrian/vehicle conflict and that Sunninghill does not have potential for retail expansion as this would exacerbate the traffic problems.
12. I was told by the Council that the bus service along High Street is not frequent and I was provided with no substantive evidence to demonstrate that a significant number of customers would cycle to the proposed shop. The appellant agreed that Sunninghill is poorly served by public transport.
13. I saw from the DVD that was submitted by the Sunninghill Community Action Group that traffic does not always run smoothly in the vicinity of the appeal site. In my opinion the Council correctly identifies Sunninghill as an area of poor accessibility and from my observations I consider that the LP provides an accurate assessment of the situation in the village.
14. A number of parking availability surveys were undertaken by the appellant, the Council and by Mr Deason. The findings were not identical because different methodologies were employed. The appellant's survey basically recorded areas where parking is not illegal and what was observed at the time, whereas both

the Council and Mr Deason appear to have assessed the capacity based on the number of cars that could be safely accommodated.

15. I undertook three visits to the site and surrounding area, at different times of the day, and from my observations it is clear that the 3 main public car parks in Sunninghill were utilised to near full capacity – on one occasion there were no vacant spaces. I also saw significant amounts of on-street parking and only a few spaces available within 300m of the site. A large number of dwellings near the site do not have off-street parking provision.
16. Mr Deason considered that the appellant's assessment over-estimated the number of available spaces by 10% and the Council suggests that the over-estimate is even greater, as shown on Plan 2350: Parking Availability Within 300m of Application Site. There were, however, some inconsistencies in the surveys. For instance parking was identified by the appellant in locations where there are access protection markings and parking areas were identified where parking does not occur.
17. An example was the parking identified in Sunninghill Road to the north of the site (between Kings Road and Kingswick Drive). On my visits I saw no parking in this area and local residents confirmed that it is not used for parking because it is on the brow of a hill and visibility is poor. Whilst I accept that legally parking could take place there, I have no evidence to demonstrate that it does.
18. In terms of available capacity the surveys reveal a range of availability in the potential supply of parking. For example, the appellant identifies an available supply of 53 spaces on a December Saturday, whereas the worst scenario is provided by Mr Deason who identifies a maximum deficit of 16 spaces, although that is within 150m of the site (plus the School Road and Bowden Road car parks).
19. These surveys can only provide a snapshot of the situation and a pragmatic approach has to be taken to a situation such as this, where it is not possible to take into account every eventuality that could occur or reconcile the results of the different approaches that have been adopted. Similarly, although I have taken into account the likelihood of linked trips taking place, I have not been given any substantive evidence which would enable me to accurately assess the proportion of all trips that would be linked.
20. In my opinion it is appropriate to take a precautionary approach towards the figures that have been presented to me because I consider that any restrictions to parking should be taken into account. For example although I acknowledge that access protection markings are not enforceable they do serve to highlight that any vehicle parking there is causing an obstruction, which could be dealt with by the police.
21. Therefore based on the information I have before me, including my own observations, I find that particularly at peak times there is little spare parking capacity in the vicinity of the appeal site. A situation which would be exacerbated by the net loss of 3 spaces which would occur should the proposal be implemented.

22. Having concluded that there are times when there is very little spare parking capacity, I turn now to consider the additional demand for spaces that would be generated by the Tesco Express store.
23. The appellant considers that between 08.00 and 19.00 on a Friday, the number of vehicles attracted would vary from between 9 to 23 per hour. Mr Deason, who considers a number of scenarios, concludes that the number could be significantly greater – possibly reaching as high as 43 an hour.
24. Mr Lyons confirmed that the calculations in his table RL4 (Traffic Attraction Calculation) were based upon the methodology used in the Bathwick Hill appeal (Ref APP/F0114/A/06/2033644), which was for a Tesco Express. Indeed the appellant places some reliance on this decision in other respects but in my opinion the circumstances are different.
25. It appears that Bathwick Hill is an area that includes student accommodation and is served by frequent bus services. The Inspector concluded that the bulk of the store's custom would come from shoppers who have travelled by foot, bicycle or public transport and that a large proportion of customers would not travel by car.
26. She agreed that there was no requirement to provide any dedicated parking and concluded that the lack of on-site parking would not have significant implications for road safety. It would appear from her decision that there is parking available close to the premises – "immediately outside the existing shops in the local centre and on the opposite side of the road".
27. I do not consider that there are strong similarities between the two appeals and consequently I have not come to the same finding. In any event I must consider this appeal on its own merits and therefore, in all respects, I have given only limited weight to the Bathwick Hill decision.
28. The evidence regarding traffic generation is conflicting because different methodologies have been used and again only a snapshot of the situation has been provided. Nevertheless I am satisfied that additional traffic would be generated by the store, from customers and employees, and that at peak times it is likely that demand for parking spaces in the village would exceed supply.
29. I have set out above the situation as I see it but before I reach any conclusions on the first issue with regard to parking, I must consider the policy framework because I must determine this appeal in accordance with the development plan unless material considerations indicate otherwise. Saved LP policy P4 requires all development to provide car parking in accordance with the adopted standards. These are, however, maximum standards and in the case of a retail use in an area of poor accessibility, the maximum provision would be 1 space per 14 sqm of floorspace.
30. The Council argued that because of the circumstances in Sunninghill, the maximum provision would be justified and this would result in the need for 8 spaces to be provided for the development. However, only 1 space would be provided - for an employee of the store. The shortfall in provision would therefore be 7 spaces. On this basis the Council considers that, in terms of parking provision, the proposal is contrary to policy and a danger to highway safety would result.



31. One of the objectives of PPG 13: Transport (PPG 13) is to reduce the demand for travel by car. One mechanism for achieving this is to make travel by car less attractive, for example by restricting the availability of car parking. Thus in paragraph 51 it advises that developers should not provide more parking spaces than they themselves wish, other than in exceptional circumstances. PPG13 gives the example of an exceptional circumstance being where a proposal would result in significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls. The nub of the matter, therefore, is whether or not any exceptional circumstances exist in Sunninghill.
32. In my opinion there would be more traffic on the local streets, the availability of on and off-street parking would be significantly reduced or indeed at times would be lost (to the detriment of many residents), there is a risk of further congestion and parking in front of accesses (which I was told already occurs) and highway safety for motorists, pedestrians and cyclists would be prejudiced.
33. Taking into account also the current level of demand for parking, the predicted level of additional traffic generated by the proposed store, the relatively poor accessibility to the premises by public transport, the lack of dedicated cycle routes or cycle priority measures and the fact that the proposal would result in a reduction of car parking spaces, I conclude that, in combination, those exceptional circumstances that I refer to in paragraph 31 do exist.
34. Paragraph 49 of PPG13 advises that reducing parking provision should be as part of a package of planning and transport measures. I consider that such a package is not being proposed in this scheme. The provision of cycle racks and a contribution towards a table-top crossing in High Street do not, in my opinion, constitute a package. No measures are proposed that would specifically encourage the use of public transport.
35. Paragraph 53 of PPG13 requires local authorities to reflect local circumstances when setting levels of parking for schemes such as this and I consider that this is the approach that has been taken by the Borough Council. I consider that the Council is therefore right to seek 1 space per 14 sqm of floorspace in accordance with its policy.
36. PPG13 does refer to the resolution of parking problems by the introduction or enforcement of parking controls. The Council's witness was not aware of any imminent changes to parking controls in the area but did confirm that enforcement was undertaken. On the evidence before me I consider that there is little likelihood in the near future of the existing or the future road safety problems which would be caused as a result of this proposal, being resolved through the introduction of parking controls or the implementation of additional enforcement measures.
37. Paragraph 56 of PPG13 advises that a balance has to be struck between encouraging new investment in town centres by providing adequate levels of parking and potentially increasing traffic congestion caused by too many cars. In my opinion this proposal would not achieve an appropriate balance because it would be weighted too heavily towards increasing traffic congestion.
38. The Council's Parking Strategy (2004) includes the objectives to "achieve a balance between the supply of car parking and the needs and priorities of

users" and "to ensure that on-street parking does not create congestion or danger for other road users". In my opinion the appeal proposal would not contribute to meeting those objectives.

39. On the first issue, in relation to parking, I therefore conclude that the net reduction in parking provision would be detrimental to highway safety primarily because of the impact on the free flow of traffic caused by the additional traffic generated by the proposal. The requirement of LP saved policy P4, which seeks to ensure that car parking is provided in accordance with the adopted standards, would not be met.

**Highway Safety - Servicing**

40. For the avoidance of doubt I have based my assessment on the premise that the Traffic Regulation Order (as set out in the Unilateral Obligation) would be in place, which would include extending the yellow lining along School Road thus making more space available for the turning manoeuvre. This would, however, result in the loss of a parking space, to which the Council objects.
41. The proposed access and service yard would lie close to the junction of School Road and High Street. The swept path analyses for the servicing manoeuvres demonstrate that the use of both lanes in School Road would be required for reversing into the yard. It is clear that there would be no margin for error as the body of the vehicle would pass very close to the kerb on the northern side of School Road. Indeed one of the photographs submitted as evidence by the Council shows a delivery vehicle overhanging the footway during the trial.
42. It is proposed to employ the services of a banksman in order to ensure that the safety of pedestrians and other road users would be protected during these manoeuvres. Appropriate training would be provided for the banksman and a commitment to this provision would be enshrined in the Servicing Management Plan, which forms part of the Unilateral Obligation. In my opinion, however, the need for such a measure is an indication that the manoeuvres, per se, would not be safe. There is also no way of requiring the suppliers of other goods to the premises (i.e. other than Tesco) to adhere to the Servicing Management Plan.
43. I am mindful that School Road forms part of the route for school children walking from St. Michael's Primary School to the playing field which lies to the south of the village centre. I was told that there were no restrictions on the time of day when the movement of children could occur. I also saw that the library is located in School Road and that there is a Nursery School in The Terrace. These activities are all likely to generate pedestrian activity in School Road, along the footway that is adjacent to the proposed service yard. There would be over 35 deliveries a week and the vehicles would have to reverse across this footway, to the detriment of the safety of pedestrians.
44. The access to the proposed service yard would be relatively close to the junction of School Road and High Street. Vehicles turning left into School Road from the High Street would not be aware of any servicing manoeuvres until they were at the junction, causing a potential highway safety hazard.
45. I have given very careful consideration to the swept path analyses. Whilst I accept that they provide an indication of the likely movement of the vehicle,

they are only a technical assessment and do not necessarily reflect what would happen in reality. For example they show that the vehicle could be accommodated within the servicing area without straying on to the area described as a footpath (the access to the entrance to the first floor). However, the appellant did concede that in the trial the vehicle over-ran but it was suggested that because it would be a shared space (such as might be found in a pedestrianised town centre) this would be acceptable. I disagree.

46. This is a very cramped area where it is proposed to accommodate vehicle parking, servicing and the needs of pedestrians seeking access to the first floor of the premises. The LP in Appendix 7 refers to the Freight Transport Association publication entitled *Designing for Deliveries*. This advises that sufficient safety margins should be included in any analyses but based on the evidence provided I am not satisfied that all 3 activities could be accommodated safely in this area.
47. One of the suggested conditions would prevent the arrival/departure of weekday delivery vehicles between 8.30 and 9.30 and 14.45 and 16.45 (during the school run). However, this would increase the likelihood of deliveries taking place during the evening rush hour, which would be likely to disrupt traffic, particularly in High Street, during an already busy time.
48. The supporting text to LP saved policy T5 refers to the need to prevent congestion. In my opinion, for the reasons given above, the proposed servicing arrangements would not achieve that objective.
49. On the first issue, in relation to servicing, I conclude that the manoeuvring of the servicing vehicles would have a detrimental effect on highway safety both for vehicles and pedestrians. The requirement of LP saved policy T5 which requires development to meet the Council's highway design standards, would not be met.

#### ***Impact on Living Conditions of Neighbours***

50. The site adjoins the garden of No 1 School Road and the rear gardens of properties in The Terrace. The elevation of No 1 that faces the appeal site includes a large patio door and at first floor level the principle window serving a bedroom. The distance between the side of the property and the proposed boundary of the servicing area would be just under 3m.
51. To the rear of No 22 The Terrace, immediately adjacent to the site, is an area of decking which, from the photographs provided, appears to be used by the occupiers of the property for their enjoyment.
52. PPG 24: Noise requires local planning authorities to ensure that development does not cause an unacceptable degree of disturbance and advises that a difference of around 10dB or higher indicates that complaints are likely. The appellant undertook a noise assessment which concluded that if delivery times were restricted, the increase in noise levels at No1 School Road from deliveries would only be about 5dB, although the appellant agreed that it would be significantly higher in the gardens of both No 1 School Road and No 22 The Terrace, where noise levels would be doubled.

53. The appellant also conceded that a number of noise sources, for example the vehicle's radio, door banging, the collision of rollcages, refrigeration units on a vehicle, the voices of the operatives and the vehicle's reversing bleeper were not taken into account in the noise assessment. The appellant confirmed that such noises could be intrusive and paragraph 11 of PPG 24 advises that sudden impulses and irregular noise will require special consideration. There is therefore a degree of uncertainty over the thoroughness of the assessment.
54. The Servicing Management Plan includes a requirement for vehicle engines to be switched off during deliveries but this would not be applicable to other suppliers. Although I am satisfied that Tesco would respect the living conditions of neighbours, it cannot be assumed that other suppliers would show the same courtesy.
55. The proposal would introduce a new source of noise and although properties that are located next to commercial premises may expect to experience some disturbance, it is my opinion that the frequency and duration of some of the deliveries and their associated sources of noise, would all contribute to a significant deterioration in the living conditions of neighbours, particularly in the gardens.
56. I have considered whether the imposition of appropriate conditions relating to noise attenuation measures and the timing of deliveries would satisfactorily mitigate the nuisance caused. However, although for example the provision of acoustic close boarded timber fencing along the boundary would help to ameliorate the situation by reducing noise levels by up to 5dB, this would not alleviate any noise from vehicles manoeuvring in the road.
57. It is proposed that the timing of deliveries would be restricted but I note that deliveries could occur between 8.00 and 16.00 on Saturdays, Sundays and Bank Holidays – the very time when many residents would wish to make use of their gardens for leisure purposes.
58. On the second issue I conclude that the requirement of LP saved policy NAP3, which seeks to protect the living conditions of neighbours in terms of noise, would not be met.

***The Fallback Position***

59. The premises enjoy a lawful use as an A1 shop and if this appeal is unsuccessful the appellant has indicated that a Tesco One Stop store would open in the premises. On the evidence before me I have no reason to doubt that the fallback position would be implemented. The issue is whether or not it would be more harmful than the appeal scheme.
60. A Tesco One Stop would, for example, have no restrictions regarding opening hours, delivery times or the location of the servicing. However, it is likely to attract fewer customers than a Tesco Express (because it would have a smaller floorspace and consequently stock fewer goods), would not result in the loss of the existing parking spaces and would involve fewer deliveries.

***Fallback - Parking***

61. In terms of parking there would be fewer customers to a One Stop store and consequently the demand for parking would be less than for a Tesco Express.

The pressure for the limited availability of both on and off-street parking would therefore be less and the needs of the residents who are obliged to park in the street would be more likely to be met. The parking space in School Road, adjacent to the site, would not be lost.

***Fallback - Servicing***

62. I was told that a Tesco One Stop would be likely to attract up to 3 service vehicle trips a day (for newspapers, bread and milk) plus 3 or 4 deliveries a week for refrigerated/frozen and ambient goods. This would compare to up to 5 service vehicle trips a day for the Tesco Express (for newspapers, bread, milk, refrigerated/frozen and ambient goods). Other deliveries, for example for mail or high value goods, would be similar for both operations. There would therefore be fewer deliveries each week to a Tesco One Stop.
63. The service vehicles, the size of which would not be restricted, could park partially or fully on the High Street footway outside the premises or reverse into the side access as shown on Mr Lyon's figure RL-9. In my opinion this could result in reduced visibility for motorists. However, as I saw on my visits, this type of manoeuvre already takes place elsewhere in High Street because many of the retail units do not have rear servicing facilities.
64. This approach to servicing could therefore be considered to be the norm in Sunninghill and whilst I acknowledge that this does not necessarily make it acceptable because it may reduce visibility for motorists and pedestrians, it is the reality of the situation.
65. In my opinion many motorists would be local to the area and regular users of the route. Consequently they would be aware of the potential for delivery vehicles to be present in High Street and adjust their driving accordingly. Similarly many pedestrians would be familiar with the manoeuvres that take place in High Street. In my opinion such servicing arrangements are likely to continue if the health of the village centre is to be maintained. A balance has to be struck between highway safety and the retention of the vitality and viability of High Street. The fallback position would follow what appears to be accepted practice, which from what I saw is enabling the village to remain vibrant.
66. The Council could potentially enforce against such servicing operations. One alternative therefore, in respect of the appeal site, would be for vehicles to turn into School Road, either in forward gear or reverse, and park adjacent to the premises to unload. Once the servicing was complete the vehicle would have to manoeuvre into High Street or possibly continue along School Road in order to return to the B3020.
67. The Council agreed with the appellant that in highway safety terms the servicing as currently proposed would be preferable to any of the options in the fallback position. In my opinion, however, there is little to choose between the alternatives because none of them are without risk. There would be fewer deliveries with the fallback position and it would be a reflection of what already takes place in High Street. On the other hand, for example, there would be no restrictions on the size of vehicles or the times when servicing was undertaken.

68. Therefore in terms of servicing I conclude that there is an equal balance between the fallback options and the appeal proposal.

***Fallback -Noise***

69. With regard to noise there would be less intrusion for the nearby residents in School Road and The Terrace if servicing were to take place in High Street because in general terms the distance between the source and the receptor would be greater.

70. If deliveries were to take place in School Road it is likely that the living conditions of the occupiers of No 1 would be impaired but those of the occupiers of The Terrace would not be so significantly affected because they would be further away. There would still be noise from, for example, the rollcages and the voices of the operatives but in my opinion because of the lower number of deliveries, the impact of the School Road fallback position would, in overall terms, be less than for the appeal proposal.

***Fallback - Conclusion***

71. In terms of the fallback position I consider that its effect in terms of parking and noise would not be as detrimental as the appeal proposal before me. With regard to servicing it is my opinion that all options contain elements of risk which are equally balanced. I conclude that overall the fallback position would be less harmful than the appeal proposal.

72. Should the fallback position be implemented I would expect the advice in paragraph 46 of PPG13 to be heeded. This seeks to ensure that all parties work together in order that a more efficient and sustainable approach is taken to deliveries in sensitive locations. I therefore do not agree with the appellant that the fallback position would inevitably result in the realisation of what Mr Lyons described as the "worst-case scenario".

**Other Matters and Conclusion**

73. The views of interested parties are a material consideration and there was significant local opposition to this proposal. Although it is not a matter on which my decision on this appeal has turned, the amount of public objection adds weight to my conclusions on the main issues.

74. There were some representations of support from local residents and I agree that in terms of the vitality and viability of High Street and making use of premises that have been vacant for some time, then in principle the proposal would be acceptable. I also acknowledge that there may be some residents who do not have access to a car and would therefore benefit from a Tesco Express nearby. Off-street servicing would be provided, the size of vehicles, hours of use and times of deliveries could be restricted and cycle parking would be provided. However, these benefits do not outweigh the harm that I have identified above.

75. In accordance with the definition in Annex A of PPS6: Planning for Town Centres, I would describe Sunninghill as a local centre. Paragraph 2.58 of PPS6 advises that a positive approach to strengthening local centres should be adopted but that this should be achieved using Development Plan Documents or if appropriate other local strategies. I was given no evidence to show that

any such documents relating to Sunninghill are in the course of preparation and therefore I have based my determination of this appeal primarily on the policies of the Development Plan.

76. A number of other appeal decisions were submitted by both main parties. Although there were some similarities with the proposal before me, none of the circumstances were identical and so are not comparable. In any event I must determine this appeal on its own merits. I have therefore given only little weight to those decisions.
77. I have given careful consideration as to whether any of the suggested conditions could satisfactorily overcome the harm that I have identified but conclude that they would not lead to a satisfactory development.
78. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

*David Hogger*

Inspector

Appeal Decision APP/T0355/A/08/2089309

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**APPEARANCES AT THE INQUIRY**

**FOR THE LOCAL PLANNING AUTHORITY:**

Josef Cannon of Counsel          Instructed by the Borough Solicitor, Royal Borough of Windsor and Maidenhead

He called  
John Brewster BSc          Highway Development Control Team Leader  
IEng(CEI) FIHIE

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**FOR THE SUNNINGHILL COMMUNITY ACTION GROUP**

Andrew Beresford          9 Norton Park, Sunninghill SL5 9BW  
Peter Deason BSc(Hons)      27 The Terrace, Sunninghill SL5 9NH  
CEng MICE MIHT

**INTERESTED PERSONS:**

Cllr Alison Knight          Cllr. for Sunninghill and South Ascot  
Robert Bayne              Fircroft House, Dawnay Close, Ascot SL5 7PQ  
Cllr Barbara Hilton          Chair Sunninghill and Ascot Parish Council Planning  
Committee

Valerie Woods              Headteacher St. Michael's CE Primary School,  
Sunninghill

Brian Finch                  The Oak, St Mary's Hill, Sunninghill SL5 9AS  
Peter Standley              Society for the Protection of Ascot and Environs  
Pauline Teale              55 Cavendish Meads, Sunninghill SL5 9TB  
Gillian Shaw              Cedar Lodge, Bagshot Road, Sunninghill SL5 9JL



**DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1 Notification of Inquiry
- 2 Statement of Common Ground
- 3 Executed Unilateral Obligation
- 4 Statement of Mr Deason (including Parking Survey Analysis)
- 5 Summary of Mr Beresford's Proof of Evidence
- 6 Extract relating to Wheatcroft Ltd v S of S for Environment
- 7 Parking Strategy 2004 (RBWM)
- 8 Local Transport Plan 2006-2011 (RBWM)
- 9 Late Observations Windsor DC Panel 11 June 2008
- 10 Extracts from User Manual for Autotrack
- 11 Extract from Council's Design Guide
- 12 Extract form Manual for Streets
- 13 Comments on the application from the Council's Environmental Protection Officer dated 10 December 2008
- 14 Copy of Appeal Decisions at 163-167 Mill Road, Cambridge (2066756 and 2073579)
- 15 Technical Assessment of the Planning Application by Mr Deason
- 16 Extract from Designing for Deliveries (FTA)
- 17 Tables relating to types and capacities of urban roads
- 18 Summary and Key Findings of Shopping and Transport Survey (Feb 2009) undertaken by Sunninghill Village Action Group
- 19 Statement of Cllr Allison Knight
- 20 Statement of Robert Bayne
- 21 Statement of Cllr Barbara Hilton
- 22 Statement of Valerie Woods
- 23 Statement of Brian Finch
- 24 Statement of Peter Standley
- 25 Statement of Pauline Teale
- 26 Submission from Ian Jacobs
- 27 Submission from Mr M A Brown
- 28 Submission from Mary and Pat Morris
- 29 Closing statement of Mr Bayne (not presented verbally)

**PLANS SUBMITTED AT THE INQUIRY**

- A Parking Availability within 300m of application site
- B Route between St Michael's Primary School and the playing field

**PHOTOGRAPHS SUBMITTED AT THE INQUIRY**

- 1 Photographs of a number of the surrounding streets



## Appendix H

### Design and Access Statement relating to Applications S/1687/10, S/1688/10, S/1689/10 and S/1690/10

- 1) The Design and Access Statement accompanying these four applications does not comply with the guidelines for compiling such a statement, and draws a variety of unfounded conclusions. Our impression is that it is a standard document which is not based on a full and sound analysis of the relevant site.
- 2) South Cambridgeshire District Council's Development Control Policies DPD sets out clear requirements for design and access statements, as follows – please note that **NONE** of the highlighted requirements have been fully complied with by the applicant:

*2. Design and Access Statements submitted to accompany planning applications and applications for listed building consent should be compatible with the scale and complexity of the proposal and, as appropriate should include:*

***k. A full site analysis of existing features and designations***

This has not been included.

***l. An accurate site survey including landscape features and site level***

No accurate site survey has been carried out and the map used is out of date.

***m. The relationship of the site to its surroundings***

This aspect is incomplete.

***n. Existing accesses for pedestrians, cyclists, equestrians and vehicles.***

This has not been done. The statement completely ignores access difficulties caused by:

- (a) large lorries delivering daily to the shop;
- (b) the proposed ATM;
- (c) movement of waste bins and delivery cages;
- (d) the need for bicycle and buggy parking;

***3. The Access element of the Statement should demonstrate that the development will achieve an inclusive environment that can be used by everyone, regardless of age, gender or disability. It should also address how the development has taken account of the transport policies of the development plan.***

***2.7 All new development will have an impact on its surroundings. The aim must be that any development, from a major urban extension to Cambridge to an extension to an existing home, takes all proper care to respond to its surroundings, including existing buildings, open spaces and villages edges, and ensure an integrated scheme that does not harm local amenity and wherever possible, brings benefits to the area.***

***2.8 A fully integrated and responsive design-led approach to development is therefore needed. For all development, an urban design led approach will ensure that every proposal, whatever its scale, responds positively to the particular characteristics of a site and its surroundings and reinforces local distinctiveness.***

- 3) In paragraph 1.6 of the Design and Access Statement, the applicant states that prior to the submission of the applications, it notified neighbouring residents by letter of their intention to use the premises as an Express Store. However, it is clear that some neighbours did not receive any such letter, as has been confirmed to us by the residents at No. 5 Woollards Lane (a property very close to 36-38 Woollards Lane) who found out about the applicant's proposal to open this shop only when they read about it in the monthly village newsletter.

The applicant has failed to consult properly with villagers about its plans. It was invited to send a representative to the village meeting on 8<sup>th</sup> October 2010 but did not do so. Villagers who attended the packed meeting were therefore unable to ask the company questions about the proposed development.

**Planning Policy Statement 1** provides that it is the right of the community to decide the future shape of their environment and that public consultation must be both 'at the earliest possible point' and 'at a point where it can make a material difference'. The applicant has failed to comply with these requirements and villagers were not aware of the applicant's plans to open a Express store until some time after the main extension application had been approved by South Cambridgeshire District Council.

**CABE's publication 'Design and access statements – How to write, read and use them'**, recommends that applicants follow an assessment-involvement-evaluation-design process. It is clear from reading the applicant's Design and Access Statement that scant attention has been paid to this process. Under 'Assessment' the guide provides that '*Social context means how people in the locality will be affected by the development, including any aspirations they may have for the site.*' If the applicant had asked villagers for their views on the proposed development they would have found that most are strongly opposed to the shop opening, and that there are very serious concerns about the safety of deliveries to the shop and its effect on our Conservation Area. It is perhaps not surprising that they carried out no consultation with villagers prior to submitting the relevant applications.

CABE's publication goes on to state: '*You should clearly show what groups and people you have been, or will be, discussing the scheme with. Government guidance now encourages applicants to carry out professional consultations and community involvement at the earliest possible stage as this will help to avoid the potential pitfalls of not doing so until it is too late to change the scheme. The statement should explore the findings of any consultations that have been carried out and explain how they have directed the decision made by the applicant at this early stage in the scheme's development.*'

The applicant's letter, sent only to a few villagers and to the Parish Council, did not amount to consultation. Equally, 'evaluation' of relevant assessments and involvement, and consideration of these in the design process, did not happen either.

- 4) Paragraph 2.4 of the Design and Access Statement lists nearby retail and commercial provision but the list given is significantly incomplete. Very close to Woollards Lane, in the High Street, shops selling food are the village butchers and the Co-op store, both highly valued by villagers. In Woollards Lane itself the following stores are located: a restaurant, a greengrocer, a pharmacy, two estate agents, a newsagent and convenience store, a building society, a bank, a bicycle shop, a hairdressers, a local bakers, a shoe shop, an optician, a dentist, a lawyer and a delicatessen. Every Wednesday morning there is also a very popular country market held at the Memorial Hall, very close to 36-38 Woollards Lane, with farmers markets being held at the same location on Saturday. These existing shops are mixed in with a large variety of residential properties, some of which have no off-street parking.

- 5) Paragraph 4.4 of the statement describes the proposed works to the shopfront as 'minor'. This is untrue – from a design viewpoint the changes proposed to the shopfront are major and would have a highly significant and detrimental effect on the character and design of the building. Para 4.8 goes on to state that *'The alterations proposed to the shopfront are minor in nature and do not impact on the form or character of the existing shopfront.'* We disagree strongly with this statement.
- 6) In paragraph 4.5 the applicant states that the introduction of an ATM unit would provide a service for people within the village and for those users who will pass the site on the way to other destinations. However, villagers do not need an additional ATM, being already well served by other existing ATMs. A proportion of the passing traffic mentioned by the applicant is likely to park illegally in order to use the machine, causing safety hazards for local people – there are double yellow lines outside the proposed shop and hazardous road junctions in very close proximity.
- 7) As regards paragraphs 4.16 to 4.30 and the statements by the applicant regarding design, we strongly contest what is being claimed by the applicant. There is no doubt that the proposed alterations to the shopfront, the proposed signage and the addition of an ATM would spoil the character of this building and of Woollards Lane itself. In addition, the heritage asset statement completed by CgMS fails to meet the minimum requirement of PPS5, Planning for the Historic Environment.
- 8) The Design and Access Statement is remarkably silent on issues relating to access. There is no discussion regarding the highly significant access and safety problems which would be caused by the applicant's delivery lorries (and related cages), despite the importance of this from a planning viewpoint and from the viewpoint of villagers.
- 9) The statement that *'The ATM is to be installed in an appropriate location that will not lead to traffic congestion or threats to pedestrian or highway safety'* is not supported by any evidence – in fact, the proposed ATM is highly likely to lead to problems with each of these, as we believe has already been recognised by the Highways Department.
- 10) The applicant has not carried out any assessment of traffic or pedestrian safety in relation to these applications.
- 11) The conclusion by the applicant in paragraph 6.1 is interesting: *'In summary, the Express will provide a valuable commodity to local residents and workers by meeting local convenience shopping needs'*. However, the true position is quite the reverse of this - Great Shelford already has excellent shops, including a popular and competitively-priced Co-op store, which serve the needs of villagers extremely well. There is no need for this store in the village and it is well-known that the prices at a Tesco Express are normally around 20-25% higher than those of a standard Tesco.
- 12) The proposed signage would not 'enhance the visual amenity of the locality', as is claimed in paragraph 6.1. Our view is that it would certainly damage the character of both Woollards Lane and of the Great Shelford Conservation Area. Paragraph 6.1 further claims that the proposed works would *'Protect the amenity of local residents'* – however, this statement is not supported by any evidence and is in our view incorrect.
- 13) Paragraph 6.1 draws to a conclusion by stating that the proposed works would: *'Enhance access to and from the building as well as maintain convenient access around the application site'*. The applicant's deliveries, and parking difficulties associated with the proposed development, will have the reverse effect, yet neither is mentioned in the statement.

14) Paragraph 6.1 concludes by stating that:

*'It is considered that the proposals to facilitate the introduction of a Tesco Express at the 36-38 Woollards Lane, accords with both local and national policy. We, therefore, respectfully request that the Council grant planning permission and advertisement consent for the proposed works.'*

For the reasons given in this submission, we strongly disagree with this statement. It is abundantly clear that the proposed works conflict with important provisions of planning policy.

As local residents, we very strongly object to all four of the applicant's planning applications and request that South Cambridgeshire District Council should adhere to relevant planning policy and refuse them.

**Shelford Tesco Action Group**

3<sup>rd</sup> December 2010

## Appendix I

# Transport Assessment Guidelines

### Introduction

A Transport Assessment provides detailed information on the likely transport impact of a proposed development and is submitted in support of a planning application. Planning Policy Guidance note 13: Transport (PPG13) states “where developments will have significant transport implications, Transport Assessments should be prepared and submitted alongside the relevant planning applications for development.”

This document has been produced in partnership by Cambridgeshire County Council and the city and district councils in Cambridgeshire, in order to provide guidance to applicants, developers, their agents and local authority officers on when a Transport Assessment (TA) is required and what it should contain. It also gives guidance on what information may be required for smaller applications, which may not require a full TA.

The Department for Transport Guidance on Transport Assessments (2007) assists in determining whether a transport assessment is required, and if so, what the level, scope and content of that assessment should be. The Guidance is not a statement of Government policy and should be read in conjunction with, and context of, relevant Government policies, particularly those related to planning and transport.

The East of England Plan and the Cambridge Local Plan, along with Supplementary Planning Guidance, set out the transport requirements for new developments in the City. This document should be read in conjunction with all relevant adopted policies.

**Prior to submitting any planning application for a development that may have a transport impact, you are strongly advised to contact a transport officer to discuss what level of information may be required.**

If a TA concludes that a development proposal would not meet policy requirements it should describe how these will be met by the implementation of suitable measures. The findings of studies such as the A14 Multi Modal Study and other relevant documents should be referenced where appropriate.

### When a formal TA is required

PPG13 states that ‘where developments will have significant transport implications, Transport Assessments should be prepared and submitted alongside the relevant planning applications for development’. What constitutes a ‘significant transport implication’ can vary depending on the location, scale and nature of the proposed development. For the purposes of this guidance it is considered that any development that produces a net increase of approximately 500 person trips per day will require a TA.

It is difficult to quantify in terms of floor space what size development will generate this number of new trips, for the reasons already outlined. However, the following table gives an indication of where a Transport Assessment will generally be required:





Retail	1,000 sqm
B1, B2 and B8 Office, light industry and warehousing	2,500 sqm
Hotels	50 rooms and all with ancillary facilities
Residential Homes/Student Rooms	100 bedrooms
Residential Dwellings	50 dwellings
Leisure	All
Healthcare and Education	2,500 sqm
<i>For other uses, please contact a transport officer</i>	

Other circumstances where a TA will also be required include if there are more than 100 vehicles visiting the site in any one hour; if there are more than 20 HGV vehicles visiting the site in any one day; or, if HGV vehicles are accessing the site between the hours of midnight and 6am.

**There may be situations where a development falls below the thresholds set out in the guidelines above, but a TA may still be required, e.g. in areas of limited parking or high traffic congestion, or due to highway safety considerations. It is strongly recommended that early advice be sought from a transport officer as to whether a planning application will require a TA.**

### **Smaller developments**

**Developments below the thresholds given may still need to address particular localised transport issues. In such cases, a 'Transport Statement' may be more appropriate than a full TA and can address specific concerns that the Planning and Highway authorities may have. Applicants may wish to contact a transport officer at an early stage to discuss what will be required.**

In Cambridge, even smaller developments will need to make an assessment of the number of all-mode trips likely to be generated by the proposed use, and of the existing use for redevelopments or changes of use. This is to enable officers to establish whether the application will be liable for transport contributions under the relevant adopted policies and S106 strategies.

### **Outline applications**

Applicants may wish to submit an outline application with all matters reserved for future consideration, in order to get an 'in principle' decision. A Transport Assessment will still be needed at the outline stage, although the difficulty of determining the likely impact is acknowledged. In such cases, the TA should be undertaken on the basis of a reasonable assumed amount of development. The outcome of the TA will remain valid so long as the proposed amount of development does not subsequently exceed this.

The planning authority may then limit the development to the amount assumed in the original TA, unless it can be satisfied that a higher density will be acceptable in transport terms. This would require the submission of additional transport information. It should be noted that the TA is not the only mechanism used to determine the acceptable amount of development on a particular site. Other design issues may influence this figure and hence the density of development may change at the detailed design stage.

### **Travel Plans**

A Travel Plan will normally be expected for any non-residential applications where a TA is required. However, sometimes it may be necessary to submit a Travel Plan but not a TA, for example when it “would help to address a particular local traffic problem associated with a planning application, which might otherwise have to be refused on local traffic grounds.” (PPG13): para 89-4).

A draft Travel Plan should be submitted alongside the TA, in order that it can be taken into account when assessing the transport impact. The implementation of the Travel Plan would normally be secured through a S106. Further guidance on producing Travel Plans is available in a separate document, please contact transport officers for further details.

### **Residential Travel Plans**

A Residential Travel Plan (RTP) is a package of measures designed to promote sustainable travel at and around a residential development. For all residential development that are likely to have significant transport implications, the development of an RTP is encouraged, as set out in paragraph 89 of PPG13.

A RTP will be required for all residential developments proposing 80 dwellings or more (see Appendix B of the DfT’s Guidance on Transport Assessments, 2007). However, the district council’s in Cambridgeshire have specific thresholds for when a RTP is required. <b>Local Authority</b>	<b>Threshold/Type of Development</b>
Cambridge City Council	All residential developments with 10 or more dwellings, or where the site is 0.5 hectares or more (see Cambridge City Local Plan, 2006)
South Cambridgeshire District Council	All residential developments with 20 or more dwellings, or, if this is not known, where the site area or 0.5 hectares or more (see Development Control Policies DPD, 2007)
Huntingdonshire District Council	All major developments. In addition, a RTP is required for all residential developments where a transport assessment is also required (see Planning Application Validation Checklist Guidance Notes)
East Cambridgeshire District Council	All major developments
Fenland District Council	All major developments

### **2. Description of existing networks**

- (i) Site location plan should show the relationship between the site and road, public transport, pedestrian and cycle networks as appropriate.
- (ii) Existing traffic flows into, out of and around the site. All traffic surveys should be undertaken in neutral months.
- (iii) The previous 3 years’ accident record.
- (iv) Identification of any critical junctions on the existing road network that may be affected by traffic generated by the development.
- (v) Details of any proposed new junctions with the existing highway network.

### **3. Public transport accessibility**

- (i) Description of the site in terms of existing local public transport services, destinations served and their frequency.
- (ii) Analysis of bus stop locations within or adjacent to the site.
- (iii) Information on how buses may circulate within the site.

**4. Access for pedestrians and cyclists**

- (i) Assessment of the capacity, standard and safety of the local pedestrian and cycle network with descriptions of how they may be affected by the development.

**5. Access for those with mobility problems**

- (i) Description of the measures to be included in the site to facilitate access for the mobility impaired, including information on physical design features, location of designated car parking and site access for community transport services.

**6. Trip and traffic generation**

- (i) Number of person trips generated by all modes including 24hr and peak period totals, along with their trip purpose throughout the day.
- (ii) Number of vehicular trips generated, and their trip purpose throughout the day. An explanation of the methodologies used to calculate the trip estimation and assignment should be provided. Wherever possible first-hand survey work should be carried out. All traffic surveys should be undertaken in neutral months. Use of the TRICS database may be appropriate, although other sources or methods can be used if explained and justified.

**7. Assignment of trips**

- (i) Assignment of vehicular trips to the road network.
- (ii) Assignment of public transport trips to the bus and rail networks.
- (iii) Assignment cycling and walking trips to the network (bearing in mind special destinations such as schools and shops).
- (iv) Detailed justification for the assignment methodology used.

**8. Site access, surrounding road network and site locality**

- (i) Analysis of access junction(s) design using appropriate software such as PICADY, ARCADY, LINSIG and TRANSYT.
- (ii) Description of the number, location and designation of on-site parking spaces.
- (iii) Detailed SATURN or Paramics modelling may be required to assess the impact of traffic generated by the site on the surrounding highway network. This may require comprehensive work over a wider area and is dependent on the scale of the proposed development.
- (iv) For larger proposals, it may be necessary to model the development proposals using a detailed land-use/transport modelling package.

**9. Measures to mitigate impacts**

The County and District Councils require developments to contribute to achieving a more sustainable environment, by ameliorating increases in transport demand. Developers will therefore be required to encourage and develop the use of sustainable modes of transport in line with relevant local and national policies. Measures will normally be secured through a Planning Obligation and/or Planning Condition.

**Contact details**

To discuss the requirements of a TA in more detail, please contact the Transport Assessment Manager on 01223 699939.

Further information on the Cambridge City Planning Obligation Strategy can be found at [www.cambridge.gov.uk/planning/reptdocs/plnoblig.pdf](http://www.cambridge.gov.uk/planning/reptdocs/plnoblig.pdf)



**ENFORCEMENT ACTION**

**PROGRESS REPORT – 12<sup>th</sup> January 2011**

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>18/98</b> B/1/45/20 Mobile Home Site Setchell Drove COTTENHAM</p>	<p>A. Stationing of caravans without planning permission.</p> <p>B. Unauthorised building works.</p> <p>C. Unauthorised Engineering works</p>	<p>Planning Committee 1<sup>st</sup> July 1998 – Item 26.</p> <p>Members gave delegated authority to take Enforcement Action in respect of those breaches of planning control, which could not be regularised by the submission of a planning application or resolved by negotiation.</p>	<p><b>2.7.2003</b> On 9<sup>th</sup> April the owners of Plots 7, 7A and 10 appeared before Cambridge Magistrates Court. They were each fined £200 with £45 costs. An appeal was made against the refusal of planning permission for the retention of a day room on Plot 10 S/0024/03 refers but the appeal has now been withdrawn. The owners of Plots 7, 7A and 10 have moved off the site and Plots 7 and 10 are now occupied. Planning Contravention Notices have been issued to establish details of ownership before commencing further proceedings.</p> <p><b>1.10.2003</b> The owners of Plots 7 and 10 have been reported for being in breach of Enforcement Notices. Prosecution file being submitted to Legal Office. Owner of Plot 7A not identified. Enquiries continue.</p> <p><b>7.1.2004</b> Prosecution file submitted to Legal Office for Plots 7 and 10. Enquiries continue concerning Plot 7A.</p> <p><b>7.4.2004</b> Prosecution files submitted for oversize buildings on Plots 7 &amp; 10.</p> <p><b>7.7.2004</b> Cases listed at Cambridge Magistrates Court for 30<sup>th</sup> June 2004.</p> <p><b>6.10.2004</b> Cases listed for plots 7 and 10 at Cambridge Magistrates Court on 29<sup>th</sup> September 2004. Resolved to take Direct Action for breach of extant Enforcement Notices to the rear of plots 2 to 8 Setchel Drove.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>5.1.2005</b> Prosecution for plot 7 discontinued due to change of ownership. Prosecution for plot 10 adjourned to 6<sup>th</sup> January 2005. Legal representations being considered concerning direct action.</p> <p><b>6.7.2005</b> Prosecution adjourned to 5<sup>th</sup> August 2005 at Cambridge Magistrates Court. Planning application S/0066/05/F not determined.</p> <p><b>5.10 2005</b> Case adjourned to 20<sup>th</sup> October 2005.</p> <p><b>4.1.2006</b> Defendant of Plot 10 appeared before Cambridge Magistrates Court on 20<sup>th</sup> October. Pled guilty, given Conditional Discharge for 3 years. Awarded costs of £640.</p> <p><b>4.10.2006</b> Variation of condition 2 of planning application S/0416/06/F refused. Awaiting appeal. Plots 7 and 7A not currently occupied.</p> <p><b>10.1.2007</b> Further investigations required in respect of Four Winds and plots 7, 7A and 10.</p> <p><b>4.4.2007</b> Plot 7, 7A and Four Winds unoccupied. Plot 10 Appeal pending.</p> <p><b>4.7.2007</b> No Change.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>3.10.2007</b> Plots 7, 7A and Four Winds being monitored. Plot 10 allowed on appeal on 20<sup>th</sup> August 2007. Remove plot 10 from active list.</p> <p><b>9.1.2008</b> No change</p> <p><b>2.4.2008</b> No change</p> <p><b>2.7.2008</b> No change</p> <p><b>1.10.2008</b> No change</p> <p><b>14.01.2009</b> No Change</p> <p><b>1.04.2009</b> No change</p> <p><b>1.07.2009</b> No Change</p> <p><b>7.10.2009</b> No Change.</p> <p><b>13.1.2010</b> No change</p> <p><b>7.4.2010</b> No Change</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>34/98</b> B/1/45/72 and S/0133/97/O Camside Farm Chesterton Fen Road MILTON</p>	<p>Without planning permission the stationing of two mobile homes for residential use.</p>	<p>Planning Committee 2<sup>nd</sup> December 1998 – Item 20</p> <p>Members authorised</p> <ul style="list-style-type: none"> <li><b>5</b> To seek an injunction.</li> <li><b>5</b> To issue Enforcement Notice if the application for an injunction was refused.</li> <li><b>5</b> A Period of three months to comply with any Enforcement Notice issued.</li> <li><b>5</b> That in the event of failure to comply with the Notice and subject to they're being no material change in circumstances proceedings is taken in the Magistrates Court.</li> </ul>	<p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> No change</p> <p>The necessary information and documentation to seek an injunction is currently being processed. Letters of intended actions served upon contraveners, who subsequently submitted a planning application to retain the two mobile homes and also an application for a Lawful Development Certificate alleging lawful use of the two mobile homes as bedroom use only. Injunctive action held pending determination of the above applications.</p> <p>On advice from the Legal department an Enforcement Notice was issued under reference E342 8<sup>th</sup> June 1999 requiring (a) removal of the mobile homes from the site together with ancillary works, (b) cease to use the land as a general dealers yard, (c) restore the land to its condition before the breaches of planning control took place, (d) use the land only for agriculture and paddock with stables as before. The Notice took effect on 15<sup>th</sup> July 1999 and has a compliance period of 6 months.</p> <p>The Enforcement Notice has been appealed. The site is also part of the general review of travellers' accommodation in the Chesterton Fen Road area.</p> <p>The outcome of the appeal against the Enforcement Notice is awaited.</p> <p>The appeal was dismissed 10<sup>th</sup> January 2000 with the</p>



CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>compliance period being varied to 9 months (10<sup>th</sup> October 2000).</p> <p><b>5.7.2000</b> Compliance period ends 10<sup>th</sup> October 2000.</p> <p><b>4.10.2000</b> Still within the period before compliance which ends 10<sup>th</sup> October 2000.</p> <p><b>3.1.2001</b> Arrangements were made to formally interview two of the appellants 8<sup>th</sup> December 2000 at these offices, and both attended together with their Counsel and Solicitor. On the advice of their legal advisers both declined a formal interview, with their Counsel agreeing to write to our Head of Legal Services by the end of January 2001 listing those issues his clients wished to be considered in connection with any intended prosecution. Counsel indicated that the Human Rights Act 2000 would feature greatly in his submissions.</p> <p><b>2.5.2001</b> Summonses returnable to Cambridge Magistrates Court 16<sup>th</sup> May 2001 were served 18<sup>th</sup> April 2001.</p> <p><b>4.7.2001</b> A plea of not guilty was entered at Cambridge Magistrates Court 8<sup>th</sup> June 2001 and the case committed to Crown Court for trial, and will be listed in due course.</p> <p><b>3.10.2001</b> A pre-trial hearing scheduled for 23<sup>rd</sup> September 2001.</p> <p><b>2.1.2002</b> The case has been adjourned by Judge Howarth, generally, until the outcome of another case dealing with a human rights point, which the defendant's Counsel asserts, has a bearing on</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>the Webb's liability. Likely to be several months.</p> <p><b>3.4.2002</b> The outcome of the case referred to at 2.01.2002 is still awaited.</p> <p><b>3.7.2002</b> The trial has now been fixed for November. It is expected that the first day will be to hear legal arguments, followed by a further five days.</p> <p><b>2.10.2002</b> Trial still pending.</p> <p><b>8.1.2003</b> On 8<sup>th</sup> November 2002 the defendants appeared before Norwich Crown Court. They pleaded guilty and were fined as follows:</p> <p>A Webb (Senior) fined £3,500, costs £1,500, 2 months imprisonment in default of payment of fines. A Webb fined £1,000, £1,500 costs. M Webb fined £1,000, £1,500 costs.</p> <p>A letter has been sent by the Legal Office to the defendant's legal representative informing them that a further site visit will be made on 10<sup>th</sup> February 2003. If the Enforcement Notice has not been complied with consideration will be given to further prosecutions.</p> <p><b>2.4.2003</b> A further summons has been issued for breach of the Enforcement Notice. Case listed at Cambridge Magistrates Court 30<sup>th</sup> April 2003.</p> <p><b>2.7.2003</b> Case adjourned to 18<sup>th</sup> June 2003. A verbal update will be</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>given.</p> <p><b>1.10.2003</b> Case adjourned to November.</p> <p><b>7.1.2004</b> On 11<sup>th</sup> November 2003 the defendants appeared before Cambridge Crown Court. They pleaded guilty and were convicted as follows:</p> <p>A Webb (Senior) – Conditional Discharge for 2 years.</p> <p>A Webb – Fined £2,500 M Webb – Fined £2,500 Costs of £3,000 were awarded. A planning application S/2285/03/F has been submitted, which if approved, would allow the defendants to move the mobile homes subject of the Enforcement Notice to the new site.</p> <p>The situation will be monitored and a timescale agreed once the planning application has been determined.</p> <p><b>7.4.2004</b> Awaiting determination of planning application S/2285/03/F.</p> <p><b>7.7.2004</b> No change.</p> <p><b>6.10.2004</b> Planning application S/2285/03/F approved on 16<sup>th</sup> August 2004. Conditions have been imposed which are subject of further consultation.</p> <p><b>5.1.2005</b> Negotiations continue.</p> <p><b>6.4.2005</b></p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>Waiting for response to meeting held on 14<sup>th</sup> March 2005.</p> <p><b>6.7.2005</b> Legal Office requested to proceed with further prosecution.</p> <p><b>5.10.2005</b> Further evidence being obtained.</p> <p><b>4.1.2006</b> Development of authorised site being monitored as owners is expected to move onto the authorised site.</p> <p><b>5.4.2006</b> No change.</p> <p><b>5.7.2006</b> No change.</p> <p><b>4.10.2006</b> Compliance period extended to 1<sup>st</sup> November 2006.</p> <p><b>10.1.2007</b> Prosecution file to be submitted to Legal Office.</p> <p><b>4.4.2007</b> Prosecution file submitted to Legal Office.</p> <p><b>4.7.2007</b> Three defendants appeared before Cambridge Magistrates Court on 15<sup>th</sup> May 2007. Each given a conditional discharge for 18 months with £200 costs.</p> <p><b>3.10.2007</b> Await determination of planning application S/1653/07/F as defendants indicate their intention to move to the site at Southgate Farm, Fen Road, Chesterton if application is</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>approved.</p> <p><b>9.1.2008</b> No change</p> <p><b>2.4.2008</b> No change</p> <p><b>2.7.2008</b> No change</p> <p><b>1.10.2008</b> Planning permission S/1653/07/f approved 12<sup>th</sup> August 2008 Site visit to be made after the 15<sup>th</sup> November 2008 to confirm compliance.</p> <p><b>14.01.2009</b> Letter received from defendants Solicitors regarding current circumstances – File submitted to Legal for opinion.</p> <p><b>1.04.2009</b> Defendant's circumstances remain unchanged, Legal Officer informed of latest position.</p> <p><b>1.07.2009</b> No change</p> <p><b>7.10.2009</b> No change</p> <p><b>13.1.2010</b> No change</p> <p><b>7.4.2010</b> No Change</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> No change</p>
<p><b>10/03</b> Plot 12 Victoria View Smithy Fen COTTENHAM</p>	<p>Material change of use of land as a residential caravans site ancillary provision of drains and construction of access and hardstandings</p>	<p>Delegate authority to take enforcement action. Reported to Development and Conservation Control Committee 2<sup>nd</sup> April 2003 – Item 9.</p> <p>Stop Notice E353N issued 19<sup>th</sup> May 2003 took effect on 25<sup>th</sup> May 2003.</p> <p>Enforcement Notice E353N issued 19<sup>th</sup> May 2003 took effect on 30<sup>th</sup> June 2003.</p>	<p><b>2.7.2003</b> Enforcement Notice appealed. Stop Notice not complied with. Prosecution file being prepared.</p> <p><b>1.10.2003</b> Planning application S/1020/03/F refused 26<sup>th</sup> June 2003. Appeal against refusal of planning permission and Enforcement Notice. Hearing on 4<sup>th</sup> November 2003.</p> <p><b>7.1.2004</b> Hearing moved to 29<sup>th</sup> January 2004.</p> <p><b>7.4.2004</b> Appeal allowed. Legal to update about possible legal grounds to challenge Planning Inspector's decision.</p> <p><b>7.7.2004</b> Subject of an appeal by the Council to the High Court against the Planning Inspector's decision.</p> <p><b>6.10.2004</b> Subject to a Judicial Review. No date fixed.</p> <p><b>5.1.2005</b> Awaiting outcome of appeal.</p> <p><b>6.4.2005</b></p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>Case to be re-determined by the Planning Inspectorate. Date not yet fixed for hearing.</p> <p><b>6.7.2005</b> Public inquiry listed for 12<sup>th</sup> July 2005.</p> <p><b>5.10.2005</b> Awaiting appeal decision</p> <p><b>4.1.2006</b> Appeal dismissed. Enforcement Notice took effect on 7<sup>th</sup> December 2006.</p> <p><b>5.4.2006</b> Subject of an appeal to the High Court against the Planning Inspector decision.</p> <p><b>5.7.2006</b> No change.</p> <p><b>4.10.2006</b> No change.</p> <p><b>10.1.2007</b> Awaiting decision of appeal to the High Court.</p> <p><b>4.4.2007</b> Appeal to the High Court dismissed. Proceeding with application for injunction.</p> <p><b>4.7.2007</b> No Change.</p> <p><b>3.10.2007</b> Site being monitored. Not currently proceeding with any legal</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>action as a result of decision by Planning Sub-Committee on 18<sup>th</sup> June and 3<sup>rd</sup> August 2007. Authority given to take direct action.</p> <p><b>9.1.2008</b> No change</p> <p><b>2.4.2008</b> No change</p> <p><b>2.7.2008</b> No change</p> <p><b>1.10.2008</b> No change</p> <p><b>14.01.2009</b> No change</p> <p><b>1.04.2009</b> No change</p> <p><b>1.07.2009</b> Further assessment of the occupants' medical needs to be carried out in order that the Planning Sub-committee can be informed of the current position at plot 12 Victoria View.</p> <p><b>7.10.2009</b> No change</p> <p><b>13.1.2010</b> No change</p> <p><b>7.4.2010</b> Further planning application submitted reference no S/1178/09/F - Refused at Planning Committee 3<sup>rd</sup> March 2010</p>



CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>Report to be submitted to Planning Sub Committee.</p> <p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b></p> <p>17<sup>th</sup> November The Planning Enforcement Sub-Committee considered a report relating to Plots 12 Victoria View, 15 Water Lane, and 5, 5A, 6, 10 and 11 Orchard Drive, all at Smithy Fen, Cottenham, as they remain either in active residential occupation or developed for residential occupation in breach of planning control, following the Sub-Committee's resolution on 21 July 2010 to enforce against continuing breaches. A further report to be submitted to the Sub-Committee upon determination of the Section 78 Appeal presently running in respect of plot 12 Victoria View, with recommendations dependant upon the outcome of that Appeal</p>
<p><b>19/03</b> B/1/45/51 &amp; S/2230/03/F Land adjacent to Moor Drove Cottenham Road HISTON</p>	<p>Without planning permission carrying out operational development by the laying of hardcore roadways and septic tanks on the site.</p>	<p>Delegated authority to take Stop and Enforcement action. Stop Notice E502 issued 11<sup>th</sup> December 2003 to take effect on 15<sup>th</sup> December 2003. Enforcement Notice E502 issued 11<sup>th</sup> December 2003 to take effect on 12<sup>th</sup> January 2004. Compliance period 3 months. Injunction issued 19<sup>th</sup> December 2003.</p>	<p><b>7.1.2004</b> Stop and Enforcement Notices issued.</p> <p><b>7.4.2004</b> Enforcement Notices and refusal of planning permission appealed. Public Inquiry arranged for 10<sup>th</sup> August.</p> <p><b>7.7.2004</b> No change.</p> <p><b>6.10.2004</b></p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>Appeal Inquiry adjourned on 10<sup>th</sup> August to 14<sup>th</sup> December 2004.</p> <p><b>5.1.2005</b> No change.</p> <p><b>6.4.2005</b> Appeal hearing adjourned until 14<sup>th</sup> April 2005.</p> <p><b>6.7.2005</b> Awaiting appeal decision</p> <p><b>5.10.2005</b> Appeal dismissed 2<sup>nd</sup> August 2005. An appeal is being made to the High Court.</p> <p><b>4.1.2006</b> No change.</p> <p><b>5.4.2006</b> Appeal dismissed. Currently considering options for dealing with the breach of the Enforcement Notice.</p> <p><b>5.7.2006</b> Planning application S/0647/06/F – withdrawn.</p> <p><b>4.10.2006</b> No change.</p> <p><b>10.1.2007</b> Proceeding with injunctive action.</p> <p><b>4.4.2007</b> No change.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>4.7.2007</b> No Change</p> <p><b>3.10.2007</b> Case listed for a hearing in the High Court in October 2007.</p> <p><b>2.4.2008</b> Hearing at High Court concluded on 22<sup>nd</sup> February 2008. Awaiting Decision.</p> <p><b>9.1.2008</b> Case adjourned now listed for hearing in February.</p> <p><b>2.7.2008</b> Application for injunction in the High Court refused by The Hon. Mr Justice Plender on the basis that granting of an injunction would be disproportionate whilst there remains a 'real prospect' of the planning position being regularised by the appeal process that is currently in hand. Planning Appeal listed for 8 July 2008.</p> <p><b>1.10.2008</b> Appeal allowed – Planning conditions to be monitored.</p> <p><b>14.01.2009</b> All schemes required as part of the planning conditions have been submitted within timescale.</p> <p><b>1.04.2009</b> No change</p> <p><b>1.07.2009</b> The planning officer has requested further information in order that the schemes relating to conditions can be discharged.</p> <p><b>7.10.2009</b> No change</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>13.1.2010</b> No change</p> <p><b>7.4.2010</b> No Change</p> <p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> No change</p>
<p><b>9/04</b> B/1/45/88 Land adj Cow Fen Drove SWAVESEY</p>	<p><b>5</b> Stationing of caravans for residential use without planning permission.</p> <p><b>5</b> Unauthorised erection of a temporary stable.</p> <p>3. Material change of use of land for breeding dogs.</p>	<p>Delegated Authority. Stop Notice and Enforcement Notice E485B issued 17<sup>th</sup> August 2004. Stop Notice for residential use of caravans took effect on 7<sup>th</sup> September 2004. Enforcement Notice E485A issued 17<sup>th</sup> August 2004.</p> <p>The following took effect on 17<sup>th</sup> September 2004:</p> <p><b>5</b> To cease to bring any further caravans onto the land.</p> <p><b>5</b> Not to replace any caravan removed from the land.</p> <p><b>5</b> To cease to bring any further</p>	<p><b>6.10.2004</b> Verbal update to be given.</p> <p><b>5.1.2005</b> Enforcement Notice appealed.</p> <p><b>6.4.2005</b> Awaiting outcome of appeal.</p> <p><b>6.7.2005</b> No change.</p> <p><b>5.10.2005</b> Appeal dismissed. Compliance date for 1, 2, 3 and 4 – 22<sup>nd</sup> July 2005. 5, 6, 7 and 8 – 22<sup>nd</sup> October 2005.</p> <p><b>4.1.2006</b> Prosecution file submitted to Legal Office for breach of enforcement notice.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		<p>vehicles not associated with agriculture or items ancillary thereto onto the land.</p> <p>5 Not to replace vehicles not associated with agriculture to be removed from the land.</p> <p>5 Cease the use of the land for the stationing of residential caravans.</p> <p>5 Remove all unauthorized caravans from the land and any associated work.</p> <p>The following took place on 17<sup>th</sup> December 2004:</p> <p>5 Cease to use the land for the stationing of vehicles not associated with agriculture and any commercial activity concerning the breeding of dogs.</p> <p>8. Remove from the land any vehicles not connected with agriculture.</p>	<p><b>5.4.2006</b> Defendants appeared before Cambridge Magistrates Court on 9<sup>th</sup> March and were given a conditional discharge for 2 years and costs awarded of £400. Further prosecution being considered.</p> <p><b>5.7.2006</b> Further proceedings commenced. Case adjourned on 8<sup>th</sup> June to 6<sup>th</sup> July. Warrant issued for the arrest of the defendant (backed for bail).</p> <p><b>4.10.2006</b> Defendants pleaded guilty at Cambridge Magistrates Court on August and each was fined £1000 with costs of £951.62. A letter has been sent to the defendants legal representative giving them 28 days to resolve the matter</p> <p><b>10.1.2007</b> Further prosecution file submitted to Legal Office.</p> <p><b>4.4.2007</b> Case listed at Cambridge Magistrates Court for 26<sup>th</sup> April 2007.</p> <p><b>4.7.2007</b> Case adjourned on 26<sup>th</sup> April 2007 to 2pm on 5<sup>th</sup> July.</p> <p><b>3.10.2007</b> Unauthorised stables removed. Case adjourned on 16<sup>th</sup> August 2007 to 11<sup>th</sup> October 2007.</p> <p><b>9.1.2008</b> Case adjourned to 2pm on 10<sup>th</sup> January 2008.</p> <p><b>2.4.2008</b> Defendants appeared before Cambridge Magistrates Court on</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>10<sup>th</sup> January 2008. Fined a total of £1400 with £400 costs. Injunctive action currently being considered by Legal.</p> <p><b>2.7.2008</b> No change.</p> <p><b>1.10.2008</b> Refusal of planning permission S/1823/07/F and S/1834/07/F appealed.</p> <p><b>14.01.2009</b> Hearing date listed for 6<sup>th</sup> January 2009</p> <p><b>1.04.2009</b> Planning appeal for S/1834/07/F (Appeal A) allowed subject to conditions. Planning appeal for S/1823/07/F (Appeal B) dismissed for the provision of a static /mobile home. Failure by the appellants to confirm details within a prescribed time frame for cessation of the residential occupation and removal of the caravan and any other vehicles used in connection with residential occupancy. A file has been submitted to the Legal Officer to issue an Injunction in the High Court pursuant to section 187B of the Town &amp; Country Planning Act 1990.</p> <p><b>1.07.2009</b> Defendants currently in discussions/ negotiations with housing and legal departments to comply with cessation of residential use at the premises.</p> <p><b>7.10.2009</b> Negotiations have failed to provide an acceptable solution. Legal Officer to pursue Injunctive action.</p> <p><b>13.1.2010</b></p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>Injunction Order granted 4<sup>th</sup> November 2009 by His Honour Justice Seymour, requiring the Owners to cease residential occupancy by the 2<sup>nd</sup> December 2009. Site inspection carried out on the 3<sup>rd</sup> December 2009 revealed that the Order had not been complied with. Legal Officer informed.</p> <p><b>7.4.2010</b> Formal warning letter issued to the defendants to vacate the premises. Further inspections confirmed that although the touring caravan had been removed from the site the defendants were still residing at the premises contrary to the Injunction Order. Committal Order instigated.</p> <p><b>7.7.2010</b> Defendants found guilty of contempt and were ordered to be committed to prison for a period of three months, suspended provided that the residential use of the land ceased and residential paraphernalia removed by the 4<sup>th</sup> June 2010. In addition the defendants were ordered to pay costs totalling £9556</p> <p>Further inspection carried out confirmed compliance with the Order. Monitoring to continue</p> <p><b>6.10.2010</b> No change – Monitoring continues</p> <p><b>12.01.2011</b> No change</p>
<p><b>13/05</b> B1/45/20 Plots 5,5a, 6, 10 &amp; 11</p>	<p>Stationing of Caravans without permission</p>	<p>Delegated authority given to take enforcement action. Enforcement Notices E506A to E506E inc. issued</p>	<p><b>5.10.2005</b> Appeal dismissed. Compliance date 30<sup>th</sup> September 2005. Enforcement Notices E506A to E506E inc. appealed.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
Orchard Drive COTTENHAM		on 22 <sup>nd</sup> June 2005 to take effect on 31 <sup>st</sup> July 2005. Compliance period 3 months.	<p><b>4.1.2006</b> No change.</p> <p><b>5.4.2006</b> No change.</p> <p><b>5.7.2006</b> Plot 5 Appealed dismissed 4<sup>th</sup> May 2006. Compliance date 4<sup>th</sup> August 2006. Plots 5A, 6 and 10 appeals dismissed 8<sup>th</sup> June 2006. Compliance date 8<sup>th</sup> September. Plot 11 Appeal withdrawn. Compliance date 8<sup>th</sup> September 2006.</p> <p><b>4.10.2006</b> Planning applications S/1631/06/F submitted. Await outcome.</p> <p><b>10.1.2007</b> No change.</p> <p><b>4.4.2007</b> Planning application S/1631/06/F to be determined.</p> <p><b>4.7.2007</b> Planning application S/1631/06/F refused on 19<sup>th</sup> April 2007. Preparing application for an injunction.</p> <p><b>3.10.2007</b> Refusal of planning application S/1631/06/F appealed.</p> <p><b>9.1.2008</b> Planning inquiry listed for 15<sup>th</sup> January 2008.</p> <p><b>2.4.2008</b> Planning inquiry listed for 11<sup>th</sup> March 2008. Adjourned for appeal to be dealt with by written representations.</p>



CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>2.7.2008</b> Appeal dismissed 2<sup>nd</sup> June 2008. Report to be considered by Planning Sub Committee.</p> <p><b>1.10.2008</b> No change.</p> <p><b>14.01.2009</b> No change.</p> <p><b>1.04.2009</b> No change.</p> <p><b>1.07.2009</b> No change.</p> <p><b>7.10.2009</b> No change</p> <p><b>13.1.2010</b> No change</p> <p><b>7.4.2010</b> Further report to be considered by Planning Sub Committee</p> <p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b> No change – Needs Audits to be carried out</p> <p><b>12.01.2011</b> The Planning Enforcement Sub-Committee considered a report relating to Plots 12 Victoria View, 15 Water Lane, and 5, 5A, 6,</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>10 and 11 Orchard Drive, all at Smithy Fen, Cottenham, as remain either in active residential occupation or developed for residential occupation in breach of planning control, following the Sub-Committee's resolution on 21 July 2010 to enforce against continuing breaches.</p> <p>The report highlighted the specific and relevant circumstances to be considered in each case, and sought approval for the commencement of immediate High Court proceedings against those in occupation and / or control of the six plots pursuant to Section 187B of the Town and Country Planning Act 1990 for an Injunction requiring the cessation of any continuing unauthorised residential occupation and the removal of all associated caravans, mobile homes, residential paraphernalia, surfacing and / or hard-standings, and any other built or engineered development facilitating or intended to facilitate residential occupation.</p> <p>The Planning Enforcement Sub-Committee resolved that</p> <ol style="list-style-type: none"> <li>1. An application, be suspended for four months to facilitate the consideration of compulsory purchase powers and/or rescission of consents under Sections 97 or 102 of the Town and Country Planning Act 1990, be made to the High Court for injunctive relief under Section 187B of the Town and Country Planning Act 1990 to remedy and restrain then continuing breaches of development control, against those adults identified in this report and appendices as being either an owner and/or an occupier of the plots at 15 Water Lane, and at 5, 5A, 6, 10 and 11 Orchard Drive, and against persons unknown in respect of those plots.</li> <li>2. A further report be submitted to the Sub-Committee upon determination of the Section 78 Appeal presently running in respect of plot 12 Victoria View, with recommendations dependant upon the outcome of that Appeal.</li> </ol>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>4/06</b> B/1/45/20 S/2227/04/F Land off Water Lane (Plot 15) Smithy Fen COTTENHAM</p>	<p>Material change of use of land to a residential caravan Site and the provision of hardstandings</p>	<p>Development and Conservation Control Committee on 4<sup>th</sup> January 2006 item 14 injunctive and Members authorised Enforcement Action for the removal of mobile homes, caravans, day room and hardstandings. Compliance period 12 months.</p>	<p><b>5.4.2006</b> File submitted to the Legal Office for the issue of an Enforcement Notice.</p> <p><b>5.7.2006</b> Enforcement Notice E536 issued 11<sup>th</sup> April 2006. Enforcement Notice appealed.</p> <p><b>4.10.2006</b> No change.</p> <p><b>10.1.2007</b> Appeal due to be heard on 3<sup>rd</sup> January 2007.</p> <p><b>4.4.2007</b> Appeal dismissed on 29<sup>th</sup> January 2007. Compliance date 28<sup>th</sup> January 2008.</p> <p><b>4.7.2007</b> No Change.</p> <p><b>3.10.2007</b> No Change.</p> <p><b>9.1.2008</b> No change.</p> <p><b>2.4.2008</b> Enforcement Notice not complied with. Legal options currently being considered.</p> <p><b>2.7.2008</b> Application being made for an injunction.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>1.10.2008</b> File submitted for an application for an injunction.</p> <p><b>14.01.2009</b> No change.</p> <p><b>1.04.2009</b> No change.</p> <p><b>1.07.2009</b> No Change.</p> <p><b>7.10.2009</b> No change</p> <p><b>13.1.2010</b> No change</p> <p><b>7.4.2010</b> Report to be considered by Planning Sub Committee</p> <p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b> No change – Needs audits undertaken</p> <p><b>12.01.2011</b> The Planning Enforcement Sub-Committee considered a report relating to Plots 12 Victoria View, 15 Water Lane, and 5, 5A, 6, 10 and 11 Orchard Drive, all at Smithy Fen, Cottenham, as remain either in active residential occupation or developed for residential occupation in breach of planning control, following the Sub-Committee's resolution on 21 July 2010 to enforce</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>against continuing breaches.</p> <p>The report highlighted the specific and relevant circumstances to be considered in each case, and sought approval for the commencement of immediate High Court proceedings against those in occupation and / or control of the six plots pursuant to Section 187B of the Town and Country Planning Act 1990 for an Injunction requiring the cessation of any continuing unauthorised residential occupation and the removal of all associated caravans, mobile homes, residential paraphernalia, surfacing and / or hard-standings, and any other built or engineered development facilitating or intended to facilitate residential occupation.</p> <p>The Planning Enforcement Sub-Committee resolved that</p> <ol style="list-style-type: none"> <li>1. An application, be suspended for four months to facilitate the consideration of compulsory purchase powers and/or rescission of consents under Sections 97 or 102 of the Town and Country Planning Act 1990, be made to the High Court for injunctive relief under Section 187B of the Town and Country Planning Act 1990 to remedy and restrain then continuing breaches of development control, against those adults identified in this report and appendices as being either an owner and/or an occupier of the plots at 15 Water Lane, and at 5, 5A, 6, 10 and 11 Orchard Drive, and against persons unknown in respect of those plots.</li> <li>2. A further report be submitted to the Sub-Committee upon determination of the Section 78 Appeal presently running in respect of plot 12 Victoria View, with recommendations dependant upon the outcome of that Appeal.</li> </ol>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>8/06</b> B/1/45/70 S/2006/06/F 1 London Way Clunchpits MELBOURN</p>	<p>Materials change of use of land for use as a builder's yard.</p>	<p>Development and Conservation Committee on 7<sup>th</sup> December 2005 item 16. Members authorised Enforcement Action for the unauthorised use to cease and for the removal of unauthorised structures hardstandings and storage containers.</p>	<p><b>5.4.2006</b> File submitted to the Legal Office for the issue of an Enforcement Notice.</p> <p><b>5.7.2006</b> Enforcement Notice E527 issued 7<sup>th</sup> April 2006. Enforcement Notice appealed.</p> <p><b>4.10.2006</b> No change.</p> <p><b>10.1.2007</b> Appeal being heard on 9<sup>th</sup> January 2007.</p> <p><b>4.4.2007</b> Appeal allowed in part and dismissed in part. Compliance date 22<sup>nd</sup> August 2007.</p> <p><b>4.7.2007</b> No Change</p> <p><b>3.10.2007</b> Site visit being made to verify compliance.</p> <p><b>9.1.2008</b> No change.</p> <p><b>2.4.2008</b> Notice complied with in part. Negotiations continue.</p> <p><b>2.7.2008</b> No change.</p> <p><b>1.10.2008</b> No change.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>14.01.2009</b> Landscaping scheme now approved. Highways &amp; Environmental Health issues reviewed on site. Findings to be published shortly.</p> <p><b>1.04.2009</b> No change, findings still to be published.</p> <p><b>1.07.2009</b> No change, findings still to be published.</p> <p><b>7.10.2009</b> No change</p> <p><b>13.1.2010</b> No change</p> <p><b>7.4.2010</b> No Change – Matter to be referred back to Planning Officer</p> <p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b> Institute Occupational Management to undertake a further risk assessment on the right of way / asbestos issue</p> <p><b>12.01.2011</b> No change</p>
<p><b>7/07</b> B/1/45/8 The Drift Cambridge Road BARTON</p>	<p>Material change of use of land for manufacturing storage and commercial distribution of paving slabs and the erection of</p>	<p>Enforcement Notice 2115 issued 14<sup>th</sup> May 2007. Took effect on 15<sup>th</sup> June 2007. Compliance period 6 months.</p>	<p><b>4.7.2007</b> Enforcement Notice appealed.</p> <p><b>9.1.2008</b> No change.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
	two buildings.		<p><b>2.4.2008</b> No change.</p> <p><b>2.7.2008</b> Appeal dismissed 1<sup>st</sup> April 2008 Compliance date 1<sup>st</sup> October 2008</p> <p><b>1.10.2008</b> No change.</p> <p><b>14.01.2009</b> Partial compliance. Discussions continue</p> <p><b>1.04.2009</b> No change.</p> <p><b>1.07.2009</b> No change.</p> <p><b>7.10.2009</b> No change</p> <p><b>13.1.2010</b> No change</p> <p><b>7.4.2010</b> No Change</p> <p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b> No change – Discussions continue</p>



CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>12.01.2011</b> No change</p>
<p><b>12/07</b> B/1/45/99 117 Duxford Road WHITTLESFORD</p>	<p>Unauthorised wall, fence, gate and brick pillars.</p>	<p>Planning Committee authorised Enforcement Action. Enforcement Notice 2673 issued 23<sup>rd</sup> August 2007. Enforcement Notice appealed.</p>	<p><b>9.1.2008</b> No change.</p> <p><b>2.4.2008</b> Appeal dismissed. Enforcement Notice took effect on 3<sup>rd</sup> March 2008. Planning application S/0360/08/F to be determined.</p> <p><b>2.7.2008</b> Planning application S/0360/08/F approved 25<sup>th</sup> April 2008 Monitoring planning conditions.</p> <p><b>1.10.2008</b> No change</p> <p><b>14.01.2009</b> Further planning application S/1701/08/F submitted. Refused at Chairman's Delegation 10<sup>th</sup> December 2008 – Enforcement Notice effective in three months unless a planning application is submitted that significantly lowers the height of the wall/fence, brick pillars and gates.</p> <p><b>1.04.2009</b> Discussions currently in progress regarding a fresh application.</p> <p><b>1.07.2009</b> Further appeal submitted</p> <p><b>7.10.2009</b> No change</p> <p><b>13.1.2010</b></p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>Appeal dismissed.</b></p> <p><b>7.4.2010</b> Original approved planning permission /0360/08/F expired. Fresh application submitted under planning reference S/0054/10/F. Waiting decision.</p> <p><b>7.7.2010</b> Application successful, subject to completion within timescale of three months i.e. 16<sup>th</sup> June 2010</p> <p><b>6.10.2010</b> Partial compliance – Waiting for replacement gates, currently on order</p> <p><b>12.01.2011</b> Gates replaced – Enforcement Notice complied with. Remove from active list</p>
<p><b>16/07</b> 38 Silver Street WILLINGHAM</p>	<p>Unauthorised work on Listed building.</p>	<p>Delegated Authority. Enforcement Notice 2680 issued 28<sup>th</sup> September 2007. Compliance period 6 months.</p>	<p><b>2.4.2008</b> At Cambridge Magistrates Court on 10<sup>th</sup> January 2008 the owner was fined £10,000 for unauthorised works. A Listed building planning application S/0192/08/LB has been submitted which complies with part of the Enforcement Notice. The site is now being monitored.</p> <p><b>2.7.2008</b> No change.</p> <p><b>1.10.2008</b> Planning application approved Compliance date to be monitored.</p> <p><b>14.01.2009</b></p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>No Change.</p> <p><b>1.04.2009</b> Monitoring still taking place by Conservation Team.</p> <p><b>1.07.2009</b> No change.</p> <p><b>7.10.2009</b> No change</p> <p><b>13.1.2010</b> Owner interviewed regarding failure to instigate remedial works. Timetable agreed.</p> <p><b>7.4.2010</b> Works commenced</p> <p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> Works continue</p>
<p><b>5/08</b> B/1/45/72 Plots 27 &amp; 28 Newfield's Fen Road, Chesterton, MILTON</p>	<p>Unauthorised dwelling, garage and utility building.</p>	<p>Delegated authority to take enforcement action.</p>	<p><b>2.7.2008</b> Enforcement Notice 2813 issued 9<sup>th</sup> April 2008 Compliance period 4 months.</p> <p>Enforcement Notice appealed.</p> <p><b>1.10.2008</b></p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>No change.</p> <p><b>14.01.2009</b> Hearing date to be confirmed. Fresh application submitted.</p> <p><b>1.04.2009</b> No Change.</p> <p><b>1.07.2009</b> Appeal dismissed 6<sup>th</sup> May 2009 – Four months compliance period.</p> <p><b>7.10.2009</b> Further planning application received and registered.</p> <p><b>13.1.2010</b> Application S/1170/09 approved 24<sup>th</sup> November 2009, Conditions to be monitored.</p> <p><b>7.4.2010</b> Further planning application submitted – Ref: S/0246/10/F</p> <p><b>7.7.2010</b> Pending decision</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> No change</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>6/08</b> B/1/45/72 Plot 6 Sunningdale Fen Road Chesterton, MILTON</p>	<p>Unauthorised dayroom building.</p>	<p>Delegated authority to take enforcement action.</p>	<p><b>2.7.2008</b> Enforcement Notice 2952 issued 16<sup>th</sup> May 2008. Compliance period 6 months.</p> <p><b>1.10.2008</b> Notice appealed.</p> <p><b>14.01.2009</b> Inquiry date 10<sup>th</sup> February 2009.</p> <p><b>1.04.2009</b> Appeal allowed on ground (a) and conditional planning permission granted. Conditions to be monitored.</p> <p><b>1.07.2009</b> Compliance period six months i.e. by 18<sup>th</sup> August 2009.</p> <p><b>7.10.2009</b> Planning application received and registered.</p> <p><b>13.1.2010</b> Application S/1154/09 approved 5<sup>th</sup> October 2009 – Conditions to be monitored.</p> <p><b>7.4.2010</b> No Change</p> <p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b> Original building not removed as per condition – File to be submitted to Legal.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>12.01.2011</b> No change</p>
<p><b>12/08</b> Plot 4 Moor Drove HISTON</p>	<p>Unauthorised erection of a brick-built single storey Building appearing to be for domestic purposes.</p>	<p>Temporary Stop Notice Issued followed by Planning Enforcement Notice.</p>	<p><b>14.01.2009</b> Temporary Stop Notice ignored, prosecution file submitted to legal. Planning Enforcement Notice issued.</p> <p><b>1.04.2009</b> Retrospective planning application submitted.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>1.07.2009</b> Approved at Committee 10<sup>th</sup> June 2009. Conditions to be monitored – Conditions to be monitored</p> <p><b>7.10.2009</b> No change</p> <p><b>13.1.2010</b> No change</p> <p><b>7.4.2010</b> No change</p> <p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> No change</p>
<p><b>13/08</b> 49 High Street MELBOURN</p>	<p>Unauthorised erection of a lean-to structure and single storey extension to two flat roofed outbuildings.</p>	<p>Delegated authority to take enforcement action.</p>	<p><b>14.01.2009</b> Enforcement Notice issued Prosecution file submitted for failing to comply with the Enforcement Notice, hearing date to be advised.</p> <p><b>1.04.2009</b> No change.</p> <p><b>1.07.2009</b> Defendants found guilty at Cambridge Magistrates Court. Enforcement Notice still not complied with. Further prosecution file submitted Hearing date set for 9<sup>th</sup> July 2009.</p> <p><b>7.10.2009</b></p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>Male Defendant ejected from court, due to his behaviour, case adjourned until 23<sup>rd</sup> July 2009. Both Defendants found guilty at Cambridge Magistrates Court, and fined £1000 each with costs totalling £520.</p> <p><b>13.1.2010</b> Enforcement Notice not complied with, Prosecution file submitted, Hearing date set for 17<sup>th</sup> December 2009</p> <p><b>7.4.2010</b> Both defendants found guilty at Cambridge Magistrates Court and fined £2195 each including costs of £180 each and £15 each victim surcharge.</p> <p><b>7.7.2010</b> Enforcement Notice still not complied with – File submitted to Legal to instigate formal action.</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> Retrospective planning application submitted.</p>
<p><b>01/09</b> 82 High Street GREAT ABINGTON</p>	<p>Unauthorised work on a Listed building</p>	<p>Delegated authority to take enforcement action</p>	<p><b>1.04.2009</b> Enforcement Notice No 3342 issued 6<sup>th</sup> January 2009 Compliance period 3 months.</p> <p><b>1.07.2009</b> Enforcement Notice Appeal submitted out of time – revised scheme submitted S/0018/09/LB. Refused 27<sup>th</sup> May 2009. Discussions continue. Planning Appeal submitted</p> <p><b>7.10.2009</b></p>



CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>No change</p> <p><b>13.1.2010</b> No change</p> <p><b>7.4.2010</b> No change</p> <p><b>7.7.2010</b> Listed Building Enforcement Notice complied with in part – Negotiations continue.</p> <p>Planning Appeal dismissed 26<sup>th</sup> May 2010</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> Negotiations continue – Owners currently living abroad</p>
<p><b>06/09</b> 16a Norman Way Industrial Estate OVER</p>	<p>Unauthorised change of use of the land from light industrial use to that of a licensed premises private members club</p>	<p>Delegated authority to take enforcement action</p>	<p><b>1.07.2009</b> Enforcement Notice, reference no 3457 issued 7<sup>th</sup> April 2009 – Compliance period three months from 12<sup>th</sup> May 2009 –12<sup>th</sup> August 2009. Notice appealed.</p> <p><b>7.10.2009</b> Appeal allowed on ground (g) and enforcement notice varied by the deletion of three months and substitution of six months as the period for compliance. Subject to this variation the enforcement notice is upheld.</p> <p><b>13.1.2010</b> No change</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>7.4.2010</b> Further planning application submitted, validated 27<sup>th</sup> January 2010. Planning reference S/0114/10/F.</p> <p><b>7.7.2010</b> Planning application unsuccessful, formal notice to cease unauthorised use issued.</p> <p><b>6.10.2010</b> Warrant obtained and executed, evidence obtained regarding the continued breach of the Enforcement Notice, reference no 3457 issued 7<sup>th</sup> April 2009. Owner and Operator summoned to appear at Cambridge Magistrates Court 16<sup>th</sup> September 2010.</p> <p>Court date deferred until 7<sup>th</sup> October 2010</p> <p><b>12.01.2011</b> Further appeal made against the refusal of planning permission. 1<sup>st</sup> December 2010 appeal dismissed. 6<sup>th</sup> December 2010 operator appeared in court and was found guilty of breaching the planning enforcement notice and was fined £12500.00p with additional cost totalling £300.00p and £15.00p Victim Support charge. Upon advice from Counsel a formal warning has been issued to the operator with regard to future breaches of planning control within South Cambridgeshire. Monitoring to continue.</p>
<p><b>07/09</b> Great Eastern Drying Centre 163 High Street SAWSTON</p>	<p>Dismantling and removal works on a grade11* Listed building without authorisation.</p>	<p>Delegated authority to take enforcement action</p>	<p><b>1.07.2009</b> Listed Building Enforcement Notice, reference no 3520 issued 17<sup>th</sup> April 2009.</p> <p>Notice appealed.</p> <p><b>7.10.2009</b> No change</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>13.1.2010</b> Hearing date 5<sup>th</sup> January 2010.</p> <p><b>7.4.2010</b> Appeal withdrawn</p> <p><b>7.7.2010</b> Formal discussions with Conservation Team as to next steps</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> No change</p>
<p><b>12/09</b> 6 Cottenham Road HISTON</p>	<p>Unauthorised change of use of single detached dwelling house to a combination of a domestic dwelling and commercial office use for the conduct of an accountancy practice</p>	<p>Authorised by Planning Committee to take enforcement action</p>	<p><b>7.10.2009</b> Enforcement Notice PLAENF.3619 issued 27<sup>th</sup> August 2009 Compliance period six months i.e. by 30<sup>th</sup> March 2010. – Appeal submitted</p> <p><b>13.1.2010</b> Hearing date 9<sup>th</sup> March 2010</p> <p><b>7.4.2010</b> No Change</p> <p><b>7.7.2010</b> Appeal 1 – Appeal dismissed and Enforcement Notice upheld Appeal 2 – Appeal allowed only in part and planning permission granted subject to condition. I.e. The use of the extension permitted shall be confined to domestic purposes incidental to the enjoyment of the dwelling house only and no business or trade shall be carried on from the extension</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> Enforcement notice complied with – Remove from active list</p>
<p><b>16/09</b> The Barn, Chesterton Fen Road, MILTON</p>	<p>Unauthorised change of use of land from agriculture and/or the stabling and grazing of horses, to that of a yard for the storage of building materials and equipment; and the erection of a covered structure and secure containers for the storage of materials and equipment.</p>	<p>Delegated authority to take enforcement action</p>	<p><b>7.10.2009</b> Enforcement Notices PLAENF.3270 and 3271 issued 2<sup>nd</sup> September 2009 – Compliance period four months i.e. by 6<sup>th</sup> February 2010.</p> <p><b>13.1.2010</b> Appealed – Inquiry 13<sup>th</sup> &amp; 14<sup>th</sup> April 2010</p> <p><b>7.4.2010</b> Inquiry date moved to 18<sup>th</sup> &amp; 19<sup>th</sup> May 2010</p> <p><b>7.7.2010</b> Appeal dismissed – Compliance period 9 months i.e. February 2011</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> No change</p>
<p><b>01/10</b> Land at Moor Drove Histon</p>	<p>Use of land for stationing or parking of commercial vehicles</p>	<p>Delegated authority to take enforcement action Enforcement Notice .3851 issued effective 15<sup>th</sup> February 2010</p>	<p><b>7.4.2010</b> Enforcement Notice issued – Compliance period to cease the unauthorised use two months i.e. by 15<sup>th</sup> April 2010 – Appeal submitted.</p> <p><b>7.7.2010</b></p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>No change</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> 6<sup>th</sup> December 2010 appeal dismissed, compliance period 6<sup>th</sup> February 2011</p>
<p><b>02/10</b> Hill Trees Babraham Road Stapleford</p>	<p>Without planning permission the change of use of residential accommodation to a mixed use of residential and motor vehicle sale and repair</p>	<p>Delegated authority to take enforcement action Enforcement Notice .3837 issued effective 15<sup>th</sup> March 2010</p>	<p><b>7.4.2010</b> Enforcement Notice issued – Compliance period to cease the use of the land for motor vehicle sales and repairs one month i.e. by 15<sup>th</sup> April 2010</p> <p><b>7.7.2010</b> Appeal submitted</p> <p><b>6.10.2010</b> Public Enquiry date 12<sup>th</sup> October 2010</p> <p><b>12.01.2011</b> Appeal dismissed 4<sup>th</sup> November 2011 partial costs awarded. Application to appeal against the Inspectors decision has been made.</p>
<p><b>03/10</b> 2 Grange Park Chesterton Fen Road Milton</p>	<p>Without planning permission, the erection of a carport structure to house a caravan</p>	<p>Delegated authority to take enforcement action Enforcement Notice .3861 issued, effective 15<sup>th</sup> March 2010</p>	<p><b>7.4.2010</b> Enforcement Notice issued – Compliance period to demolish and remove materials from the land three months i.e. by 15<sup>th</sup> June 2010. - Enforcement Notice Appealed.</p> <p><b>7.7.2010</b> No change</p> <p><b>6.10.2010</b></p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>No change</p> <p><b>12.01.2011</b> Appeal allowed – Remove from active list.</p>
<p><b>05/10</b> 9 Toft Lane Great Wilbraham</p>	<p>Change of use of land by placing a mobile home and development by the erection of two sheds and a storage container unit without planning permission</p>	<p>Delegated authority to take enforcement action Enforcement Notice .3772 issued, effective 15<sup>th</sup> March 2010</p>	<p><b>7.4.2010</b> Enforcement Notice issued – Compliance period to remove the mobile home six months i.e. by 15<sup>th</sup> September 2010 and one month for the two sheds and storage container i.e. by 15<sup>th</sup> April 2010</p> <p><b>7.7.2010</b> Part compliance – Steel storage container, and mobile home removed. Rear wooden structure dispute, Waiting for further evidence</p> <p><b>6.10.2010</b> No change – Referred back to planning officer</p> <p><b>12.01.2011</b> No change</p>
<p><b>13/10</b> North Road Farm Ermine Way Whaddon</p>	<p>Unauthorised construction of a conservatory on a Grade II Listed Building</p>	<p>Delegated authority to take enforcement action Listed Building Enforcement Notice .3864 issued, effective 22<sup>nd</sup> March 2010</p>	<p><b>7.4.2010</b> Listed Building Enforcement Notice issued – Compliance period one calendar month, i.e. by 22<sup>nd</sup> April 2010</p> <p>Appeal submitted 4<sup>th</sup> March 2010</p> <p><b>7.7.2010</b> Appeal dismissed – New planning application (S/0292/10/LB) refused, further appeal lodged</p> <p><b>6.10.2010</b> Enforcement Notice withdrawn – Planning and Conservation</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>Officers currently in negotiation with Owner</p> <p><b>12.01.2011</b> No change</p>
<p><b>17/10</b> The Car Wash facility St. Neots Road Croxtan</p>	<p>Without planning permission there has been a change of use of the affected land for residential purposes in that part of a kiosk on the land is being occupied as a dwelling</p>	<p>Delegated authority to take enforcement action Enforcement Notice .3721 issued, effective 12<sup>th</sup> April 2010</p>	<p><b>7.4.2010</b> Enforcement Notice issued – Compliance period to cease using any part of the land for residential use, two months i.e. by 12<sup>th</sup> June 2010.</p> <p><b>7.7.2010</b> Enforcement Notice Complied with – Site to be monitored for 3 months</p> <p><b>6.10.2010</b> Dawn inspection revealed that residential occupation had recommenced – Prosecution file raised</p> <p><b>12.01.2011</b> Operator appeared at Court, however due to the recent change in ownership of the premises and that the new operators are no longer using the premises for residential occupation the case was withdrawn – Monitoring continues.</p>
<p><b>19/10</b> Park Farmhouse Station Road Stow-Cum-Quy</p>	<p>Unauthorised installation of a pair of entrance gates to the boundary wall within the curtilage of a grade 11 listed building</p>	<p>Delegated authority to take enforcement action Listed Building Enforcement Notice .3929 issued, effective 8<sup>th</sup> May 2010</p>	<p><b>7.4.2010</b> Enforcement Notice issued – Compliance period to remove the unauthorised gates, two months i.e. by 8 August 2010</p> <p><b>7.7.2010</b> Notice Appealed</p> <p><b>6.10.2010</b> Listed Building Enforcement Notice withdrawn and reissued – See case 24/10.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p><b>21/10</b> 22 Pipers Close Fowlmere</p>	<p>Without planning permission, the material change of use of land from C3 (residential) use class to mixed residential use and motor vehicle sales and associated motor vehicle valeting</p>	<p>Delegated authority to take enforcement action Enforcement Notice .4106 issued, effective 8<sup>th</sup> May 2010</p>	<p><b>7.7.2010</b> Enforcement Notice issued – Compliance period to cease the use of the land for the purpose of motor vehicle sales and associated motor vehicle valeting, three months i.e. 8<sup>th</sup> November 2010.</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> Enforcement Notice complied with – Remove from active list</p>
<p><b>23/10</b> Field Gate Nurseries 32 Station Road Meldreth</p>	<p>Without planning permission, the erection of an extension to the main warehouse building within the site</p>	<p>Delegated authority to take enforcement action Enforcement Notice .4178 issued, effective 12<sup>th</sup> July 2010</p>	<p><b>7.7.2010</b> Enforcement Notice issued – Compliance period to dismantle or demolish the structure of the extension and remove all resulting materials, rubble and /or spoil from the site, one month i.e. 12<sup>th</sup> August 2010</p> <p><b>6.10.2010</b> No change</p> <p><b>12.01.2011</b> Application submitted</p>
<p><b>24/10</b> Park Farm Station Road Stow-Cum-Quy</p>	<p>Without planning permission, the installation of a pair of gates</p>	<p>Delegated authority to take enforcement action Enforcement Notice .4196 issued, effective 5<sup>th</sup> August 2010</p>	<p><b>6.10.2010</b> Enforcement notice issued – Compliance period to remove unauthorised gates, one month i.e. by 6<sup>th</sup> September 2010 Appeal submitted</p>



CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>12.01.2011</b> 1<sup>st</sup> December 2011 appeal dismissed – Time period to comply extended to 12 months – Revised scheme to be submitted and agreed by SCDC.</p>
<p><b>25/10</b> 19 Whitehall gardens, Thriplow</p>	<p>Without planning permission, the development of land by conversion of a single property into four self-contained flats.</p>	<p>Delegated authority to take enforcement action Enforcement Notice .3774.issued, effective 1<sup>st</sup> September 2010</p>	<p><b>6.10.2010</b> Enforcement Notice issued – Compliance period to restore the use of the land to that of a single dwelling and remove all development work which has been undertaken to enable the land to be used as four self-contained flats.</p> <p>Withdrawn – Negotiations with Owner continue</p> <p><b>12.01.2011</b> Further planning application submitted and subsequently approved by Committee – Remove from active list</p>
<p><b>26/10</b> 8 Church Street Whaddon Nr Royston</p>	<p>Erection of a conservatory in contravention of sections 7 and 9 of the Planning (Listed buildings &amp; Conservation Areas) Act 1990</p>	<p>Delegated authority to take enforcement action Listed Building Enforcement Notice .4337.issued, effective 15<sup>th</sup> December 2010</p>	<p><b>12.01.2011</b> Enforcement Notice issued – Compliance period to remove the unauthorised conservatory, three calendar months i.e. By 15<sup>th</sup> March 2011</p>
<p><b>28/10</b> Odsey Grange Baldock Road Odsey</p>	<p>Without planning permission, the erection of a garage the dimensions of which are in excess of those allowed under planning permission S/0856/09/F dated the 10<sup>th</sup> August 2009</p>	<p>Delegated authority to take enforcement action Enforcement Notice .4367 issued, effective 21<sup>st</sup> January 2011</p>	<p><b>12.01.2011</b> Enforcement Notice issued – Compliance period to remove the unauthorised garage, three calendar months i.e. by 21<sup>st</sup> April 2011</p>

