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24 January 2012

To: Chairman – Councillor Pippa Corney  
Vice-Chairman – Councillor Robert Turner  
All Members of the Planning Committee - Councillors Val Barrett, Trisha Bear,  
Brian Burling, Lynda Harford, Tumi Hawkins, Caroline Hunt,  
Sebastian Kindersley, Mervyn Loynes, David McCraith, Charles Nightingale,  
Deborah Roberts and Hazel Smith, and to Councillor Peter Topping  
(Sustainability, Planning and Climate Change Portfolio Holder)

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 1 FEBRUARY 2012 at 10.00 a.m.**

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

Yours faithfully  
**JEAN HUNTER**  
Chief Executive

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## AGENDA

## PAGES

### PUBLIC SPEAKING

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

### PROCEDURAL ITEMS

- 1. Apologies**  
To receive apologies for absence from committee members.
- 2. General Declarations of Interest**
- 3. Minutes of Previous Meeting**  
To authorise the Chairman to sign the Minutes of the meeting held on 11 January 2012 as a correct record. These minutes are

**1 - 2**

available on the Council's website by following the links from [www.scambs.gov.uk/meetings](http://www.scambs.gov.uk/meetings)

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

- |     |  |                  |
|-----|--|------------------|
| 4.  | <b>S/2273/11 - Bar Hill (Parish of Lolworth) - (21 Trafalgar Way)</b>  | <b>3 - 24</b>    |
| 5.  | <b>S/1927/09 - Bassingbourn (26 South End)</b>   | <b>25 - 42</b>   |
| 6.  | <b>S/1044/11 - Great Eversden - (Site known as OSP148)</b>   | <b>43 - 56</b>   |
| 7.  | <b>S/2480/11 &amp; S/2481/11 - Papworth Everard (Site to the west of Ermine Street)</b>  | <b>57 - 64</b>   |
| 8.  | <b>S/0029/11 - Meldreth (Land adj to The Tavern Yard &amp; Station Yard)</b>   | <b>65 - 74</b>   |
| 9.  | <b>S/2291/11- Waterbeach (Land to the North of 43 Rosemary Road)</b>   | <b>75 - 84</b>   |
| 10. | <b>S/2272/11- Impington (Land to the East of 37 Cambridge Road)</b>  | <b>85 - 96</b>   |
| 11. | <b>2111 - Upper Cambourne (Cell 1A)</b>  | <b>97 - 106</b>  |
| 12. | <b>Sawston - Proposed diversion of Footpath 18</b><br>Appendices B to I are attached to the electronic version of this agenda. | <b>107 - 120</b> |

#### **INFORMATION ITEMS**

- |     |  |                  |
|-----|--|------------------|
| 13. | <b>Appeals against Planning Decisions and Enforcement Action</b> | <b>121 - 126</b> |
|-----|--|------------------|

#### **OUR VISION**

- We will make South Cambridgeshire a safe and healthy place where residents are proud to live and where there will be opportunities for employment, enterprise and world-leading innovation.
- We will be a listening Council, providing a voice for rural life and first-class services accessible to all.

#### **OUR VALUES**

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

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

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

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

### Notes

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

South Cambridgeshire District Council

Planning Committee – 1 February 2012 – Declaration of Interests

Councillor .....

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

Item no: ..... App. No. .... Villiage: .....

Reason:

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Reason:

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

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

1 February 2012

**AUTHOR/S:** Executive Director (Operational Services)/ Corporate Manager (Planning and New Communities)

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**S/2273/11 – Lolworth****New workshop and production building with associated administrative office, staff facilities, car parking, service yard and landscaping, 21 Trafalgar Way, Bar Hill for Domino UK Ltd****Recommendation: Minded to Approve****Date for Determination: 2 March 2012****Notes:**

**This Application has been reported to the Planning Committee for determination as the application is a Major Development and the officer recommendation of minded to approve is contrary to the recommendation of refusal from Lolworth Parish Meeting**

**Members will visit this site on 1 June 2011**

**Major Development****Application accompanied by an Environmental Statement****Site and Proposal**

1. The full application, received on 11 November 2011, proposes the erection of a new workshop and production building with associated administrative offices, staff facilities, car parking, service yard and landscaping, on a 6.67ha site, for Domino UK Ltd
2. Domino UK Ltd is located in the north west corner of the Trafalgar Way, Bar Hill. The Company was founded in 1987 and develops and manufactures coding, market and printing technologies and equipment. In addition the its main headquarters building it also occupiers another existing unit in Trafalgar Way. The current site is access from Trafalgar Way, off Saxon Way, with the main entrance being off the north spur of Trafalgar Way.
3. The site, the western part of which comprises agricultural land currently in arable use and eastern part the existing headquarters of Domino UK Ltd, is bounded by the A14, a gas pumping station, telecommunications tower, motel and petrol filling station to the north, agricultural land to the west and south and by Trafalgar Way and Bar Hill Business Park to the east.
4. There is a mature tree line and intermittent hedgerow on the west boundary of the existing Domino UK Ltd site. The site is relatively flat but the arable land rises gently in a south-westerly direction. It comprises part of a larger area of arable land which extends to the west and south, and rises more sharply further to the south west

5. A public bridleway runs along the western side of and through the existing site. There is a public footpath which links Lolworth to Bar Hill which runs east to west approximately 400 metres to the south west of the site. Open views across the site and A14 beyond are afforded from this footpath, and these are more elevated close to Lolworth. Another public footpath runs along the east edge of Lolworth to join the A14, 150m to the north west of the site boundary.
6. There is a substantial belt of mature woodland planting on the west boundary of the arable land, 80m west of the application site boundary. Screening on that part of the north boundary which abuts the A14 is currently limited, however there is greater planting where the site abuts the existing gas compound.
7. The existing premises is located with the parish of Bar Hill, however the proposed new building will in the parish of Lolworth.
8. The proposed development will consist of a new building of 16,772m<sup>2</sup>, a dedicated service yard for goods in and out on the north side of the proposed building, a new staff restaurant, a contemporary link to the existing headquarters building, architecturally designed gardens and water feature of several rectangular pools. New staff and visitor parking, and covered cycle and motorcycle parking spaces.
9. The proposed building measures 94m x 150m (at its longest point) and is designed with a curved roof, which is 13.7m at its highest point. The internal clear height requirement of 10m will create an eaves line of approximately 12m, however the curved eaves profile reduces this effect with an eaves height 7.2m at the east end, as a result of a deep overhang of the roof to form a colonnade. The majority of the building is full internal height, however, there is a narrow area of open plan office floorspace at first floor along the length of the east side of the building. There are openings at ground floor and first floor in the east elevation. Although there are first floor openings at the very ends of the north and south elevations all other openings are at ground floor level. A single storey projection on the east of the main building provides a covered link to the existing headquarters building and includes staff restaurant facilities.
10. In addition there is a proposed solvent stores building located in the new good yard to the north of the proposed main building. The proposed store building measures 14m x 18m.
11. Materials proposed are buff brick plinth with cladding above, largely neutral in colour. The roof material is to be grey standing seam aluminium. It is proposed to include photovoltaic cells, solar sun tubes and wind catchers in the roof.
12. Access to the site for employees and visitors will be via the existing northern access spur of Trafalgar Way. Access for service vehicles will be via the southern spur of Trafalgar Way and will involve the formation of a service road within the proposed landscaped area to the south and west of the proposed building, which will allow access to a 40m x 63m goods yard on the north end of the building. This area will be gated and secured by 2.5m high paladin weldmesh fencing.
13. At the current time there are a total of 325 car parking spaces provided at various locations within the site. The proposal will increase this number, over time, by an additional 325 spaces, the majority of which will be located to the south of existing headquarters building, with an area for future car parking shown between the existing and proposed buildings. 52 covered spaces will be provided for cycles, including 10



motorcycles to the south of the existing building, with safe pedestrian footpath access to both the new facility and headquarters building.

14. The Company currently employs 583 staff at the site. An additional 413 staff are anticipated by 2022 as a result of the proposed development, with 60 persons likely to be employed during the anticipated 10-month construction process.
15. Landscaping proposals comprise a native woodland belt to the perimeter of the application site. This area will also provide staff amenity in the form of a woodland walk and seating areas away from the main buildings. A more formal civic space has been designed to the front of the new building's main entrance, which incorporates a series of rectangular pools linked to an outdoor green space consisting of ornamental trees and shrubs, meadow and grass areas. A formal avenue of trees denotes the entrance to the new building and will also provide a shaded space for the outdoor seating to the front of the proposed café/restaurant. Throughout this space paths create links between the existing and new facilities and the car parking which will be screened by a combination of trees and hedge planting.
16. Surface water drainage will be controlled by Sustainable Drainage Systems (SuDS) which will incorporate swales and infiltration systems, where required. Rainwater harvesting and the use of facilities that consume less water will be considered at the detailed design stage.
17. External lighting will be provided to cover the new car parks, roads, entrances and walkways. The car parks and access roads will be lit using bollards, while lighting to footpaths will be provided for safety.
18. It is proposed to divert the existing bridleway around the south, west and north sides of the extended site to link back with the existing route to the north of the application site. The overall length of the bridleway will be increased by approximately 500m as a result.
19. The existing site occupied by Domino UK Ltd is within the village framework of Bar Hill, however the area of land to the west, where the new building is proposed is outside the village framework of both Lolworth and Bar Hill. The majority of the site is within the Environment Agency Flood Zone 2.
20. The application is accompanied by a full Environmental Statement (ES) (including a non-technical summary), Planning Statement, Design and Access Statement, Energy Statement, Landscape and Biodiversity Management Plan, Sustainability Statement, and a Statement of Community Involvement. These documents, along with the application drawings, are available to view online or can be inspected as part of the background documents.
21. The ES includes chapters on Alternatives and Design Evolution, Construction Programme, Landscape and Visual Amenity, Ecology and Nature Conservation, Transport and Access, Air Quality, Noise and Vibration, Water Resources and Flood Risk, Agriculture and Soil Resource, Cultural Heritage, Economics, Lighting, Summary of Mitigation and Monitoring, and Statement of Significance.

### **Planning History**

22. There have been no previous planning applications on the western part of the site, which currently comprises arable land, however there are a number of previous applications on the current site occupied by Domino UK Ltd, which include:

23. S/0600/01/F – Car park extension – Approved
24. S/1773/00/F – Canopy extension – Approved
25. S/1610/87/F – H.Q building for production of ink jet printers and associated administration – Approved
26. S/0468/87/F – New headquarters building for production of ink jet printers and associated administration – Approved

### **Planning Policy**

27. **National Planning Policy**  
PPS1 – Delivering Sustainable Development  
PPS4 – Planning for Sustainable Economic Growth  
PPS5 – Planning for the Historic Environment  
PPS7 – Sustainable Development in Rural Areas  
PPS9 – Biodiversity and Geological Conservation  
PPG13 – Transport  
PPS23 – Planning and Pollution Control  
PPG25 – Planning and Flood Risk
28. **South Cambridgeshire Local Development Framework Core Strategy Development Plan Document: ST/5 – Minor Rural Centres, ST/8 – Employment Provision**
29. **South Cambridgeshire Local Development Framework Development Control Polices adopted July 2007: DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, DP/4 Infrastructure and New Developments, DP/6 Construction Methods, DP/7 Development Frameworks, ET/5 Development for the Expansion of Existing Firms, SF/6 Public Art and New Development, NE/1 Energy Efficiency, NE/3 Renewable Energy Technologies in New Developments, NE/4 Landscape Character Areas, NE/6 Biodiversity, NE/10 Foul Drainage – Alternative Drainage Systems, NE/11 Flood Risk, NE/12 Water Conservation, NE/14 Lighting Proposals, NE/15 Noise Pollution, NE/16 – Emissions, NE/17 – Protecting High Quality Agricultural Land, CH/2 Archaeological Sites, CH/4 – Development within the Curtilage or Setting of a Listed Building, TR/1 Planning for More Sustainable Travel, TR/2 Car and Cycle Parking Standards, TR/3 Mitigating Travel Impact**
30. **South Cambridgeshire LDF Supplementary Planning Documents (SPD) - Open Space in New Developments - adopted January 2009, Public Art - adopted January 2009, Trees and Development Sites - adopted January 2009, Biodiversity - adopted July 2009, Landscape in New Developments - adopted March 2010, District Design Guide - adopted March 2010, Health Impact Assessment - adopted March 2011**

### **Consultation**

31. **Lolworth Parish Meeting** recommends refusal.

‘Our first and major point is that although the applicant’s address is Trafalgar Way, Bar Hill, the proposed development would involve the acquisition of 10 acres of agricultural land in the Parish of Lolworth. Indeed, the entire development would be in Lolworth and as such would be major breach of the planning envelope of Bar Hill.

We appreciate this is an exceptional application but nevertheless there is extreme concern that, if approved, the application would set a precedent for future developments beyond the existing perimeter road.

We acknowledge the applicant has gone to considerable lengths to minimise the visual impact of the proposed building and the associated light pollution but believe further improvements could be made, particularly regarding its colour. Special consideration should be given to the roof section, both with respect to its colour and the material used. This large section of roof will have greatest impact when viewed from the village of Lolworth and the adjacent footpath to Bar Hill.

The tree planting will have some effect in breaking up the solid appearance of the structure, but will have little or no effect for at least ten to fifteen years.

We recognise the applicant is a respected employer within the local community and understand the need for expansion of the existing facilities. Nevertheless, with due respect, we believe the proposed arrangements to minimise the inevitable increase in traffic may be unenforceable. We appreciate the intention is not to add traffic during peak hours but this will require the goodwill of employer and employees. Over and above this, there will be an unavoidable increase in traffic on the A14.

In conclusion, we have no desire to discourage the expansion and development of a local successful company, we recognise the generally sympathetic design and would be happy to support the application if it did not breach the planning envelope of Bar Hill and set a precedent for future development in Lolworth. Such development would in all probability alter the character of the village irreparably.'

32. **Bar Hill Parish Council** recommends approval but comments. 'Although the Parish Council approve these plans, we have grave concerns about the traffic flow at peak times on to an already overcrowded road between Trafalgar Road and the A14.'
33. The **Environment Agency** has no objection subject to the inclusion of conditions and informatives in any consent. It confirms that the submitted Flood Risk Assessment is considered satisfactory. The conditions require the submission of schemes for surface water drainage and Flood Risk Mitigation Measures, along with details of their maintenance and management after completion, pollution control, and requiring the floor level of any new building to be set no lower than 21.4 metres above Ordnance Datum Newlyn.
34. **Anglian Water** comments that the foul drainage from this development is in the catchment of Uttons Drove STW that at present has available capacity for these flows. It advises that should the applicant wish to connect to its sewerage network notice under Section 106 of the Water Industry Act 1991 will be required. An informative should be included in any consent regarding the need for an application to be made to Anglian Water to discharge trade effluent to a public sewer. It recommends that petrol/oil interceptors be fitted to all car parking/washing/repair facilities, and the installation of a properly maintained fat traps on all catering establishments. It suggests that a condition is included in any consent requiring submission of a scheme for a surface water strategy/flood risk assessment.
35. The **Urban Design Team** comments as follows:

*Concept and Context*

The concept of developing a building design that would visually and physically link the new building with the existing building via a shared facility (restaurant) is supported:

the new building will accommodate warehouse, production and office accommodation and new staff restaurant and café will act as a link to the existing buildings. The proposals relate well to the existing buildings and the wider natural environment.

The proposed building has been designed to accommodate alternative uses to meet future changing design and production methods and this is welcome as this would help ensure the longevity of the building.

### *Site Planning*

The siting of the proposed building is considered appropriate. Its location takes advantage of the existing dual access arrangements from Trafalgar Way to segregate staff and visitor traffic from heavy goods vehicles. Its location would minimise visual impact to the surroundings of onsite car parking, vehicle access roads and goods yard.

The layout of building is well designed and would help improve legibility of the site. The rationale of creating different types of spaces within the outdoor area (e.g. outdoor café and quiet sitting area) is supported as this would accommodate different user needs and help generate activities and thereby supporting the vitality of the outdoor area surrounding the proposed building.

### *Access and Parking*

The siting of the parking area is considered appropriate: the visitor and main car parking area will be located to the south of the formal landscaped avenue while the Blue-badge parking bays will be located close to the entrance of the proposed building to provide easy access for visitors with mobility problems.

The rationale of using trees and formal hedges to divide the rows of car parking spaces is supported as this would help soften the appearance of the parking area.

The location of the covered cycle and motorcycle parking facility is considered appropriate: it will be located to the south of the existing building with safe pedestrian footpath access to both the new and existing buildings.

### *Massing and Scale*

Whilst the massing is considered appropriate to the intended uses and the locality, it is disappointing that the initial idea of a green roof to soften the perceived impact of the proposed building was dismissed towards the end of the pre-application stage.

Due to internal clear height requirement of 10m for a modern warehouse facility, the proposed building would create an eaves line of approximately 12m. The impact of the eaves line is reduced by the use of a curved eaves profile, creating a concealed gutter before the main curved roof. To the offices and entrance façade, a deep overhang to form the colonnade would reduce the eaves height to approximately 7.2m to help relate the scale of the proposed building to that of the existing.

### *Architecture, Elevations and Materials*

At pre-application stage concerns were raised in relation to the design of front elevation (lack of active frontages) and the location of the reception area (fail to aid legibility). The architect has since revised the elevational treatment to include openings to the front elevation and improved the building's internal layout. The current design is high quality and is commended: the scheme proposes an appealing

contemporary design, which reflects the materiality and form of the existing building, and so positively relates to the public realm and the landscaping scheme.

A deep covered colonnade viewed across a linear water feature would provide shade to the glazed offices and entrance to the reception.

The palette of materials proposed for the scheme is satisfactory: external materials include glazing and curtain walling to identify features or functions within the building structure. The west elevation will be articulated by grey curved eaves profiled cladding, which will continue down the façade to a horizontal window band. The proposed buff brickwork plinth would help relate the proposals to the existing building. The proposed glazing module is well composed: the glazing projects and turns the corner onto the south and north elevation and would create a clean and minimalist appearance. At the corners onto the east elevation the change of function is expressed on the north elevation with a band of louvers to the plant room and curtain walling to the offices on the south elevation.

### *Landscaping*

At pre-application stage concerns were raised in relation to the lack of integration between the proposed building and the landscaping scheme. The landscape architect has since followed officers' advice and made significant improvements to the layout of the landscaping scheme. The current landscaping scheme is of a good quality and complements the form and style of the proposed building.

The size of the amenity area (located at the front of the proposed building) has been substantially enlarged to provide a large outdoor green space with ornamental trees, shrubs, meadow and grass areas with seating for both staff and visitors.

A formal avenue of trees will denote the entrance to the proposed building and will provide a shaded space for the outdoor seating area to the front of the proposed café. A formal civic space has been designed to the front of the proposed building's main entrance area which will incorporate a series of well designed water features to reflect the proposed building.

A swale has also been incorporated into the landscaping scheme to run along the southern, western and northern boundaries which will be planted to encourage wildlife and provide new habitats for local ecology.

The rationale of including a native woodland belt to the perimeter of the site as part of the landscape proposals is supported as this would help increase biodiversity of the area.

### *Visual impact*

Following our advice at pre-application stage the applicant has submitted a *Landscape and Visual Amenity Assessment Document* and visualizations to demonstrate the impact of the proposed development on its immediate surroundings and its wider landscape setting. Whilst the illustrations demonstrate that the upper part of the proposed building will be partially visible above the tree line as one travels along the A14 eastwards or views the site from the Lolworth to Bar Hill footpath, the colour of the proposed elevations (various shades of grey) would help blend the proposed building into the wider landscape. The visual impacts of the proposed building on its wider landscape setting are therefore considered minimal and are not considered to detract from the character and or appearance of the area.

In terms of the impact of the proposed building on its immediate surroundings such as the nearby bridleway and Trafalgar Way, the illustrations show that the proposed building and its landscaping scheme would have a positive impact on the appearance and image of the area.

*Recommendations*

The proposals respond positively to the constraints of the site and make efficient use of available land. The proposed building is well designed and relates well to the existing building. Issues raised at pre-application stage have now been adequately addressed and the current design proposals are in general conformity with Policy DP/2 of the South Cambridgeshire District Council Development Plan (Adopted July 2007) and the design principles set out in the South Cambridgeshire District Council District Design Guide (Adopted March 2010). It is therefore recommended that planning permission be granted subject to conditions regarding external cladding material and brickwork.

36. The **Landscapes Officer** is generally supportive of the landscape proposals, although various revisions are suggested.

Public spaces access routes and planting schemes will need to take account of the scale of the development, the needs of the users of the site and the effects on the well used public rights of way adjacent to the site. This is a large site.

Generally the landscape should seek to replicate the existing established native hedgerows and bands of woodland to the east and west of the site. The south and west boundary and car park area planting will be particularly important.

Planted areas will need to be extensive to assimilate the building into they existing landscape.

The need for a mound to prevent 'overland' flows (given the proposed development and drainage arrangements). The Michael Thomas and Hannah Brown drawings both show a mound to prevent overland flows, but on opposite sides of the swale. In the view of the Landscape Officer the mound could only have any benefit on the south side of the swale.

Native planting areas need to be a minimum of 4.0 meters wide (consider the spread of a semi-mature Hawthorn for example). The area west of the pavilion is far too thin to accommodate native planting. This should be adjusted to accommodate native planting.

The areas of native planting around the perimeter of the site are not extensive or wide enough to accommodate a 'Woodland Walk' (again consider the size of the plants and the character and screening desired). It is suggested that any amenity paths are run along the north side of the native planting strip, with any enclosing standard tree planting to the north.

The boundary post and rail fence should mark the extent of the planting and should clearly show the extent of the planting and bridleway. If public access is desired to areas of amenity space on the development site then this should be visible and accessed over the fence via a gate or stile.

The bridleway will need a minimum of 2.0 metres clearance from the planting. The exterior edge of the bridleway should be marked by occasional stakes to show the

division between the bridleway and farmland. The boundary fences should be adjusted to remove sharp 90° angles on the bridleway.

Detailed revisions are suggested to the proposed Landscape and Biodiversity Management Plan.

There are concerns relating to existing condition of the banks of Lolworth Brook where it fronts and passes through the development site and the possibility of remedial work being undertaken is suggested. This is highlighted in more detail in the Ecology Officers comments below.

Queries are raised regarding the need to clarify the permeability of the proposed paving and the substrates beneath it where underground surface water storage is indicated. The drainage falls across the car park areas are likely to be around 1 in 185 – is this sufficient in paved areas? Drawings show the proposed swale to have only a fall of 1:400 to its low point at the north east corner, and from there the pipe takes a tortuous route, including several sharp bends, to discharge into Lolworth Brook. It is questioned whether there is sufficient fall and whether the height of the outlet at only 150mm above the bed of the stream (probably below water in normal flows) is acceptable.

It is noted that the Drainage Strategy notes that the ditch along the northern boundary will be used, but this has been filled in. Will a replacement drainage route/feature be needed? Details should be provided of the proposed treatment of the goods yard drainage. The traps and interceptors and the proposed areas of the reed beds in the swale. Will the new workshop and production building (and its foundations) affect field drainage from Lolworth towards Lolworth Brook?

37. The **Ecology Officer** is supportive of the proposal overall but is concerned that an opportunity has been missed in respect of the stream (Lolworth Brook) at the eastern end of the existing site. The stream is currently in a very poor state and it would appear that the banks have been subject to herbicide in order to control plant growth, however the lack of plant roots is leading to the erosion of the banks, which in places is resulting in their slumping.

These issues can be addressed through sensitive bank re-profiling, vegetation management and sensitive bank strengthening. The re-profiling of banks could also increase local flood storage capacity and channel conveyance, reduce the erosive force of water and provide opportunities for attractive streamside planting. It would give benefits to the applicant in terms of reducing flood risk, address poor habitat and improve the setting of the main entrance.

There is also concern about the proposal to place a further three car parking spaces on the stream bank. Given the unstable nature of the banks the stream should be given space to allow it to reach a position of natural stability.

These matter have been taken up with the applicant.

38. **Cambridgeshire Archaeology** comments that the site is located in an area of high archaeological potential, being located adjacent to the road linking the Roman settlements at Godmanchester and Cambridge. Settlements and enclosures of Iron Age date are known to the east and a possible Saxon cemetery is recorded to the south. The medieval moat and post medieval landscape of Lolworth Grange is located to the west. It is likely that significant archaeological remains will survive in

the area and that these would be severely damaged or destroyed by the proposed development.

It is strongly recommended that the site is subject to an archaeological evaluation, to be commissioned and undertaken at the expense of the developer, and carried out prior to the granting of planning permission. The evaluation results should allow for the fuller consideration of the presence/absence, nature, extent, quality and survival of archaeological remains within the development area. An informed judgement can then be made as to whether planning consent will need to include provisions for the recording, and more importantly, the preservation of important archaeological remains in situ. Cambridgeshire Archaeology states that it is standard practice for it to provide a design brief for such evaluation.

The applicant has been made aware of this requirement.

39. The **Local Highway Authority** has no objection but requests that two conditions are included in any planning consent, firstly requiring a method statement to be submitted and agreed for the physical control of access to the additional car parking spaces to ensue that it is not accessible until needed and, secondly that a phased plan be submitted for the release of the additional car spaces to ensure that a suitable number of spaces, relative to the number of employees are available, but are not in excess of the requirements of the development.
40. The **Highways Agency** has directed that a condition be attached to any consent requiring the measures within the agreed travel plan to be implemented and monitored in accordance with the relevant schedules in the plan. Where targets are not being achieved at the milestone points in the plan the company's travel plan coordinator is to be notified by the Local Planning Authority and relevant remedial actions invokes as set out in the travel plan.
41. The **Trees and Landscapes Officer** comments that she met the applicant on site to discuss the hawthorn 'hedge' to the rear, which has a TPIO served on it. A hedge cannot be TPO'd and for that reason the TPO is ambiguous and could be challenged – the proposed landscaping scheme creates new mixed species hedging around the boundary creating a more diverse habitat that links to existing features, whereas the hedge is dissected by the A14. There are no objections to the proposal.
42. The **Environmental Health – Contaminated Land Officer** is satisfied that a condition relating to contaminated land is not required.
43. The **Rights of Way and Access Team, Cambridgeshire County Council** points out that Public Bridleway No.1, Bar Hill runs through the site to the rear of the existing building and will pass through the proposed new car park to the south east of the site. The intention of the applicant to apply to divert the bridleway as part of the development is noted and the following comments are made.

If consent is granted there must be a condition included stating that no part of the development should commence until a suitable diversion has come into effect. It is important to note that there is no guarantee that an application to divert the bridleway will be successful, and without such a legal diversion it would remain in its current location on the Definitive Map.

Early contact should be made with the area rights of way officer however his initial view is that it would be preferable for the proposed diverted bridleway to curve round more in line with the proposed grass swale instead of the proposed sharp 90 degree



corners. Hedges and vegetation must be planted at least 2m away from the bridleway to ensure that future growth does not obstruct the path.

As both Public Bridleway no.1, Bar Hill and Public Footpath No.5, Lolworth are essentially dead-end paths because they exit onto the A14 it is asked whether the developer would consider working with adjacent landowners to create a pedestrian link between the two to create a circular route and also creating a link between Public Bridleway No.1 Bar Hill and Saxon Way, Bar Hill. If successful, the diversion of Public Bridleway No.1 Bar Hill would leave a small gap between this bridleway and the Public Footpath No.5, Lolworth and it seems an obvious mitigation for the development and the increased inconvenience users of the bridleway will suffer. Government policies encourage the use and development of routes promoting physical and mental wellbeing through exercise and the County Council's Rights of Way Improvement Plan states that where appropriate new development should contribute to the provision of new links and/or improvement of the existing rights of way network (Guiding Principle GP3).

If consent is granted informatives should be included in any permission advising that no alteration to the surface of the bridleway as permitted without the consent of the Rights of Way team, and that it should remain open and unobstructed at all times, with no building materials stored, or contractors vehicles parked on it. Landowners should be reminded that they are responsible for maintaining hedges and fences adjacent to public rights of way, and that any transfer of land should take account for any such boundaries.

These comments have been forwarded to the applicant.

The comments of the **Corporate Manager – Health and Environmental Services, Sustainability Officer, Conservation Manager, Arts Development Officer, Natural England and Drainage Manager** will be reported

## Representations

- 44.. The occupier of **68 Hollytrees, Bar Hill** objects to the application. There is concern that the proposed development will add to the existing traffic congestion in the area. There will be even more cars at the Bar Hill roundabout when Northstowe is built. 18 months of development will cause traffic mayhem in the area.

The development will strip away the countryside on the boundary of Bar Hill, resulting in a view of new warehousing on what is in fact a large area of land. Although it will create 400 jobs the proposal does not do anything for Bar Hill, and will result in a loss of a country view for the 5,000 people of the village. A previous suggestion to build houses on this site was averted.

45. The occupiers of **Elmwood, Cuckoo Lane, Lolworth** object commenting that it is to the credit of the District Council that development has been kept within villages has been kept within prescribed villages envelopes by in-filling only, leaving most of the new building to be concentrated in new towns such as Cambourne and Northstowe. This has avoided ribbon development across the countryside between villages, and there are strong objections to this development, which breaches that important District Council principle. It would also make it very difficult to prevent the gradual industrialisation of the Cambridgeshire countryside.

**Planning Comments – Key Issues**

46. The key issues to be considered in the determination of this application are the principle of development, sustainability, highway safety, visual impact and design, drainage and flood risk, ecology and biodiversity, archaeology, loss of agricultural land, lighting, amenity of adjacent land users (including residential amenity).
- **Principle of Development**
47. The site is outside the village framework. Although Policy ET/5 allows for the expansion of existing firms on previously developed sites next to or very close to village frameworks of Minor Rural Centres, the proposed building will be on greenfield land. The proposal therefore represents a departure from existing policy and has been advertised as such.
48. Should Members be minded to approve the application as a departure it will need to be referred to the National Planning Casework Unit in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.
49. The erection of a building of the scale proposed on the area of arable land to the west of the existing Domino building will visually intrude into and erode the current open landscape between Bar Hill and Lolworth. Members will therefore need to consider this impact and the mitigation measures proposed, along with the other material planning considerations, alongside the case put forward by the applicant outlining the need for the Company to expand its existing premises onto this site.
50. Planning Policy Statement 4 – Planning for Sustainable Economic Growth re-iterates the Government’s view that its overarching objective is sustainable economic growth, and emphasises that rural areas have an important contribution to make to both the regional and national economy. It states that local planning authorities should ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure that it may be enjoyed by all. It states that local planning authorities should strictly control economic development in open countryside, away from existing settlements. It also encourages local planning authorities to adopt a constructive approach towards planning applications for economic development and that planning applications that secure sustainable economic growth should be treated favourably.
51. When determining planning applications for economic development which are not in accordance with an up to date development plan PPS4 states that local planning authorities should weigh market and other economic information alongside environmental and other social information; take full account of any longer term benefits, as well as the costs of the development, such as job creation or improved productivity including any wider benefits to national, regional and local economies and; consider whether the those proposals help the wider objectives of the development plan.
52. As part of the Council’s Vision Values and the Three A’s it aims to work closely with existing businesses and promote economic development (Aim D) and protect existing communities, villages and the countryside (Aim E).
53. The Council’s Economic Development Strategy, highlights that there was a reduction in jobs between 2008 and 2010 of around 5,000, although anticipates that there will be a recovery to 2014, although accepts that this is highly dependant on the government’s policy stance and the levels of business confidence. It states that the

Council will seek to support the growth of existing business. In Autumn 2011 the Office for Budget Responsibility produced new forecasts that see the downturn in the economy being deeper and longer. Economic growth is now the government's top priority.

54. The applicant is a significant local employer, with 583 people currently employed at the site. This application offers the potential to increase this by 400 in the period to 2022. The Company has assessed a number of alternative sites for the development (Section 5 of the Environmental Statement). The criteria with which any site would need to comply were identified, including the need to be able to accommodate a modern building of the size proposed, or existing equivalent building, with sufficient parking, a location within a few minutes drive of Bar Hill on the A14 to the north west of Bar Hill as a greater number of staff live in that area, and a location with minimal traffic movements for staff and lorries/vans.
55. 11 sites were examined, including the land with planning consent for employment development at Home Farm, Longstanton, the proposed new town of Northstowe, Buckingham Way, Business Park, Swavesey and Alconbury Airfield Enterprise Zone. The report concludes that expansion of the Bar Hill premises is stated as the preferred option as it is adjacent to the existing facilities enabling movement between the existing and new facilities without undue vehicular movements; the size of the land is appropriate for the proposed development and includes space for effective landscaping to minimise adverse visual effects while providing benefits to ecology and nature conservation; it will enable full retention of existing staff and will ensure a competitive business environment for the foreseeable future by maintaining quality communications across the company and retaining a global hub for the Company's rapidly expanding operation.
56. Lolworth Parish Meeting has expressed its concern that approval of this scheme would set a precedent for future developments beyond the existing perimeter road. Members should note that the 1987 planning application, for development of Domino's current headquarters building, was onto land that was outside the original western perimeter of Bar Hill.
57. Having considered the case made by the applicant for expansion at the existing Bar Hill site officers accept that this is the most appropriate and sustainable option from the Company's perspective, and accords with the overall aim of the Council to support existing firms and encourage employment opportunities and growth in the District. In considering whether to support this proposal as a departure Members will need to balance this against site-specific issues, which are considered in details below.
58. It is officer's view that provided there are no site specific issues that would dictate that this area of land is not appropriate for development that the principle should be supported. Whilst officers cannot give a guarantee to Lolworth Parish Meeting that there will not be future expansion onto the land west of the existing perimeter of Bar Hill, as was the case with the 1987 application for Domino UK Ltd, it is considered that limited further opportunity exists and that it is unlikely that a comparable case could be made.

- **Transport and Access**

59. The proposed development clearly has the potential to add considerable to existing traffic generation on the Trafalgar Way estate, which will then feed to Saxon Way and then in the majority of cases to the A14 roundabout. Transport and access is

therefore a major consideration in the determination of this application and the applicant has held discussions at the pre-application stage with both the Highways Agency and Local Highway Authority.

60. The application is accompanied by a Traffic Assessment and Travel Plan, as part of the Environmental Statement. It states that the key mitigation in terms of transport and access provided is a Travel Plan, which seeks to maintain peak hour traffic generation following the development at or close to 2011 levels. The assessment also considers the impact of traffic during the construction period.
61. The information submitted with the application accepts that the local road network and key junctions within the study area are operating at around or close to capacity during peak hours, but that queues are only evident for short periods lasting 15-20 minutes and there is some spare capacity in the earlier and later periods. Similarly the A14 is recognised as operating at close to capacity during peak periods. The proposed development will increase traffic flows onto the road system.
62. Under the proposed Travel Plan restrictions will be imposed on all manufacturing and new staff working hours to prevent these employees from travelling during the peak highway hours of 8am-9am and 5pm-6pm. It is anticipated therefore that the majority of traffic effects will occur during the time periods 7am-8am and 4pm to 5pm. It also aims to secure a reduction on single occupancy car travel from 80% to 65% by 2022, include a car sharing database and provide a shuttle service connecting to the Guided Busway park and ride at Longstanton, and aims for a 10% target of employees coming to work by bus (currently 3%).
63. Both the Highways Agency and Local Highway Authority have considered the application, both in terms of the potential impact for increase in traffic on the A14 and on the existing road network with Bar Hill, and have not raised objection. Conditions have been suggested to ensure compliance with the Travel Plan and the phasing/use of additional parking within the site.
64. Whilst appreciating the local concern regarding additional traffic generation, officers are of the view that given the detailed consideration and lack of objection from either the Highways Agency or Local Highway Authority there is no reason to oppose the application on highway grounds, subject to the imposition of the suggested conditions. Officers are also of the view that conditions will be required controlling traffic during the construction period.

- **Sustainability**

65. The applicant has produced a Sustainability Statement which concludes that the principles of sustainable development are integral to the business model of Domino ensuring that the new development will be sustainable in terms of construction, operation, local community, environment and users. It identifies the key strengths of the proposal as including waste reduction and recycling in use and during construction, provision of recycling facilities at the site, materials sources from sustainable resources, retention of existing jobs in the UK, profitability of Domino increased due to efficiencies realised by moving all operations on one site, maintenance of path/bridleway around the site offers the potential to link to a sustainable transport network, new jobs created by the scheme, additional jobs during building construction and benefit to local economy during construction, retention and enhancement of wildlife.

- **Landscape Impact and Design**

66. Officers have been involved in the evolution of the design of the building and the landscaping of the site and there have been a series of pre-application meetings which have helped to lead to the form of the development as currently submitted.
67. It has been accepted that the proposed building is of significant scale and the overall bulk and height will exceed that of existing buildings in the vicinity. The proposed building will be visible from the surrounding countryside, and in particular from the A14 and the footpath to the south west linking Lolworth and Bar Hill.
68. The curved roof design approach adopted for the building design results in a visually pleasing built form and along with the use of an appropriate palette of materials will help to reduce the impact. Draft versions of the building included a green roof, the retention of which was encouraged by officers, as it was felt that this approach would help to assimilate the building, especially when viewed from the higher ground of the footpath to the south west of the site, and for the additional environmental benefits this would bring. However, the additional cost of the provision of a green roof, notably due to the increased construction specifications required for structure of the building to support such an approach, proved to be prohibitive for the applicant. Whilst the loss of the green roof is regrettable officers are of the view that the use of a suitable neutral palette of materials as suggested will help mitigate the impact of the proposed building. It is noted that Lolworth Parish Council has queried the materials and colour to be used and officers have suggested that contact is made with the Parish to discuss this further.
69. Although the application proposes extensive additional landscaping this will take a number of years before it becomes fully effective, and whilst this will help to assimilate the building it will remain visible from the footpath and countryside to the south and the A14.
70. The Landscapes Officer and Urban Design Team are supportive of the overall landscape and design approach and the detailed comments outlined earlier in this report have not been repeated here. A meeting has been arranged to discuss the detailed comments raised by these officers.

- **Drainage and Flood Risk**

71. As the site is within Flood Zone 2 the application is accompanied by a Flood Risk Assessment and Drainage Strategy, which has been considered and accepted by the Environment Agency, subject to conditions. The proposed development will increase the impermeable area on the application site by 2.8ha. The proposed drainage strategy will ensure that there is no increase in on-site and downstream flood risk as a result of the proposed development. Surface water currently drains to Lolworth Brook
72. It is proposed to discharge surface water through swales, pipes and storage areas under the porous areas of the car parks, incorporating sufficient attenuation to allow discharge at a controlled rate not exceeding 3 litres per second per hectare of development during a 1:100 year rainfall event with an allowance for climate change.
73. All piped discharges from high risk areas such as the service yard will be passed through petrol interceptors and/or trapped gullies prior to discharge to the swale. The swale will incorporate a reed bed to further filter any remaining pollution and sediment and reduce the risk of any pollution entering into Lolworth Brook.

74. The report summarises the main components of the proposed surface water drainage strategy which will be dealt with using SuDS.
75. The floor level of the proposed building will be set at 21.4m, which is the same as the adjacent building and well above any modelled or predicted flood level. The development will provide a swale along the southern, western and northern boundaries to provide both flood storage for the development and, if required, provide a flow path from any overflow from the Lolworth Brook around the development.
76. The Landscapes Officer has queried whether the fall to allow the surface water drainage scheme to work satisfactorily and this will be discussed further with the applicant.
77. Anglian Water has advised that foul water flows can be accommodated at the Uttons Drove STW.

- **Archaeology**

78. Planning Policy Statement 5 – Planning for the Historic Environment states at Policy HE6 that where an application site includes, or is considered to have the potential to include, heritage assessments with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where desk-based assessment is inadequate to properly assess the interest, a field evaluation.
79. The documentation submitted with the application includes an archaeological assessment of the site, based on a desk top study carried out by Archaeological Solutions Ltd. It concludes that there is potential for archaeological remains at the site but considers overall that the potential is low to moderate. It anticipates that archaeological trench evaluation will be required by the County Archaeologist, either for pre-determination or as part of a planning condition.
80. Cambridgeshire Archaeology has also outlined in its comments what it considers to be the archaeological potential for the site, given its location and previous finds in the area. In this case it has recommended that an archaeological investigation be carried out in advance of the determination of the application in order for fuller consideration of the presence/absence, nature, extent, quality and survival of archaeological remains within the development area. An informed judgement can then be made as to whether planning consent will need to include provisions for the recording, and more importantly, the preservation of important archaeological remains in situ. It has confirmed that in the absence of such an investigation it would recommend refusal of the application, and that it would support that position at appeal.
81. I have passed this request to the applicant, and whilst recognising the need to carry out further on site investigation prior to any work commencing on site, concern has been expressed that the need for this work to be carried out prior to the determination of the planning application was not identified earlier, when its archaeological consultant sought advice from Cambridgeshire Archaeology during the preparation of the ES. Given the expense additional expense involved, in advance of knowing whether the principle of the proposed development will be supported by Members the applicants suggests that this work is not undertaken unless planning consent is to be granted and accepts that the risk of uncovering something during the elevation might put the project in doubt.

82. Members will need to take a view on this point, however officers are of the view that given that any resolution of Members can only be minded to approve at this stage, and the formal period for determination of the application does not expire until 2 March, that the extent of the further archaeological investigation work should be ascertained by the applicant at this stage, so that the work can commence after the date of the meeting if Members are minded to approve. I will discuss further with the applicant and Cambridgeshire Archaeology whether the work could be carried out to allow a decision to be issued by 2 March.

Ecology and Biodiversity

83. The applicant has carried out an Extended Phase 1 Habitat Survey as part of the ES. It concluded that while the biodiversity of the area within the application site was considered to be relatively low, it was recognised that certain protected species, namely badgers and breeding birds were present in the study area. With the mitigation measures proposed during construction the ES concludes that it is unlikely that any effects will be significant, and that in respect of the completed development, there will be significant positive effects as a result of habitat creation, which will include up to 500m<sup>2</sup> of grassland planted, linear features 600m long of new species rich hedgerows and 400m long swale type habitats.
84. The Ecology Officer is content with the work carried out in respect of the arable land comprising the west part of the site but has highlighted the potential to improve the existing stream located on the east side of the Company's existing site. This is currently being discussed with the applicant and can, along with other ecology and biodiversity matters, be covered by suitable conditions.

• **Public Rights of Way**

85. As part of the development it is proposed to divert the Public Bridleway No.1 Bar Hill, which currently runs through the site, around the boundaries of the extended site to link to the route of the existing bridleway to the north east of the site.
86. In officer view this offers to enhance the bridleway by providing a longer route for users, on the edge of a landscaped area/edge of countryside location. Detailed revisions to the proposal have been suggested, including the omission of the 90° bends currently indicated in the corners of the site.
87. Officers support the suggestion of the Rights of Way and Access Team, Cambridgeshire County Council that the applicant is involved in discussions with adjoining landowners to see if a link can be provided from the bridleway to the existing Public Footpath No.5 Lolworth, which currently comes to an end adjacent the A14. The opportunity to create a circular route exists which will provide greater opportunity for users. This comment has been passed to the applicant for consideration, however, as it will require the agreement of other landowners I do not consider that it should be a requirement of the planning consent, although it is to be strongly encouraged.
88. It is pointed out by the Rights of Way and Access Team that a formal diversion of the bridleway will need to be sought and obtained prior to the commencement of development and that the granting of planning consent does not prejudice this procedure. Conditions and informatives can be included in any consent to deal with these matters.

- **Energy Efficiency**

89. The application is accompanied by an Energy Statement and a Sustainability Statement, which demonstrates that a strategy has been produced to achieve a 10% reduction in energy consumption with the use of renewable technology, required to meet the Council's requirements. The measures include the use of wind catcher natural ventilation terminals on the roof, a roof mounted photovoltaic array (800m panel array), and low U-values and passive design measures.
90. The submitted information indicates that the built elements of the proposal will limit the company's carbon footprint through the implementation of a number of energy reducing technologies. The proposed development has the potential to be very energy efficient by being heavily insulated, using energy efficient management and efficient lighting controls
91. The comments of the Council's Sustainability Officer will be reported however given the scale of the development officers would encourage the introduction of measures which go beyond the 10% minimum reduction. The details of these measures can be controlled through condition.

- **Lighting**

92. Given the nature and scale of the development, the incorporation of a service road along the south and west sides of the site, and the service yard on the north side, which will all need to be lit, the potential impact of external lighting is something which need careful consideration to ensure that, regardless of any impact of the building itself. The application indicates that there will be a need for 48 lighting columns need to be used these may be around 6m high although 8m is referred to in one section of the ES, but will be designed to prevent any upward light and concentrate all light energy downwards.
93. The ES also deals with lighting required during the construction phase and puts forward mitigation measures for both this phase and the completed development designed to minimise the impact and use of external lighting.
94. If the development is approved a condition will be required for the submission of a detailed scheme of external lighting for approval.

- **Loss of Agricultural Land**

95. That part of the site which is currently arable land is classified as Grade 3a. Policy NE/17 states that the Council will not grant planning permission for development which would lead to the irreversible loss of Grades 1, 2 or 3a agricultural land unless land is allocated for development in the LDF or, sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural value of the land.
96. In this case the land is not allocated and the loss is irreversible, however the agricultural land is part of a larger area, the continued use of the remainder of which for agriculture will not be prejudiced by the development, and the applicant has demonstrated the need for the development.
97. The area of land lost, at 6ha falls below the 20ha threshold where notification to DEFRA is required.



98. In officers view the demonstrated need for the development outweighs the loss of the area of agricultural land required.

- **Impact on Amenity of adjoining land users**

99. The ES includes sections on Air Quality and Noise and Vibration, and deals with the construction phase and the completed development.

100. In respect of Air Quality it concludes that this is mainly influenced from emissions from road transport from traffic using the A14 and B1050. The report shows that during the construction phase release of dust and particulate matter are likely to occur, but that through good site management and the implementation of suitable mitigation measures such releases will be reduced and excessive releases prevented. The ES considers the residual effects of the construction phase on air quality to be minor adverse to negligible. In respect of the completed development it is anticipated that the impact will be negligible to neutral.

101. In terms of noise and vibration the ES indicates that a Construction Environmental Management Plan will be developed to control the noise and vibration levels and working hours of activities to reduce any effect to acceptable levels. Construction techniques are to be considered such that noise and vibration is controlled using best practicable means approach. In respect of the completed development it is anticipated that the primary noise sources generated will be from road traffic using the site and from service. Due to the existing traffic noise in the area it is anticipated that there will be no significant noise effect and existing housing is located well away from the site entrance. Plant noise will be controlled by selecting and installing appropriate plant and attenuation and again no significant adverse effect is anticipated.

102. The comments of the Corporate Manager – Health and Environmental Services will be reported but it is anticipated that any matters can be adequately dealt with by condition.

- **Public Art**

103. Policy SF/6 encourages the provision and commissioning of publicly assessable art craft and design works in scheme of this scale and this has been discussed with the applicant at the pre-application stage. There is potential to include such works outdoor areas for staff around the building, in the landscaped areas around the building in the landscape buffers, possibly in association with the diverted bridleway, or at an alternative location that might result from discussions with Lolworth Parish Meeting and Bar Hill Parish Council.

104. The appropriate sum required for public art will need to be agreed. The comments of the Development Officer will be reported at the meeting

### **Conclusion**

105. This application represents a departure from policy which will involve the development of a significant area of land beyond the existing western edge of development into part of the open land between it and Lolworth village, within which Parish the new development will be located. The building is of a significant scale, but is well designed and with substantial proposed landscaping which, over time, will help to mitigate the impact of development on the adjacent countryside.

106. The proposal represents a significant expansion opportunity for an established existing company, which is a significant local employer, and will provide the opportunity for the creation of an additional 400 jobs in the period up to 2022. In officers view that company has demonstrated why the proposed expansion needs to be on this site.
107. The concerns of Lolworth Parish Council are issues which need careful consideration and Bar Hill Parish Council, whilst not objecting to the application, has raised concerns about potential traffic generation. No objection has been raised to the application by the highway authorities and issues raised by other consultees can be addressed by condition. The matter of archaeological investigation will be updated at the meeting. Other matters have been considered in detail in this report.
108. Having balanced the various matters associated with this application officers are of the view that it should receive support as a departure.

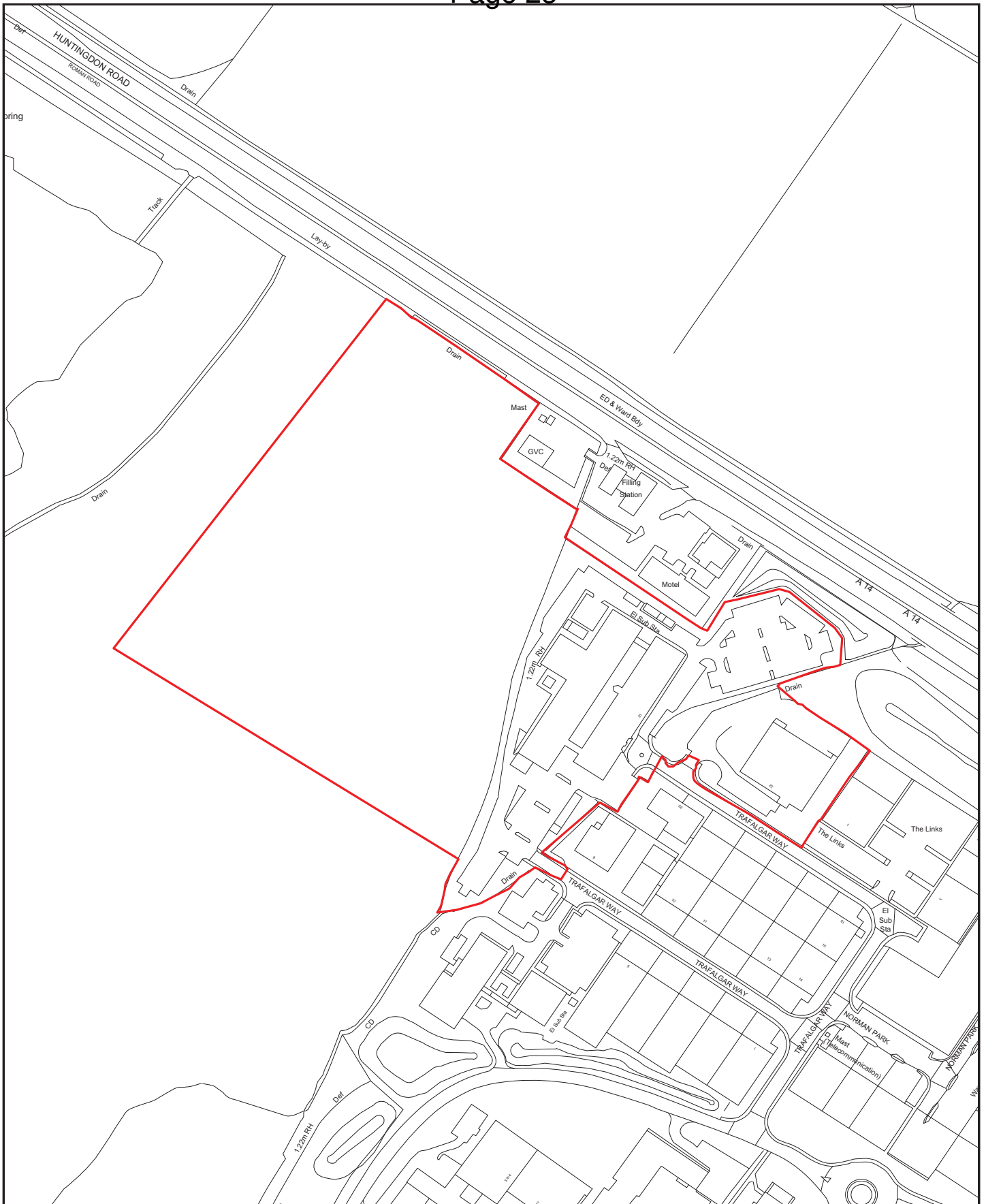
### **Recommendation**

109. That the application be referred to the National Planning Casework Unit advising that having considered all matters that Members are Minded to Approve subject to satisfactory resolution of outstanding matters, including archaeology, subject to safeguarding conditions.
110. Detailed suggested conditions will be included as part of the update report, but will include conditions covering the following:
- Time limit
  - Approved plans
  - First occupier
  - Materials
  - Environment Agency conditions
  - Highway conditions
  - Travel Plan
  - Landscaping
  - Control of construction works
  - Lighting
  - Rights of way
  - Ecology and Biodiversity
  - Public Art
  - Renewable energy technology

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/2273/11

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



South  
Cambridgeshire  
District Council

Planning Dept - South Cambridgeshire DC



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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 1 February 2012  
**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager - Planning  
and New Communities

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**S/1927/09/F - BASSINGBOURN**

**Retention and refurbishment of existing dwelling, conversion of outbuildings to garage and annex/refuse store and erection of 13 dwellings, garages, access and landscaping following demolition of various outbuildings at The Cedars and The Orchard, 26 South End, for Braxted Homes (Bassingbourn) Ltd**

**Recommendation: Refusal**

**Date for Determination: 25<sup>th</sup> March 2010 (Major Application)**

**Notes:**

**This application was reported to the Planning Committee on 7 December 2011 for determination as the officer recommendation at the request of the local Members as the officers reasons for refusal did not reflect the wider objections of Bassingbourn Parish Council and local residents. Members resolved to refuse the application however the decision notice has not been issued as the applicant has indicated that he did not receive notice that the application was being referred to that meeting, and as a result did not have an opportunity to address Members at the meeting.**

**Departure Application****Conservation Area****Site and Proposal**

1. This full planning application, as amended by drawings received on franked 19 August 2011, relates to a 0.85ha area of land to the west of South End. The site comprises The Cedars, No. 26 South End, a 19th Century detached house standing back from the road in well treed grounds. The site also has numerous existing outbuildings and an area of orchard land to the north, located to the rear of the existing properties in South End and Brook Road.
2. The proposal involves the refurbishment and retention of The Cedars as a single dwelling and the erection of 13 new dwellings, along with conversion of outbuildings to garage and annex/refuse store, following demolition of various outbuildings. The density of the development is 16 dwellings per hectare.
3. The proposal includes five affordable dwellings (Plots 1-5) comprising three 2-bedroom and two 3-bedroom dwellings. The eight new market dwellings comprise three 2-bedroom, three 3-bedroom, one 4-bedroom and one 5-bedroom dwelling. The refurbished Cedars will comprise a 6-bedroom dwelling. The dwellings on Plots 1 and 6 are single storey. Although the submitted layout plan includes a plot 15 there is no plot 13.

4. The plan shows an area of open space to the south of the access roadway at the front of the site.
5. A minimum of two car parking spaces are provided on plot for each dwellings, with the exception of Plots 2-5
6. The access to the site would be in the same location as the existing, although it would be widened at this point. This will require the removal of some existing planting. The access will then plot a new path into the site rather than using the existing route. New pedestrian accesses are created to South End, to the South of the vehicular access.
7. To the south, the site adjoins Bassingbourn Village College and the United Reformed Church, a Grade II listed building. To the west, the site adjoins the rear boundaries of properties in Brook Road. Opposite the existing frontage of The Cedars is the Recreation Ground. On its north and east boundaries, the site adjoins properties in South End.
8. The application is accompanied by a Design and Access Statement (including an Open Space Statement, a Sustainability Statement, a Renewable Energy Statement, a Statement of Community Involvement and a Health Impact Assessment), a Planning Summary Statement, an Ecological Assessment, a Flood Risk Assessment, a Historic Buildings Analysis, and a Trees and Development Report.

### **Planning History**

9. A planning application for 23 dwellings on the site was refused at Planning Committee dated 6<sup>th</sup> August 2008 (**S/0883/08/F**).
10. An application for Conservation Area Consent for the total demolition of five outbuildings within the site (**S/0872/08/CAC**) was refused on 8<sup>th</sup> July 2008.
11. A planning application for the erection of five bungalows, including two affordable dwellings on the northern part of the site was submitted in 2004 (**S/1291/04/F**) and remains undetermined, pending the signing of a Section 106 Agreement securing the two affordable units. Access to the development is via a driveway to be constructed between Nos. 14 and 18 South End.
12. In March 2009 an application for the conversion of The Cedars into two semi-detached dwellings, conversion and extension of outbuilding to single dwelling, landscaping and the erection of 17 new dwellings, landscaping and associated car parking following demolition of existing outbuildings was refused (**S/2101/08**). All dwellings were proposed as affordable housing. In determining a subsequent appeal the Inspector determined that the main issues were the effect of the proposal on the character and appearance of Bassingbourn Conservation Area; the living conditions of the occupiers of 22/24 South End, with particular regard to matters of outlook; and the provision of outdoor play space in the area.
13. In dismissing the appeal the Inspector concluded that the proposal failed to preserve or enhance the character or appearance of Bassingbourn Conservation Area. Firstly, he concluded that as the frontage to the houses on plots 19 and 20 of the scheme would consist mainly of paved parking and turning areas this element would present a stark contrast to the planted front gardens identified as a striking aspect of South End in the Conservation Area Appraisal. The hard standing would replace some of the existing mature planting at the front and would be visible from the road, resulting in a serious erosion of the attractive informality of the street scene.

14. Secondly, he was of the view that the proposed single storey dwelling on Plot 1, at the front of the site to the south of the access, would fail to relate to the street scene, due to its orientation in relation to the church building and the road, and as such would be harmful to the character and setting of the church and the pattern of development along South End.
15. Thirdly, he was concerned that the frontage to The Cedars would be mainly hard paved, with parking spaces very close to it, and that this would detract from its appearance, as it would leave limited areas of planting at the front. Furthermore its rear would be close to the access road and the proposed brick wall would make it appear unacceptably cramped in relation to its overall scale.
16. Finally he concluded in respect of the courtyard of development in the 'old orchard' part of the site, that the number of car parking spaces that would be provided would be such that the general view would be of large expanses of hard paved areas, particularly in front of the dwellings on Plots 8 to 15. He was of the view that this would give an urban appearance to the courtyards, which would conflict with the generally green character and appearance of the area, and concluded that the number of parking spaces, which was as a consequence of the density, would be harmful to the appearance of the development as it would reduce the amount of space that would be available for planting within the public realm.
17. In all other respects the Inspector identified no specific harm.
18. In February 2010 an application (Ref: **S/1928/09/CAC**) for the total demolition of four outbuildings was refused on the grounds that demolition was premature as there were no acceptable proposals for the redevelopment of the site, and would therefore be contrary Policy CH/5 and paragraphs 4.26 and 4.27 of Planning Policy Guidance Note 15, which seek to prevent development which would adversely affect the conservation area.

### **Planning Policy**

19. South Cambridgeshire Local Development Framework (LDF) Core Strategy 2007  
**ST/6** – Group Villages
20. South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:
  - DP/1** - Sustainable Development
  - DP/2** - Design of New Development
  - DP/3** - Development Criteria
  - DP/4** – Infrastructure and New Development
  - DP/7** – Development Frameworks
  - HG/1** – Housing Density
  - HG/2** – Housing Mix
  - HG/3** – Affordable Housing
  - NE/1** – Energy Efficiency
  - NE/3** – Renewable Energy Technologies in New Development
  - NE/6** – Biodiversity
  - NE/9** – Water and Drainage Infrastructure
  - NE/12** – Water Conservation
  - TR/1** – Planning for More Sustainable Travel

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

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

**SF/11** – Open Space Standards

**CH/4** – Development within the Curtilage or Setting of Listed Buildings

**CH/5** - Conservation Areas

21. South Cambridgeshire Local Development Framework Development Supplementary Planning Documents:

Development Affecting Conservation Areas SPD - Adopted January 2009

Open Space in New Developments SPD - Adopted January 2009

Trees and Development Sites SPD - Adopted January 2009

Biodiversity SPD - Adopted July 2009

Listed Buildings SPD - Adopted July 2009

District Design Guide SPD – Adopted March 2010

Affordable Housing SPD – Adopted March 2010

22. National Planning Policy

PPS1 General Principles

PPS3. Housing

PPS5: Planning for the Historic Environment

PPS7 Sustainable Development in Rural Areas

### **Consultation**

23. **Bassingbourn Parish Council** recommends refusal. In respect of the latest amended drawing it comments that ‘the application does not comply with the local development framework. The development is not suitable for a conservation area. The appeal decision stated that the development must preserve and enhance the conservation area.
24. In its previous comments it stated: “The proposed development is not substantially different from that turned down by the District Council whose decision was upheld by the Planning Inspector Martin Whitehead (under appeal number APP/W0530/A/09/2105383) who decided that the proposal would ‘fail to preserve or enhance the character and appearance of Bassingbourn Conservation Area’.
25. There has also been the recent change in government policy on the status of ‘gardens’. The Government has amended the definition of ‘brownfield land’ in *Planning Policy Statement 3* which now reads (as far as it is relevant) as follows: ‘Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated infrastructure. The definition .... excludes.... Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been developed.’ The Cedars consists of a house and garden and orchard and cannot now be reviewed as a ‘brownfield’ site.
26. *The South Cambridgeshire Core Strategy Development Plan Document of January 2007 under Policy ST/6* designated Bassingbourn as a ‘Group Village’ and provided that: ‘Development may exceptionally consist of up about 15 dwellings where this would make the best use of a single brownfield site.’
27. At the time of the resubmitted application in the Design and Access Statement dated 24<sup>th</sup> December 2009 the Developer submitted that this development fell within this



exception. The site in question is not now a 'brownfield site' therefore the exception does not apply and the application does not accord with the Local Development Plan."

28. The **Local Highway Authority** does not object to the application. It comments that it will not seek to adopt the development due to proposed construction process due to the trees within the site. Visibility splays should be provided as shown on the submitted drawings. Two car parking spaces per dwelling should be provided in this location. The access road should be at 90<sup>0</sup> to the carriageway of South End for a minimum distance of 10m from the centre line of South End. A ramp/rumble strip should be provided at the entrance to the development, and the proposed footway should be continued on both sides of the access for 2m past this strip. A bin collection point should be provided. The existing access to South End should be closed and the footway/verge reinstated. A Travel Plan should be required by condition. The implications of the long-term maintenance, lighting and surface water drainage of the access road should be considered.
29. The **Conservation Manager** recommended refusal of the application as originally submitted on the grounds of the over intensive number of units and the bulk, scale, location, form, orientation, prominence, design and materials of the proposed development which would be contrary to the character of the conservation area and setting of Listed Buildings. In addition the loss of historic structure on the site, including the nineteenth century garden wall, would also be detrimental to the character of this part of the conservation area. Of particular concern were the proposed plot at the front of the site to the south of the access road, the two dwellings to the north of the access at the front of the site, the treatment of The Cedars where the back of the house faced the street, the form of development in the old orchard area, and the lack of information to judge the impact of the proposed development
30. Having had regard to the Inspector comments and the latest set of revised drawings the Conservation Manager is of the view that the concerns relating to the development at the South End of the site, which includes the omission of the dwelling previously proposed to the south of the road, the revised treatment of The Cedars and surrounding areas, have been addressed, with the exception of the proposed additional pedestrian access onto South End. The development remains unacceptable however in respect to the old orchard area of the site, and the additional footpath to South End.
31. **Cambridgeshire Archaeology** comments that the site lies in an area of high archaeological potential and considers that the site should be subject to a programme of archaeological investigation, which can be secured through the inclusion of a negatively worded condition.
32. The **Urban Design Team** suggested revisions to the original scheme, particularly in respect of the orchard area, which were put to the applicant.
33. The **Trees and Landscape Officer** comments in respect of the revised drawings that a method statement is still required for the installation at the front of the site within the root protection area of the TPO Yew trees. There is an objection to the two paths through the TPO trees on the frontage to access the LAP, and it is queried why two paths are required. Concern continues over future pressure on significant trees within the site, although the comments of the Inspector are noted
34. The **Corporate Manager (Health and Environmental Services)** is concerned that problems could arise from noise and suggests conditions regarding hours of use for

power operated machinery and method statement submissions regarding pile driven foundations. Also, requests an informative regarding bonfires and the burning of waste on site.

35. The **Scientific Officer (Contaminated Land)** has considered issues of land contamination on this former farm site. A condition is requested regarding a detailed scheme for the investigation and recording of contamination and remediation objectives.
36. **Anglian Water** states that it owns no assets within the site boundary. The foul flow can be accommodated within the foul sewerage network system that at present has adequate capacity. They require details regarding connection. There are no public surface water sewers within the locality. The applicant will either need to construct their own or requisition the provision under the Water Industry Act 1991. Alternatively, the applicant can find a suitable alternative in agreement with the Environment Agency. Bassingbourn Sewage Treatment Works has available capacity for the flows.
37. The **Housing Development and Enabling Manager** is supportive of the provision of 40% of the dwellings as affordable housing but is concerned that the proposal for all the units to be offered as intermediate housing as this is not in line with the requirements for tenure split in the Affordable Housing SPD. Whilst the mix could not be supported the impact of proposing a 70/30 split in favour of rented units would have on the viability of the scheme could be discussed. Early engagement with a Registered Provider is encouraged
38. The **Ecology Officer** has visited the site again recently with the applicant and comments he found activity of badgers. He suspects that either a badger had become stuck in the site and had taken shelter beneath a shed temporarily or that badgers know where there is seasonable food available and investigate the orchard in late summer. This matter can be dealt with by condition requiring a re-assessment to determine if holes are active and to produce a mitigation strategy according to issues arising. A condition should be added to any consent so that any vegetation is cleared outside the bird nesting period.
39. A greater portion of fruit trees should be retained within rear gardens and a condition should be attached to secure a revised scheme of tree retention. Previous ecological surveys have established that The Cedars provides a bat roost, and prior to any alteration to the building the 2008 survey should be repeated to establish the current roost status. The replanting of suitable fruit trees must be secured by condition, as should a scheme of ecological enhancement (to provide nest box, bat box and deadwood habitats). The site has much potential to provide nest sites for the swift colony associated with this area of Bassingbourn.
40. Bassingbourn has a number of remaining orchards, one of which is managed by the local community, and discussions have previously been held with the applicant the possibility of providing a fund to assist the local community with the community orchard's management.

### **Representations**

41. Letters of objection have been received from the occupiers of Nos 1, 3, 4, 8, 10, 14, 20, 22/24, 33, 54, 60, 76 and 86 South End, Nos 29, 31, 37 and 39 Brook Road, and Nos 1 and 16 The Tanyard. The grounds of objection are summarised below:

- (a) Contrary to Policy ST/6 which states that Bassingbourn is a Group Village where development limit is 8 dwellings, and exceptionally up to 15 dwellings on brown filed land. Nothing about this scheme is exceptional.
- (b) The scheme represents 'garden grabbing' which Government sees as a threat to urban green space and has reclassified garden land, so that the site is now greenfield and is no longer brownfield, making it easier for councils to reject applications where local people raise objections. This is clear that such development should not be permitted, particularly as the local community is opposed.
- (c) Does not enhance the character or quality of the conservation area – contrary to Development Plan polices and PPS5. Urbanised overdevelopment. South End is a small village road with at least 12 listed buildings and the proposed development has no sympathetic aspects that would augment or blend in with the historic road
- (d) Contrary to Policy DP/2 as it does not preserve or enhance the local area
- (e) Contrary to DP/1, DP/2, DP/3, DP/7, HG/5, CH/4, NE/6, SF/10
- (f) Layout destroys a protected orchard, which is the remaining area and should be left alone.
- (g) Does not complement neighbouring buildings in terms of density. Buildings are inappropriate in terms of mass and ridge heights, and as a result will be highly visible from addling and surrounding properties.
- (h) Overlooking of adjacent properties, including 10 South End, with potential for further windows in roofspaces at later date.
- (i) Impact on 22/24 South End - although Inspector previously said impact of dwelling to south of 22/24 South End was acceptable, there is now a gable end which is substantially larger than the roof slope in the previous application, which will be overbearing.
- (j) The lack of justification for the removal of the existing outbuildings, some of which are in good condition. The greenhouse comprises an attractive brick wall. Loss of two buildings which make a positive contribution to the Conservation Area.
- (k) Loss of habitat for wildlife, which should be protected. Ecology survey is out of date. Site has been left unattended and supports a lot of wildlife. Development appears to be close to a badger sett and the applicant should provide an independent assessment to say if this is currently active. Concern about loss of slow worms.
- (l) Highway danger as access is on apex of curve in South End, which restricts visibility onto what is a busy main car, cycling and waling route to and from the junior school and village college.
- (m) Difficult blind junction with High Street and North End, where congestion occurs and has led to a number of near misses and one serious accident near to the junction.
- (n) Traffic survey flawed and based on same incomplete data as the previous submission.
- (o) When recreation ground in use cars parked all along South End and opposite The Cedars.
- (p) Concerns regarding the A1198 junction.
- (q) In sufficient car parking provided within the site
- (r) Bulk of Plots 2 to 5 and impact on 37 and 39 Brook Road, including loss of light to garden areas, along with impact of associated car parking spaces and communal access road, which will become a play area
- (s) Adequate boundary screening to properties in Brook Road has not been provided. Proposed beech hedge along boundary with No37 would prevent maintenance of an outbuilding

- (t) Impact on trees in Conservation Area – the scheme destroys some and damages others. Root systems of preserved trees will be damaged by development and will prejudice their future survival. What evidence exists that retained trees will not suffer from these concerns? There is a further loss of trees from the scheme dismissed at appeal, which considerably reduces screening previously afforded to neighbouring properties. A large mature protected tree has disappeared from the latest plan – is this an error or an agreed amendment? Concern about future pressure to remove trees as they will result in loss light to the new dwellings.
- (u) Properties in this part of South End have more generous frontages. The grass verge, mature trees and playing fields, together with well planted frontages to the houses give the area a green, semi-rural character and appearance, which the proposed development would destroy
- (v) Will exacerbate existing local flooding issues and there will be water run-off to adjoining properties. The area suffers from flash floods, the geology, high water table and limited surface water drainage in South End makes surface water problematic and the proposed soakaway is not technically feasible, and is not adequately designed. It is understood the current surface water system is designed to only cope with a severe downfall once in every 30 years.
- (w) Scheme basically the same as that previously turned down at appeal. The overriding point was that the proposed development neither preserved or enhanced the conservation area and could therefore not be classed as an exception site. Although the number of houses has been reduced the build area remains substantially the same. Continued rejection is the only possible outcome. The application has failed to address the strong local concerns
- (x) The occupiers of 20 South End continue to object to the scheme, as the property would be surrounded by the new development. There is only 1 metre between the back of No 20 and the orchard land, and as result it will be overlooked by the new houses. however if the two semi-detached houses, Plots 11 and 12, were reduced to single storey the impact on No 20 would be reduced. A rendered wall instead of a fence would also be an improvement.
- (y) Disproportionate favour is being given to the developer if planning officers are not applying current legislation to the development. The developer has been afforded an unreasonable amount of time to amend the application and while the application remains undetermined it acts to blight all properties which border the site
- (z) The affordable housing element is not guaranteed. The scheme no longer proposes 100% affordable housing and should therefore not be treated as an exception.
- (aa) Increase in demand for sewage disposal.
- (bb) There is already other housing development taking place in Bassingbourn and a large site in Royston, which are far more suitable.
- (cc) Bassingbourn is poorly served by public transport
- (dd) Lack of local consultation by the developer
- (ee) Lack of local consultation by the developer
- (ff) The site should be treated as two separate plots of land
- (gg) There are inadequate employment opportunities in the village
- (hh) Reduction in number of dwellings welcomed
- (ii) Disruption during construction process
- (jj) Site has not been marketed for many years. A previous proposal for 5 bungalows on the orchard part of the site would be more acceptable.
- (kk) If consent is granted conditions should be attached which require street lighting to be low level and shielded; a full bat and amphibian survey to be submitted prior to work commencing; restriction on working hours during

construction; restrict burning of waste; require developers and contractors to act in a reasonable manner.

- (II) If approved the application is likely to be unlawful and a judicial review will be sought

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

42. The key issues regarding the application are the principle of a scheme proposing the erection of 13 new dwellings on the site (total 14), the impact upon the Conservation Area, affordable housing, the impact upon trees, ecology, the impact upon neighbour amenity, highway safety and parking, drainage and flooding, open space provision, and other matters raised. It is also necessary to assess whether the specific issues identified by the Inspector as the reasons for dismissing the earlier appeal have been satisfactorily resolved.

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

43. Bassingbourn is classified as a Group Village in the Local Development Framework Core Strategy, adopted January 2007. The classification allows residential development up to an indicative maximum size of 8 dwellings within village frameworks and takes into account the facilities in the village and its accessibility. This may exceptionally be extended to about 15 dwellings where this would make the best use of a single brownfield site. The proposal would result in a net gain of 13 units, with 14 dwellings in total.
44. When the current application was originally submitted in December 2009 the site was classified as brownfield land. In June 2010, during the course of the consideration of this application, a revised PPS3 was published which excluded private rear gardens from the definition of brownfield land. The proposal therefore now represents a departure from the development plan and has been advertised as such.
45. The development plan remains the starting point for the consideration of planning applications, however, in each case it is necessary to identify any specific harm that will result from a proposed development .
46. The revised PPS3 also deleted the national indicative minimum density of 30 dwellings. PPS3 however retains a requirement when determining planning applications to use land effectively and efficiently. PPS 3 states that where Local Planning Authorities cannot demonstrate an up-to-date five-year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in the PPS.
47. The Inspectors appeal decision letter (S/2101/08) is a material consideration in the determination of the application. The above paragraphs highlight changes in the status of the land and changes to Government advice since the appeal determination but the Inspector commented on the site specific issues generated by the proposal under consideration at that time and dismissed the appeal specifically on the four issues set out in paragraphs 12-16 above. In all other respects he found no material harm that would arise as a result of the proposed development, and did not make any comment that would infer that a number of dwellings greater than 8 could not be made acceptable on this site. Although the Inspector was considering an application for 100% affordable housing the physical and environmental impact of development is not affected by the tenure of housing.

48. Officers are mindful that there is an extant resolution to approve an application for the erection of 5 dwellings on the orchard part of the site (see History above). This development is to be accessed from a new road between Nos 12 and 14 South End, and is not reliant upon access through The Cedars site. The current application, as amended, proposes the erection of 6 new dwellings on The Cedars part of the site, making a total of 7 dwellings with the existing Cedars house. The Cedars section of the site has its own access and could be developed separately from the orchard site. Assuming that development of the Cedars site for 7 dwellings and the orchard site by a further 5, there would be total of 12 dwellings on the two sites.
49. There is no policy in the Local Development Framework which restricts cumulative development as a matter of principle, in terms of limiting overall numbers on adjoining sites, although Policy DP/5 does seek to ensure that such schemes do not avoid the requirement for infrastructure contributions, result in piecemeal, unsatisfactory form of development, or prejudice development of a site adjacent or nearby.
50. Officers are therefore of the view that given the potential for the separate development of the two adjoining pieces of land by more than 8 dwellings, that it would be unreasonable object in principle to a development of more than 8 dwellings on a combined site as a departure from the development plan.
51. Officers are also of view that development as a single site is of benefit in that it would negate the need for the creation of a new vehicular access between 12 and 14 South End, which would help preserve the character and appearance of that part of the conservation area.
52. Given the above and the fact that when the application was submitted the site was classified as brownfield land, and initial negotiations took place with the applicant basis, officers are of the view that in principle a development of more than 8 dwellings could be supported on this site as a departure, subject to the detailed scheme being acceptable when considered against other policies/issues.

### ***Density***

53. Although the density of the scheme at 16 dwellings per hectare is below the minimum of 30 dwellings per hectare usually sought by development plan policies, officers consider there to be exceptional local circumstances that require a different treatment in order to make best use of land whilst retaining local character.

### ***Need/Mix and Tenure***

54. The Housing Development and Enabling Manager supports the provision of 40% of the dwellings as affordable housing units, although the proposal that all units should be offered as intermediate housing does not satisfy the requirements of Policy HG/3 and the Affordable Housing SPD. No viability appraisal has been submitted to demonstrate that there is any justification to depart from the normal mix of tenure sought and therefore in its current form the proposal is unacceptable in this respect.
55. In terms of the mix of the new market housing proposed officers are of the view that the scheme satisfies the requirements of Policy DP/2, with 37% of the new market units being 2-bedroom, 37% 3-bedroom and 25% 4+bedroom.

### ***Impact upon the Conservation Area***

56. The application lies in the heart of the Bassingbourn Conservation Area. The Conservation Team remains unsupportive of the development of this site in the manner shown. In coming to this view it has had regard to the Inspectors comments in the appeal decision and the revisions made during the course of the current application.
57. Given this officers are of the view that in respect to the southern section of the site the revised scheme is now acceptable, with the exception of the additional pedestrian to South End. The plot previously proposed at the front of the site, to the south of the entrance has been deleted and this area is now shown as open space. The area at the front of the proposed detached house to the north of the entrance (shown as Plot 15 on the layout plan) has been revised and the area of parking and hardsurfacing re-arranged. The Cedars is now proposed to remain as a single dwelling and the area in front of it is to remain as its front garden, so that the house continues to face towards South End.
58. There remains concern about the layout and design in the orchard section of the site. In dismissing the appeal the Inspector was concerned at the amount of hard paved areas and car parking, which was as a result of the density of development proposed, and that this would be harmful to the appearance of the area. Although the number of dwellings proposed in this area has been reduced the area of hard paved areas remains excessive, and in officers view continues to dominate this area of the development and detract from its character. Officers are also concerned that the height of the proposed houses on Plots 7 and 8, in the north west corner of the site, at 9.4m to ridge, is excessive and will not relate well to other houses in this part of the development and be unduly dominant when viewed from neighbouring dwellings. For these reasons officers are of the view that the development neither preserves nor enhances this part of the Conservation Area.

#### ***Demolition of Existing Buildings***

59. Conservation Area Consent has been refused for demolition of the building, on the grounds that there is currently no approved scheme for the re-development of the site. The Inspector identified two of the four buildings to be demolished as making a positive contribution to the Conservation Area. One of these, the existing greenhouse in front of The Cedars, is shown as being retained in the current application. The other building, referred to a Building C in the previous appeal is still shown to be removed, however it has now been accepted that the volume of this building is below that which requires Conservation Area Consent for demolition.

#### ***Impact on Trees***

60. The application is accompanied by a Trees and Development Report. In dismissing the previous appeal on this site the Inspector did not raise an objection to the relationship of proposed dwellings to existing trees on site. In respect of the key trees previously identified by the Trees and Landscape Officer this position remains unchanged. There is however concern about the introduction of a second point of pedestrian access to South End, to the south of the main entrance, and that no information is provided with the application to show how this might impact on existing trees at the front of the site, which are important to the character of the site when viewed from South End. In the absence of any information demonstrating that this pedestrian access can be provided without prejudice to the retention of existing trees it is unacceptable.
61. There are no other concerns raised by the Trees Officer regarding the removal of the trees from the site. Strict conditions would be necessary for foundation work,

development within Root Protection Areas, storage of construction materials, and construction methods for the access.

***Impact upon Neighbour Amenity***

62. In dismissing the previous appeal the Inspector considered concerns raised by the Local Planning Authority regarding the relationship of the proposed dwellings to adjacent properties, in respect of the occupiers of No 22/24 South End, and concluded that the relationship was acceptable. Although the design of the proposed dwelling on the plot adjacent to this dwelling has changed since the previously refused scheme, it retains the same siting and scale and therefore the impact on the occupiers of No 22/24 is unaltered from that which the Inspector deemed to be acceptable.
63. In other respects the Inspector concluded that the relationship to adjacent dwellings was acceptable. The position of dwellings in the south west corner of the site, Plots 2-5 is unchanged and although the parking area has been revised officers are of the view that it does not materially change the impact on dwellings in Brook Road at the rear. A 2.0m high rendered wall is now proposed on the boundary of 37 and 39 Brook Road.
64. Officers are concerned that the proposed dwelling on Plot 6, although single storey, will be overbearing when viewed from 31 Brook Road, given the proximity of both properties to the respective boundaries. A distance of 16m is allowed from the rear wall of the proposed dwellings on Plots 11 and 12, and although the adjacent dwelling, 20 South End, is located very close to the site boundary, Officers are of the view that the distance between the properties will be sufficient to prevent any overbearing impact. No 20 South End is a single storey dwelling and officers are of the view that appropriate boundary treatment and planting will avoid any unreasonable overlooking of ground floor windows. As highlighted above officers are concerned at the overbearing impact if plots 7 and 8 on adjacent dwellings, due to height and proximity to the boundary of the site.

***Highway Safety and Parking***

65. The proposal has a revised access onto South End. The Local Highways Authority has not objected to the access itself, subject to conditions regarding both vehicle to vehicle and pedestrian visibility splays. They do however state that the access should be at 90° to the carriageway for the first 10m to allow the safe entering and leaving of the site onto South End. This is addressed on the revised drawings.
66. In dismissing the previous appeal the Inspector did not find any reason to object to the development on highway grounds. The present scheme proposes a reduced number of units and I am therefore of the view that this position should be maintained. The Local Highway Authority has confirmed that it retains its view that there is no reason in principle to the proposed development from a highway point of view despite local concerns that traffic conditions in the village have altered since the application was originally submitted.
67. A minimum of two car parking spaces are provided per dwelling. The Local Highway Authority has indicated that it will not seek to adopt the development, and matters that it raises regarding maintenance, street lighting, surface water etc could be addressed by condition



***Drainage and Flooding***

68. There has again been a considerable amount of local concern about the ability of the existing foul water drainage system to cope with the demands that would arise from the proposed development. Anglian Water has confirmed that there is adequate capacity for foul water discharge. With regards to surface water drainage, there are no public sewers in the locality. The applicant will need to find an alternative method of surface water drainage, which would need to be agreed with the Local Planning Authority following consultation with the Environment Agency. This can be done by condition.
69. The matter of drainage and flooding was not one which formed part of the Inspectors reasons for dismissing the earlier appeal, and the current application proposes a reduced number of dwellings.
70. The comments has been made locally that the high water table in the area may prevent soakaways working satisfactorily on the site. Officers have discussed this concern with the Building Inspector and it is confirmed that whilst a surface water system may need to be designed to address the specific site conditions, it can work satisfactorily. A condition can be imposed requiring details of a surface water drainage scheme to be submitted, which would need to demonstrate that the proposed development will not exacerbate any existing drainage problems in the area.

***Ecology***

71. The Ecology Officer has visited the site again recently with the applicant. If consent is to be granted conditions can be attached requiring the additional survey work suggested and the submission of schemes for bird and bat box provision. The landscaping scheme can address issues of additional fruit tree retention and new planting. It is possible that the open space contribution for the site could be used for the community orchard, if this approach were to be agreed with the Parish Council.

***Open Space Provision***

72. The site is in very close proximity to the existing recreation ground and I am therefore of the view that an Informal Play Space need not be provided however a Local Area for Play (LAP) should be provided within the site. The application provides such an area at the front of the site. An off-site contribution of £35,508.66 in line with Policy SF/10 will be required and the applicant has accepted this obligation. The matter can therefore be dealt with by condition.

***Other Matters***

73. There is likely to be disruption to the village during construction, as there would be for any scheme of this type. A condition can restrict hours of operation for power-operated machinery during the course of construction.
74. In assessing the application officers have noted that the revised site plan, franked 19 August 2011, does not contain a plot 13, and that elevations and floor plans for the plot numbered 15 on the site plan are represented by drawing 08.498 4.09A franked 19 August 2011, which is incorrectly titled plot 14. In addition officers have noted that the site plan contains an error in that it shows the incorrect roof plan for the proposed dwellings plots 7 and 8, the elevations and floor plans of which are shown on drawing 08.498 4.05 franked 5 April 2011.

**Conclusion**

75. Officers are aware of the strong local concern regarding both the principle and details of this application. For the reasons stated above officers are of the view that this application could be considered as a departure from the development plan in terms of the number of dwellings proposed. However any scheme should demonstrate that it has satisfactorily addressed the grounds upon which the earlier application was dismissed at appeal. Although officers are of the view that the revised scheme has addressed most of these issues, the scheme, in so far as it relates to the area of the old orchard fails to address previous concerns and neither preserves or enhances the Conservation Area, and adversely impacts on neighbour amenities. There is also concern about the proposed second pedestrian access to South End. As currently submitted the application also fails to demonstrate compliance with Policy HG/3 and the Affordable Housing SPD in terms of the tenure for the affordable housing.

**Recommendation**

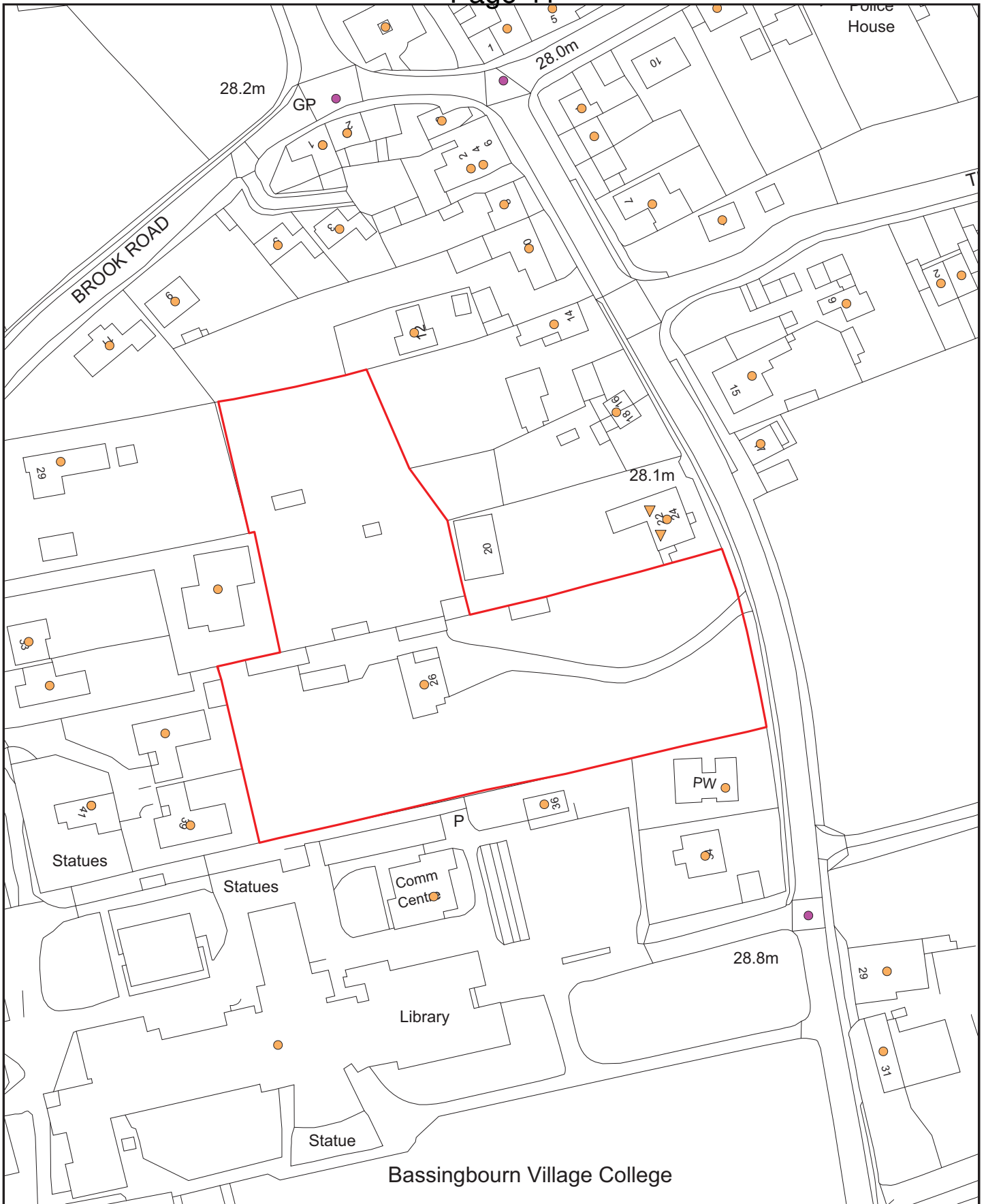
76. That the application (as amended), is refused for the following reasons:
1. The proposed development, in the areas of Plots 6 to 12, by reason of the amount of hard surfaced areas and the height of the proposed dwellings on Plots 7 and 8 will neither preserve nor enhance the present rural character of this part of Bassingbourn Conservation Area, contrary to the aims of Policy DP/2 and CH/4 of the South Cambridgeshire Local Development Framework Development Control Policies 2007 and PPS5 Planning for the Historic Environment.
  2. The application proposes a pedestrian access to South End, close to the southern boundary of the site, through an area that contains mature trees which play an important role in the rural character of the site. Inadequate information is provided with the application to demonstrate that this access can be provided without prejudicing the retention and future well-being of the planting on the site frontage, and as a result the development fails to demonstrate that it will preserve or enhance the character of the Conservation Area, contrary to the aims of Policy DP/2 and CH/4 of the South Cambridgeshire Local Development Framework Development Control Policies 2007 and PPS5 Planning for the Historic Environment.
  3. The proposed dwelling on plot 6, by reason of its proximity to the boundary of the site with No 31 Brook Road, will have an overbearing impact when viewed from that dwelling and its garden, and the proposed dwellings on Plots 7 and 8 will, due to the height and proximity to the site boundary, be overbearing when viewed from adjacent properties in Brook Road and South End. The development therefore fails to comply with the aims of Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies 2007, which seeks to ensure that new development does not have an adverse impact upon residential amenity.
  4. The application seeks to provide 5 affordable housing units in line with the requirements of Policy HG/3 of the South Cambridgeshire Local Development Framework Development Control Policies 2007, however the proposed tenure of these houses fails to comply with the requirements of Policy HG/3 and the Affordable Housing SPD adopted March 2010. Inadequate information has been put forward with the application to demonstrate that such an approach is justified in this case.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies 2007
- Planning Files Ref: S/1927/09. S.1928/09/CAC, S/2104/08/CAC, S/0883/08/F, S/0872/08/CAC, S/1291/04/F & S/1687/03/F

Contact Officer: Paul Sexton - Principal Planning Officer  
Telephone: (01954) 713255

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Bassingbourn Village College



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Cambridgeshire  
District Council**

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Time of plot: 15:14

Date of plot: 16/11/2011

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee1<sup>st</sup> February 2011**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and New Communities)

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**S/1044/11 – GREAT EVERSDEN**  
**10 affordable dwellings - Site known as OSP 148, Church Street**  
**for Mr J Walton, Accent Nene Ltd**

**Recommendation: Refusal**

**Date for Determination: 22 August 2011**

**Members will visit the site on Tuesday 31st January 2012**

**This application has been reported to the Planning Committee for determination as the application is submitted on land owned by the District Council where objections on material planning grounds have been received, and the site is an exceptions site for affordable housing where the Parish Council disagrees with the District Council on material planning grounds**

**The proposal is a Departure application**

**Site and Proposal**

1. The application site is an area of land situated to the east side of the village of Great Eversden, adjacent to the designated village framework. The land is currently in the ownership of South Cambridgeshire District Council, and is currently leased to two people for grazing. To the west of the site are the gardens of the properties along Chapel Road. To the north is Public Footpath No. 15 and the grade II listed village hall and its parking area. There are further orchard trees to the east, beyond which is the dwelling of the Homestead. This dwelling and its outbuilding are both grade II listed. To the southern side of Church Street are open agricultural land and the complex of buildings that form Church Farm, the main dwelling and the barn both of which are grade II listed. Further east from Church Farm is the grade II\* Church of St Mary, set on the bend in Church Street. There are three trees with individual tree preservation orders set along the western boundary of the site. The frontage boundary has a good hedge running its length.
2. The application, received on 23rd May 2011, seeks the erection of an exceptions site of ten affordable houses on the site. This involves the creation of a new access from Church Street, serving five pairs of semi-detached properties. All are proposed as two-storey properties except the bungalow of plot 9. The proposal includes a community orchard along the eastern side of the plot, with a path running through this land linking the entrance of the site to the public footpath and village hall to the north. The application is accompanied by a Design and Access Statement, a Heritage Statement, a Sequential Test for affordable housing, a Surface Water Management Strategy, a Pre-development Tree Survey, and an Ecology Report.

### Planning History

3. Application **S/3202/88/F** for 16 flats and garages was refused, dismissed at appeal and dismissed by the Secretary of State on the site. This was on grounds of inappropriate development in the Green Belt and the impact upon the character of the area.
4. Other applications on the site, **S/1177/74/O** for residential development, **S/1174/81/O** for residential development, **S/1657/81/O** for residential development, **S/0735/86/O** for local authority housing, and **S/1205/86** for Council housing for the elderly were all withdrawn.
5. 6 affordable dwellings were constructed at the west side of the village through application **S/0026/97/F**.
6. Application **S/0629/08/F** granted planning permission at Planning Committee for the erection of ten affordable dwellings together with a new access at land adj 52 Harlton Road in Little Eversden. This has been erected and is the Low Close development referred to in this report. Members will recall the application was referred to Planning Committee in September 2009 to vary the Section 106 Agreement to allow the dwellings to be available for residents of both Great and Little Eversden, contrary to officer advice.

### Policies

7. **Local Development Framework Core Strategy Development Plan Document 2007: ST/7** Infill Villages.
8. **Local Development Framework Development Control Policies (LDF DCP) 2007:**  
**DP/1** Sustainable Development, **DP2** Design of New Development, **DP/3** Development Criteria, **DP/4** Infrastructure and New Development, **DP/7** Development Frameworks, **GB/1** Development in the Green Belt, **GB/2** Mitigating the Impact of Development in the Green Belt, **HG/3** Affordable Housing, **HG/4** Affordable Housing Subsidy, **HG/5** Exceptions Sites for Affordable Housing, **SF/6** Public Art and New Development, **SF/10** Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** Open Space Standards, **NE/1** Energy Efficiency, **NE/2** Renewable Energy, **NE/3** Renewable Energy Technologies in New Development, **NE/6** Biodiversity, **NE/9** Water and Drainage Infrastructure, **NE/10** Foul Drainage – Alternative Drainage Systems, **NE/11** Flood Risk, **NE/14** Lighting Proposals, **NE/15** Noise Pollution, **CH/4** Development Within the Curtilage or Setting of a Listed Building, **TR/1** Planning for More Sustainable Travel & **TR/2** Car and Cycle Parking Standards.
9. **Open Space in New Developments SPD** – adopted January 2009, **Trees and Development Sites SPD** – adopted January 2009, **Biodiversity SPD** – adopted July 2009, **Affordable Housing SPD** – adopted March 2010, **Listed Buildings SPD** – adopted July 2009, **Landscape in New Developments SPD** – adopted March 2010 & **District Design Guide SPD** – adopted March 2010.



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

### **Consultations**

12. **Eversden Parish Council** recommends approval of the application. They make comments regarding the retention and maintenance of the frontage hedge, safety considerations to the LAP, prevention of overlooking to the west, the land between the dwellings and the western boundary, access to the public space, size of the turning head, the lack of visitor parking spaces, access to the village hall, drainage details and lighting requirements. With regard to the amended plans, the recommendation remains of approval, although comments regarding visitor parking, spacing of the fruit trees and access for bin lorries are noted.
13. The Council's **Conservation Officer** has objected to the proposal given the harm to the village form if the gap between settlements is narrowed, the design of the units, and the lack of investigation into alternative sites. The reduction in the gap between the village and the earlier hamlet around the Church would weaken the historically separate characters of these settlements, emphasised by the loss of the hedge and the visibility of the development. The layout and design of the proposed group, and lack of hierarchy of the proposal contrasts with the character of other local farm groups.
14. **English Heritage** note the proximity of the proposal to the grade II\* listed Parish Church of St Mary. Its relationship to the village will be changed and precedent established for building in the area. The proposal would be harmful to the significance of the church's setting due to both the development of the plot and the introduction of a modern form of estate layout not otherwise seen in this linear settlement. The amended plans were not considered to overcome their objections.
15. The **Local Highways Authority** originally objected to the plan given the lack of justification for the reduced vehicle-to-vehicle visibility splays provided. They also confirm they would not seek to adopt the road, and suggest a footpath linking the site to the rest of the village. Following the submission of drawing 1015/P/018 date stamped 11th January 2012, the vehicle-to-vehicle visibility splays are considered acceptable.
16. The Council's **Housing Development and Enabling Manager** notes the number of affordable houses provided should not be greater than the level of identified local need. The same Parish Council governs Great and Little Eversden and as such they have sought to combine the housing need of both, as done at Low Close in Little Eversden. The housing register shows the need for 6 dwellings in Great Eversden. A minimum of 50% rented

dwelling is recommended. The mix is broadly in line with the local need profile. Support is given for the scheme.

17. The Council's **Environmental Health Officer** is concerned that problems could arise from noise and therefore suggests conditions relating to the timings of use of power-operated machinery during construction, and the use of pile driven foundations. A further condition regarding the lighting of the site is suggested, along with an informative regarding bonfires and burning of waste during construction.
18. The **County Rights of Way Team** has no objection to the proposal but would point out that Public Footpath no. 15 Great Eversden is located adjacent to the northern boundary. A number of points of law are suggested to be added as informatives.
19. The **County Archaeological Team** recommend a condition regarding archaeological investigation of the site given the site's location within the medieval core of the village.
20. **Anglian Water** notes the foul drainage from the site is in the catchment of the Haslingfield Sewage Treatment Works that at present has the available capacity for these flows. A condition regarding surface water drainage is recommended, where a sustainable drainage system should be used.
21. The **Environment Agency** notes there are no Agency related issues in respect of the application. Informatives are recommended regarding drainage details.
22. The Council's **Lands Officer** notes the site has been in District Council ownership since 1948, and is leased to occupiers of two adjacent dwellings for grazing purposes, both of whom have made requests to purchase it. Previous to its current use and since acquisition, the land has been used as farmland and by a garden nursery owner for growing and storage of plants.
23. The **Police Architectural Liaison Officer** notes the site should achieve Secured by Design Part 2 principles. He notes of the reported crimes in Great Eversden, none are in the vicinity of the proposal. There have been no instances of anti-social behaviour likely to affect the site. There is a concern that the entrances to plots 1 and 2 are out of view of the other units, but balanced against the levels of crime in the area, this is not considered to be an issue.
24. The Council's **Trees Officer** has no objection to the removal of trees identified on the tree protection plan. All tree protection indicated on the plan should be provided prior to any development operations on the site.
25. The Council's **Landscape Officer** notes that the landscape detail is unacceptable in its present form. Numerous changes to the planting and hardstanding areas are proposed. The replacement frontage hedge should be more robust. The LAP should be as simple as possible, i.e. mowed grass with a bench.
26. The Council's **Ecology Officer** has assessed the site in terms of the Ecological Survey and in particular bat activity. The community orchard is of an adequate width to allow bats to continue to move through this parcel of

land, and no significant impact upon bats would result. No external lighting should be provided within the scheme. Within the grassland, the species found are not scarce and the diversity was low. The retained area of grassland has much potential to be further enhanced and positively managed. Details of any frontage hedge clearance are required. The existing does contain dutch elm disease. Working areas during construction should be highlighted, and a management plan and funds for the new habitat needs to be addressed.

27. The **Campaign to Protect Rural England** has objected to the application on grounds of ten dwellings being out of keeping with the village, the field and views present quintessentially rural England, highway safety dangers, the lack of need for the dwellings, the lack of village facilities, and the potential for alternative sites to be used. The amended plans were not considered to overcome their objections.

### **Representations**

28. A combined total of 42 letters of objection have been received from the original and amended plans, based upon the following:
- Impact upon the open and linear character of the village.
  - Impact upon the Cambridge Green Belt.
  - Lack of need for affordable units for Great Eversden and the methods to ensure they go to local people.
  - Lack of up-to-date housing data.
  - Other sites being available within the village.
  - Lack of village services, employment opportunities, and sustainability.
  - Great Eversden being an Infill-Only village.
  - Impact upon the adjacent Listed Buildings.
  - The design and layout of the proposed units.
  - Highway safety and congestion.
  - Impact upon the neighbouring properties.
  - Parking problems.
  - Pollution by future occupiers.
  - Loss of the frontage hedge.
  - Impact upon wildlife given the loss of hedges and trees.
  - The lack of a bat survey.
  - The sewage capacity of the village.
  - The lack of an archaeological report.
  - South Cambridgeshire District Council as the landowners.
29. A combined total of 19 letters of support have been received from the original and amended plans, based upon the following:
- Local need and the ability to be near family.
  - Good design.
  - Introduction of community spirit.
  - The success of the Low Close scheme in Little Eversden.
  - The site always being meant for housing.
  - Support to existing village facilities.
30. **Cllr Heazell**, the Local Member for Great Eversden, has written in support of the scheme. The land was original bought by the District Council for housing, and forms part of a two-phase plan with Little Eversden. No other offers of

land have been made to the Parish Council. The scheme is well-spaced and includes a community orchard.

31. **Cllr Howell**, the Housing Portfolio Holder, has written in support of the application. The importance of meeting high housing demand and effective use of land assets is noted. Since 2007, 370 new affordable homes have been developed on exceptions sites. The Low Close scheme in Little Eversden has been well received, and the same selection criteria for both villages should be used. Given the size of Great Eversden, it is in serious risk of no affordable dwellings being built if the needs of other Parishes cannot be accommodated.

### **Planning Comments**

32. The key issues for the determination of this application are Green Belt principles, the principle for an exceptions site, impact upon the adjacent heritage assets and the character of the village, highway safety and parking provision, impact upon the amenity of the occupiers of neighbouring dwellings, landscape and ecology concerns, impact upon the adjacent public footpath, and contributions and the Section 106 package.

#### *Green Belt Principles*

33. The application site is located within the Cambridge Green Belt. Paragraph 3.4 of Planning Policy Guidance 2 (Green Belts) provides a list of potential developments that are considered appropriate by definition within such areas, and this includes “limited affordable housing for local community needs”. The proposal seeks ten affordable units, and this is consistent with previous exceptions sites to Infill-Only Villages within the District (please see further justification in “principles for an exceptions site”). The proposal is considered to be appropriate development within the Green Belt.
34. Planning Policy HG/5 of the LDF DCP requires the Council to be assured that no alternative sites are available before granting permission for rural exception sites in the Green Belt. Paragraph 6.10 of the Affordable Housing SPD states applicants must demonstrate that no alternative appropriate sites can be found outside the Green Belt before permission is granted. The applicant has completed a Sequential test to assess other potential sites around the village boundary. Great Eversden is completely surrounded by the Green Belt, and there are no pockets of “white land” around the village. Any exceptions site for the village would therefore be located within the Green Belt, and as a result, such a study is not required in this instance.

#### *The Principle for an Exceptions Site*

35. Policy HG/5 of the LDF DCP states that exceptions sites outside the designated village framework may be granted for schemes designed to meet identified local housing needs on small sites within or adjoining villages. Great Eversden is classified as an Infill-Only village, and any residential development within the village framework would usually total two dwellings, as these villages are amongst the smallest in the District, usually with a poor range of services and facilities. There is no definition of the phrase “small”, although the Affordable Housing SPD notes that a “small site” would typically range between 6 and 20 dwellings. Schemes of ten dwellings are considered

to be acceptable for Infill-Only villages. The Low Close site in Little Eversden is adjacent an Infill-Only village, whilst Members have recently approved a scheme for 12 dwellings in Shepreth (S/0506/11/F), another Infill-Only village. The proposal is considered to represent a small site.

36. Policy HG/5 provides a number of other criteria that need to be met for exceptions sites to be considered. Criterion a. relates to a scheme for the affordable units to be secured in perpetuity. Whilst no draft Section 106 Agreement or Heads of Terms has been submitted with the application, the applicant is aware of the need for a legal agreement to secure this housing. If approved, this would form part of a planning condition.
37. Criterion b. relates to the number, size, mix and tenure of the dwellings being confined to and appropriate to the strict extent of the identified local need. It is this aspect that has been the subject of numerous objections and queries from the public. The Housing Register on 13th January 2012 shows there is a demand for 6 units for people with a local connection with Great Eversden. This consists of 1x1 bed unit, 4x2 bed units and 1x3 bed unit. The proposal for ten dwellings therefore exceeds the need for the village of Great Eversden.
38. Numerous meetings have taken place at pre-application stage and during the course of the application to discuss this matter. The application approved at Low Close in Little Eversden had its original Section 106 Agreement varied to allow equal availability between people with a local connection to both Little and Great Eversden. Meetings including the Affordable Housing Corporate Manager and the then Head of Planning agreed that the same principle could be applied to this application. The idea being that a scheme to meet Great Eversdens demand only is unlikely to come forward due to the economies of scale working against smaller schemes. The village would face the prospect of no future affordable housing as a result.
39. The Housing Register on 13th January 2012 shows there is a demand for 19 units for people with a connection with Little Eversden. This consists of 4x1 bed units, 13x2 bed units and 2x3 bed units. From the combined village need, the demand would exceed the supply from the site. Any Section 106 Agreement would need to include a more specific cascade system that people with a local connection with Great Eversden get priority, then it is cascaded directly to Little Eversden, before cascading out further in the usual manner. The local concern shows that the Low Close site struggled to attract people with a local connection to the Eversden and the dwellings were cascaded out to people with connections to other villages. However, the Housing Register does provide guidance as to the demand, which in theory could be met by the Eversdens alone, and this is the basis for the determination of this application.
40. Both Little and Great Eversden are covered by the same Parish Council. Whilst the method of meeting need is unorthodox, it has been agreed before by Members in relation to the Eversdens. As a result, the proposal would be a Departure from the Local Development Framework, and it has been advertised accordingly.
41. There was significant local objection regarding the need for affordable units at the site, with particular reference to the time frame of the last Housing Needs Survey. This survey was dated May 2005, and formed the basis for the early

investigations on the site. It did show a greater need for people with a local connection with Great Eversden, with nine units needed. The date of the survey is noted, and the above information is therefore made using the up-to-date Housing Register information.

42. Criterion c. relates to the relationship of an exceptions site to the built-up area of a village, with the scale being in size and character. The latter aspect has been dealt with above. With regard to the relationship with Great Eversden, it is located adjacent to the village framework, and is considered to be an acceptable distance from the existing built part of the village.
43. Criterion d. relates to the relationship with facilities and services within the village. There are very limited existing services and facilities within the village. Of those, the village restaurant is located within 85m of the site, with the village hall within 35m and the Church is within 90m. From the facilities that do exist, the proposal does have a good relationship.
44. There is significant local objection to the proposal given the lack of facilities within Great Eversden. There is no school, very limited employment opportunities, and limited bus services to the village (two services a day to Cambridge, and one service a day to Gamlingay and Croydon). There will be reliance on the car for future occupiers, similar to the reliance from existing villagers. Infill-Only villages, by their very nature, are short on facilities and often do not include a school. Whilst the local concern is noted, an exceptions site of this scale is considered acceptable in this instance.
45. Criterion e. relates to the damage any development would cause to the character of the village and the rural landscape, and this is covered in the next chapter.

*Impact upon the Adjacent Heritage Assets and Character of the Village*

46. The application site is located directly adjacent to the designated Great Eversden village framework. It is a pleasant grazing area and adds to the rural character of Church Street on the entrance to the village from the east. In refusing the planning appeal for application S/3202/88/F, the Planning Inspector stated the description of the site as one of the “guardian fields”, which form the entrances to the village from east and west and provide its setting. This signifies its importance in this respect.
47. The Planning Inspector noted above stated that the application would “irrevocably change the nature of the village”. Members should be aware that planning policy has changed since the decision was made in 1991 (Planning Policy Guidance Note 2 Green Belts itself was published in 1995), and the site is now formally within the Green Belt.
48. The Planning Inspector did note “there would be a significant extension of its (the village’s) built area from the linking of the now isolated group of buildings around the church with the main body of village development. This would be obvious from High Street, the main road into and through the village”. This is the basis of the objections from the Council’s Conservation Officer and English Heritage. Of the adjacent heritage assets, there are five listed buildings that form the cluster of development around the bend in the Church Street. English Heritage were consulted given the Church being grade II\* listed, and their objection relates specifically to the setting of the Church. The

Conservation Officer's comments relate to reduction in the gap between the group of buildings to the east and the built-up part of the village.

49. Comments from both consultees are noted. Exceptions sites by their very nature will change the character of an area given their usual location on the edge of a village. The varying factor of this application is the presence of the listed buildings and their grouping. English Heritage note the Church's setting is achieved by its open surroundings, and this character would be seriously harmed by development of the plot and the modern form of estate layout not otherwise seen in the linear village. As a result, it is considered contrary to the aims and guidance of Planning Policy Statement 5 (Planning and the Historic Environment).
50. The applicant has submitted a design rationale within the Design and Access Statement looking at groupings of buildings within the village, and attempting to respect that in the layout of the site. However, the Conservation Officer notes that the proposed layout and its lack of hierarchy would contrast with the character of the other building groups it is intended to reflect. As a result, the proposal would weaken the historically separate characters of the settlements. The Conservation Officer also notes concerns regarding the proposed use of materials on the site. This matter could be dealt with through an appropriately worded planning condition.

### *Highway Safety and Parking Provision*

51. The Local Highways Authority originally had concerns regarding the visibility of the site, and this view is echoed by a number of local residents. The objections referred to the lack of visibility given Church Street is a 40mph road, with a tight bend eastwards from the site. The visibility splays were originally shown to be part over third party land, and also had an incorrectly drawn vehicle-to-vehicle visibility splay. Negotiations have taken place directly between the applicant and the Local Highways Authority, which has resulted in the submission of drawing 1015/P/018 date stamped 11th January 2012. The Local Highways Authority has confirmed the splays are considered acceptable, and they are all on controllable land. Subject to a condition ensuring the vehicle-to-vehicle visibility splays are laid out as shown on the plan, no highway safety issues should result from the proposal.
52. Local residents and the Parish Council also note concerns regarding the parking provision on site. Each dwelling is shown to have two allocated off-street parking spaces, totalling 20 parking spaces for the site. The Council's maximum parking standards seek an average of 1.5 spaces per dwelling (rising to two spaces for three bed units in poorly accessible areas) plus provision for short-term parking generated by service vehicles. Given these a maximum standards, 20 parking spaces on the site would be satisfactory in line with the standards. It is noted that there are no designated visitor parking spaces. However, visitors should be able either park at the plot they are visiting, and there would appear space for short-term on-street parking.

### *Impact upon the Amenity of the Occupiers of Neighbouring Properties*

53. To the western boundary of the site are two residential properties. Plot 1 would be located 5.2m from the shared boundary with Walnut Tree Cottage. The proposed dwelling is two-storey in height, with heights of 5.1m and 8m to the eaves and roof ridge respectively. The facing gable is blank and therefore

no overlooking would result. Some views from the front and rear windows would create angled views into sections of the rear garden, although these are not considered to cause any serious loss of privacy. Given the size of the garden area to the adjacent property, and the narrow width of the facing gable, no serious loss of amenity is considered to result. A condition would require no windows to be added to the west elevation at first floor level.

54. Plots 6 and 7 would measure 8m and 10.2m at their nearest point to the shared boundary with Willow Lodge. Both facing elevations are blank. Again, some views from the front and rear windows would create angled views into sections of the rear garden, although these are not considered to cause any serious loss of privacy. Given the relationship between the proposals and the garden area and the narrow width of the gable ends, no serious loss of amenity is considered to result. A condition would again be required to ensure no windows are added to the west elevations of both plots at first floor level.
55. The plots along the east side of the site have a separation distance of 27m at the closest point between the rear garden boundaries and the east boundary. This distance is considered acceptable. The community orchard is a publically accessible area, and therefore people can be expected in this area. However, there is sufficient separation between this area and the dwelling of the Homestead to ensure no loss of amenity to the occupiers of this property.

*Landscape and Ecology Concerns*

56. The key issue of concern from objectors to the scheme is the removal of the frontage hedge. This hedge does contribute towards the character of the village as it provides a green gateway into Great Eversden. Its removal is necessary in order to achieve the required vehicle-to-vehicle visibility splays. It is not immediately clear whether the entire hedge should be removed or whether some can remain. The comments from the Ecology Officer are noted. He states that parts of the hedge are diseased, and its long-term future would be compromised as a result. Replacement planting would allow a greater diversity of species within the frontage hedge while still retaining the habitat value. Whilst the loss of the existing hedge is unfortunate, the scheme allows the potential for a more diverse replacement subject to a landscaping condition.
57. A key part of the development is the introduction of a community orchard to the eastern side of the plot, a habitat encouraged by the District Council. This would create a biodiversity enhancement for the site. In line with Council objectives, the orchard is supported and would create a pleasant village area.
58. The application was supported by a landscape plan and comments were received from the Landscape officer in direct response. There were numerous points of concern, and these have been passed back to the applicant. Should the application be approved, landscape and implementation conditions will be required.
59. Local objections regarding the impact upon bats are noted. The Ecology Officer has commented that the open space area would retain a flight path through the site, following consultation with the local bat group. No serious harm should result to local bat populations. The plans also show bat and bird boxes to be placed around the site, and a condition can ensure these are in suitable locations.



60. The comments from the Council's Trees Officer are noted. The tree protection details should be put in place prior to the commencement of development, especially given the three trees covered by individual Tree Preservation Orders. A condition can ensure this takes place.

### *Impact upon the Adjacent Public Footpath*

61. A public footpath runs to the north of the site, linking Chapel Road to Little Eversden. The County Rights of Way Team note that the footpath should be unaffected by the proposal, although numerous informatives are recommended informing the applicant of their obligations in regard to this footpath, especially during the construction phase.

### *Contributions and Section 106 Package*

62. Members will be updated on matters regarding contributions and the Section 106 package.

### *Other Matters*

63. Concern is noted regarding the Council's position as both landowner and determining authority. The Council's delegation procedure states that where objections are received on material planning grounds for applications on Council land, the application should be heard at Planning Committee. This ensures a transparent approach to the determination of the application. The application is to be determined on its own merits.
64. Local concern regarding the lack of an archaeological report is noted. The County Archaeological Team has requested a condition regarding investigation, and this can be added to any consent.
65. The comments from the Environmental Health Officer are noted, and the relevant conditions and informatives can be added to any consent.
66. Anglian Water has also confirmed that Haslingfield Sewage Treatment Works has an adequate sewage capacity for the proposed development. The recommended surface water drainage condition can ensure an adequate system, ideally a sustainable urban system, is used.

### **Summary**

67. To briefly summarise the above, Members must balance the harm caused to the heritage assets in the local vicinity and local character against the benefit of securing affordable housing for the village. The officer recommendation is that the need does not outweigh the harm in this instance. The application seeks ten affordable units for a village with a need of only six units. Given the close links between Great and Little Eversden, a Section 106 Agreement can ensure that people with close connections to Great and then Little Eversden come first on the cascade system. Whilst not a common method of working, this is considered appropriate in this instance as it was for the Low Close development.

## Recommendation

68. Recommend refusal (as amended by dwgs 1015/P/015, 1015/P/016, 1015/P/030, 1015/P/031, 1015/P/032, 1015/P/033, and 1015/P/034 date stamped 14th October 2012, and dwg 1015/P/018 date stamped 11th January 2012), for the following reasons:

The application site lies adjacent to the designated Great Eversden village framework, and is a field currently used for grazing. To the east of the site are a cluster of buildings including the grade II\* listed Church of St Mary. The dwelling of the Homestead and its outbuilding, and Church Farm and its barn are all grade II listed. The separation between these buildings from the main part of Great Eversden is significant in the setting of these listed buildings, and the field plays a large role in this separation. The proposed layout shows a cul-de-sac of development that lacks the hierarchy of the other building groupings in the local vicinity and is contrary to the linear nature of the existing village. The location and layout therefore closes the gap between the cluster of buildings around the church and the main village and is contrary to groupings in the local vicinity, to the detriment of the setting of all the Listed Buildings within this cluster.

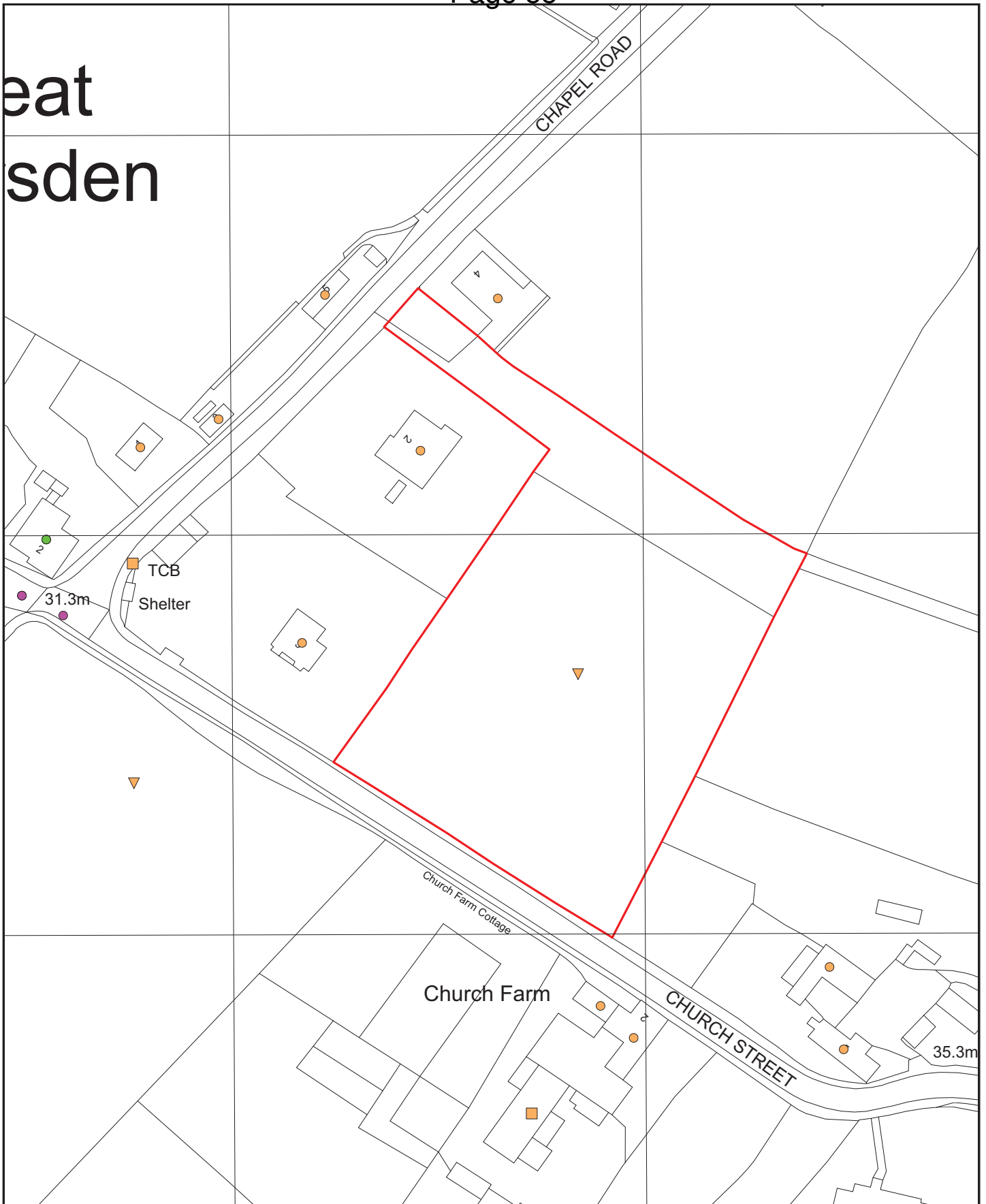
The proposal is therefore contrary to Policy CH/4 of the Local Development Framework Development Control Policies (LDF DCP) 2007 which states planning permission will not be granted for development which would adversely affect the curtilage or wider setting of a Listed Building; Policy DP/2 of the LDF DCP 2007 which states all new development must be high quality design and as appropriate to the scale and nature of the development, should preserve or enhance the character of the local area; Policy DP/3 of the LDF DCP 2007 which states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on village character; and paragraph HE9.4 of Policy HE9 and Policy HE10 of Planning Policy Statement 5 (Planning and the Historic Environment).

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

- Local Development Framework Development Control Policies 2007.
- Local Development Framework Core Strategy Development Plan Document 2007.
- Open Space in New Developments SPD – adopted January 2009, Trees and Development Sites SPD – adopted January 2009, Biodiversity SPD – adopted July 2009, Affordable Housing SPD – adopted March 2010, Listed Buildings SPD – adopted July 2009, Landscape in New Developments SPD – adopted March 2010 & District Design Guide SPD – adopted March 2010.
- Circular 11/95 – The Use of Conditions in Planning Permissions.
- Circular 05/2005 - Planning Obligations.
- Planning File ref: S/3202/88/F, S/1177/74/O, S/1174/81/O, S/1657/81/O, S/0735/86/O, S/1205/86, S/0026/97/F and S/0629/08/F.

**Contact Officer:** Paul Derry – Senior Planning Officer  
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# Heat sden



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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 1 February 2012  
**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)

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**S/2480/11 AND S/2481/11 – PAPWORTH EVERARD**

**Extend the time limit for implementation of Planning Application S/2286/07/F and  
Extend the time for implementation for S/1163/08/F at land to the west of Ermine Street  
for Jim Rawlings (Barratt Northampton)**

**Recommendation: Delegated Approval**

**Date for Determination:  
S/2480/11, 13<sup>th</sup> February 2012  
S/2481/11, 6<sup>th</sup> February 2012**

**Notes:**

**These applications have been reported to the Planning Committee due to the Parish Council recommendation of refusal.**

**Site and Proposal**

1. The report address both applications, as the constraints and merits of both applications are almost identical. The extension of time for planning application reference S/2286/07/F is under planning application reference S/2480/11 and the extension of time for S/1163/08/F is under planning application reference S/2481/11.
2. The application sites measure approximately 0.9 hectares. The two sites are within the village framework with the conservation area boundary running almost along the boundary line between S/2480/11 and S/2481/11. Planning application S/2481/11 is within the conservation area. The site also falls within an area of potentially contaminated land.
3. The Old Printer Works and the small building called Fairwood define the northern boundary. The Public Highway of Ermine Street defines the eastern boundary. To the south of the site is the most northern phase of housing development that falls within the development known as "Summersfield". To the west are the residential properties on Southbrook Fields. The Bernard Sunley Centre forms almost the central point of the two applications.
4. At the end of 2011 Barratt Homes came to the Local Planning Authority in order to discuss planning applications S/2286/07/F and S/1163/08/F. On the 7<sup>th</sup> December 2011 a meeting was held with the developer and it was explained that there would be unlikely enough time, taking into account the remaining conditions still to be discharged for the Summerfield Development, in order to discharge all the relevant conditions in order to allow an authorised start in February 2012. In addition to this it was explained that the approved layouts of S/2286/07/F and S/1163/08/F did not line up and so could not be completed in accordance with the approved plans. The Planning Officer suggested during this meeting that the best way forward was to

apply for an extension of time for applications S/2286/07/F and S/1163/08/F. This was to allow for a variation of condition (Section 73) applications in order to amend the site layout so that the proposed new roads would connect and enable any relevant conditions to be discharged.

5. The developer has not provided any timescale in order to extend the period of implementation of S/1163/08/F and S/2286/07/F in writing. It is, therefore, at the discretion of the Local Planning Authority to agree a reasonable time if the applications are to be approved.
6. Whilst these two application sites do not form part of the outline consent area for the Summersfield Development they are adjacent in terms of land and the new road provides the second connection from the main road running through the development to Ermine Street. Condition 10 of the Outline Consent (S/2288/10) requires off site works to access junctions to be completed.

### **Planning History**

#### On Site

7. **S/1163/08/F** – The Local Planning Authority granted permission for the Reconfigured Access, Laying Out of Open Space, Enlargement of Existing Pond, Foul Drainage Pumping Station and Proposed Car Parking for Former Estates Office on the 2<sup>nd</sup> February 2009.
8. **S/2286/07/F** – The Local Planning Authority granted permission for the Relocation of Existing Car Park on the 3<sup>rd</sup> February 2009.
9. **S/1232/07/F** – The developer withdrew an application for Laying Out of Open Space, Surface Water Pumping Station, Enlargement of Pond and construction of Car Park.

#### On adjacent land

10. **S/2286/07/F** – The Local Planning Authority granted permission for Relocation of existing car park at the Bernard Sunley Centre.
11. **S/0093/07/RM** – The Local Planning Authority granted permission for Erection of 365 Dwellings with Associated Open Space and Landscaping (Reserved Matter Application).
12. **S/1424/08/RM** - The Local Planning Authority granted permission for appearance, landscaping, layout & scale for the erection of 81 dwellings (Reserved Matter Application).
13. **S/2476/03/O and S/2288/10** – Outline consent and its extension of time for the Summersfield Development was granted consent.

### **Planning Policy**

14. **Local Development Framework, Core Strategy, adopted January 2007**  
**ST5** – Minor Rural Centres
15. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**  
**DP/1** – Sustainable Development  
**DP/2** - Design of New Development

**DP/3** - Development Criteria  
**DP/4** – Infrastructure and New Developments  
**DP/7** – Development Frameworks

**NE/6** – Biodiversity  
**NE/9** – Water and Drainage Infrastructure  
**NE/11** – Flood Risk  
**CH/5** – Conservation Area  
**CH/6** – Protected Village Amenity Areas  
**TR/1** – Planning for More Sustainable Travel  
**TR/2** – Car and Cycle Parking Standards

16. **South Cambridgeshire Local Development Framework, Supplementary Planning Documents**

**Development Affecting Conservation Areas SPD – Adopted January 2009**  
**Biodiversity SPD – Adopted July 2009**

**Consultations**

17. **Papworth Everard Parish Council** – (11<sup>th</sup> January 2012) The Parish Council recommends refusal as there is insufficient information given about the duration of the extension requested, or the reason of the extension, and there is no supporting information.
18. The Parish Council is concerned about the knock on effect of:  
Open Spaces  
Play Spaces  
Delivery of the pumping station  
The number of units being built
19. The Case Officer rang the Parish Council in order to explain the application and the ramifications if the application was refused.
20. **Environmental Health Department (Scientific Officer)** – The Scientific Officer states that a condition relating to contaminated land investigation is not required.
21. **Local Highways Authority** - (17<sup>th</sup> January 2012) The Local Highways Authority stated that the southern access onto Ermine Street could accommodate all of the proposed dwellings of Summersfield. It suggested that the Emergency Services are contacted about the potential loss of a secondary access.

**Planning Comments – Key Issues**

22. The key issue to consider in the determination of these applications is the effects on the Summersfield Development and Bernard Sunley Centre.
23. In order to provide the northern access point that is required for the Summersfield Development a separate planning permission for its layout is necessary. The existing permission for the proposed road will lapse soon. Without a planning permission the northern access point cannot be constructed for the Summersfield Development.
24. The outline consent S/2288/10 (as extended in time) requires the access to be constructed under condition 10 before development on the relevant phase is started. In this case the relevant phase is under planning permissions S/1424/08/RM or the

most northern part of S/0093/07/RM. The Local Highways Authority has not raised any additional concerns over the proposed access from a highway safety point of view.

25. With regard to the Foul Drainage Pumping Station, Anglian Water and Cambridge Water have been consulted and it is hoped that their comments can be passed onto Members at Planning Committee. However, it is considered that the size of the Summerfield Development has not changed and therefore there should be no new issues that would affect the placement of this pump. Condition 2 of planning application S/1163/08/F can be transferred to any new approval requiring the specifications of the pumping station before development commences.
26. In connection with the new car parking area for Bernard Sunley Centre the parking standards in the Local Development Framework have not changed since the development was submitted and approved. The relocation of the parking spaces does not raise any new issues and is therefore considered to be acceptable.
27. In specific response to the Parish Council's comments it is the view of officers that the extension of time for these two applications will not delay the construction of the Summersfield Development. The Summersfield Development construction timeframe is dictated both by the outline consent and the developers' own building schedule. The developer has provided information to the Local Planning Authority previously stating that completed dwellings in the final phase of development are unlikely to occur until early 2015. If approval were not granted for the two extensions of time applications, then the developer would still need to provide two new planning permissions in order to complete the Summersfield Development.

### **Conclusion**

28. It is considered that both applications should be renewed with the same conditions for a 3 year period, as there are no new concerns that raise significant issues that would require approval to be withheld and the permissions are required to ensure the northern access is provided. This would also be the usual time if the developer had submitted an application for a new full planning permission.

### **Recommendation**

29. Approve both S/2480/11 and S/2481/11, subject to the conditions contained within the original planning permissions of S/2286/07/F and S/1163/08/F.

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

- South Cambridgeshire Local Development Framework 2007

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

1 February 2012

**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and New Communities)

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**S/0029/11 - MELDRETH****Erection of four dwellings (three 2 bedroom houses in the form of a terrace and one detached 3 bedroom bungalow) and creation of associated access and parking (amended)****Land adj. to The Tavern Yard & The Station Yard, Meldreth for Lodge House Ltd****Recommendation: Approve with conditions****Date for Determination: 31 May 2011****The application has been referred to the Planning Committee as the Case Officer's recommendation conflicts with that of the Parish Council.****Site and Proposal**

1. The application site is an undeveloped area of land located between the High Street Meldreth and the Meldreth Train Station currently largely laid to long grass with a few small trees and shrubs. The site, which is located within the development framework of Meldreth, is approximately 0.1 of a hectare in area and is bounded by the Tavern Yard flats on the West side, the station car park and access on the South and East sides and the residential garden of No. 10 High Street to the North. To the South East there is a detached two storey building which has previously housed an industrial use (injection moulding plastics) and further to the South is the Gocold commercial premises. The land levels on site slope up slightly to the East and are retained at the Western boundary with the rear of the existing flats at a level approximately a metre above the level of the flats. There is a mature dense hedge around the South and Eastern boundaries and a low fence and trees to the Northern boundary. The part of the Western boundary to the rear of No. 8 High Street is enclosed by a low hedge and the remainder of that boundary is unenclosed above the retaining wall.
2. The proposed development is the erection of four dwellings (a three bedroom bungalow and a terrace of three two bedroom bungalows) including the creation of a new vehicle access, as well as hard surfacing works to provide parking and turning and landscaping. Initially the application proposed five dwellings in a different location, however following negotiation between the Council and the applicant, the scheme has been amended to address the Case Officer's concerns.

**Relevant Planning History**

3. S/0199/10/F - Proposed the erection of two dwellings on the site but was withdrawn by the applicant prior to determination.

## Planning Policies

4. ST/6 – Group Villages  
DP/1 – Sustainable Development  
DP/2 – Design of New Development  
DP/3 – Development Criteria  
DP/4 – Infrastructure and New Developments  
DP/7 – Development Frameworks  
HG/1 – Housing Density  
HG/2 – Housing Mix  
HG/3 – Affordable Housing  
SF/10 – Outdoor Play Space, Informal Open Space and New Developments  
SF/11 – Open Space Standards  
NE/6 – Biodiversity  
NE/15 – Noise Pollution

## Consultations

5. **Parish Council** – has recommended refusal stating that, while the scheme has gone some way to addressing it's previous concerns, there is still overcrowding on the site and difficulty for emergency vehicle access.
6. **Local Highways Authority** - has stated that the access is off a private road and lies outside of its strict remit, however it commented on the width of access and parking and turning area originally proposed. Those comments were addressed in the revised layout and now meet the LHA suggestions.
7. **Environment Agency** - has expressed some concern regarding the potential for contamination of the site from the nearby railway line, particularly given soakaways are proposed and believes further investigation prior to the commencement of development would be required in the form of boreholes and other intrusive site investigations. The EA has confirmed that in this case this can be achieved through the application of a condition to any permission.
8. **Contamination Officer** - does not object to the proposed development but recommends intrusive site investigation is carried out prior to construction.
9. **Trees Officer** - has no objection and has confirmed that there are no protected trees on site. She requests protection of the existing hedge.
10. **Ecology Officer** - has requested the boundary hedge be retained and that no vegetation clearance take place during the bird breeding season. He questions whether the site is being overdeveloped.
11. **Landscapes Officer** - has requested protection for the existing established hedge and particular boundary treatments within the site, both of which can be achieved using relevant planning conditions.
12. **S106 Officer** - has not objected on the basis that the applicant has agreed to enter into legal agreements which will secure financial contributions towards the provision of off site affordable housing as well as open space, community facilities and household waste receptacles.

13. **Housing Development & Enabling Manager** - has accepted the principle of a contribution towards offsite affordable housing provision in this case and is satisfied that the amount proposed to be paid is a reasonable one.
14. **Environmental Health Officer** - has assessed the submitted noise assessment and has concluded that while noise from railway line has the potential to impact on the living accommodation of the dwellings proposed, this can be mitigated through mechanical ventilation and insulation. He has requested that a condition requiring the submission of a scheme for such ventilation and insulation be submitted prior to the commencement of development.

### **Representations**

15. One representation has been received in respect of the proposed development, from the owner of 8 High Street expressing concern regarding the precise position of the Western boundary of the site as shown on the application documents. The owner of No. 8 suggests that it is a shared boundary and objects to any removal of the existing elm hedge and replacement with a fence or yew hedge.
16. It is not clear from a comparison of the red line plan provided by the applicant and the plan provided by the owner of No. 8 with the situation on the ground that the application site has been shown incorrectly. In this situation, it is normal for the application plan to be accepted at face value. Any disputed boundary would be a civil matter between the two landowners and, given the limited extent of any possible discrepancy and as no built development other than a fence is proposed in the contested location, were the application plan later shown to be incorrect, it is not considered that this would undermine the development going ahead as it would only involve an adjustment of the position of the boundary fence by less than a metre. It is therefore considered reasonable to determine the application on the basis of the submitted plans.

### **Planning Comments**

17. The main planning considerations in this case are the principle of the development, the impact on the visual amenity of the area, the impact on residential amenity, parking and highway safety considerations, noise and vibration impacts, ground contamination and flood risk, the impact on trees and hedges and the provision of open space and community facilities.
18. **Principle** – Meldreth is classified as a Group Village by policy ST/6 of the LDF Core Strategy which states that residential development and redevelopment up to an indicative maximum scheme size of eight dwellings will be permitted within the village frameworks of Group Villages. As the scheme proposes four dwellings, it is considered to comply with policy ST/6 in principle.
19. The application site area is within the Meldreth Development Framework and measures approximately 1080 sqm. 4 dwellings on the site would result in a net density of approximately 37 dwellings per hectare. This net density is in excess of the minimum density of 30 dwellings per hectare required by policy HG/1 - Housing Density of the Local Development Framework and it is therefore considered that the principle of a four dwellings on the site is acceptable and compliant with policy HG/1.
20. The proposed mix of the four dwellings is a single three bedroom bungalow and three two bedroom houses. Policy HG/2 – Housing Mix requires that in schemes of up to

10 dwellings, market properties will have at least 40% two bedroom dwellings, 25% three bedroom and 25% four bedroom dwellings. This scheme proposes a mix of 75% two bedroom dwellings and 25% three bedroom dwellings. While no four bedroom dwelling is proposed, the emphasis on smaller dwellings is supported. The introduction of a four bedroom property would also be more difficult to accommodate given the site constraints. The proposed scheme is therefore considered to be generally in line with the requirements of policy HG/2.

21. As the scheme involves the creation of 4 new dwellings the scheme must address the requirements of Policy HG/3 - Affordable Housing. The policy requires that at least 40% of the dwellings should be made affordable housing for the long term, however on small sites it allows for financial contributions towards an element of off site provision of the affordable housing. The Council has approached several Registered Social Landlords about taking on two of the proposed units, however none has expressed any interest in doing so. It has therefore been proposed that the Council accept a financial contribution towards off site provision. The applicant has agreed to pay a contribution equivalent to the provision of 40% affordable housing on site, which is £79,200. The Council's Housing Development and Enabling Manager has agreed that this is an acceptable way forward and this would be formalised by requiring the applicant to enter in to a Section 106 legal agreement to that effect prior to the granting of planning permission.
22. **Impact on visual amenity** – The siting and design of the dwellings is the result of lengthy negotiations between the planning department and the applicant. A key consideration in the siting of the dwellings was their visibility from external viewpoints in the immediate vicinity as well as the ability to retain the existing tall dense hedge which currently screens and softens the site in several views. This was considered particularly important given the land levels of the site are approximately a metre higher than that of the buildings on the High Street. The bungalow has been proposed in order to minimise the impact on neighbouring properties 8 and 10 High Street and also to reduce the prominence of the development when viewed between those properties from the High Street. The Parish Council has expressed concern that the site is overcrowded, however the appearance of the scheme is not, in the Case Officer's view, overcrowded or cramped. The two storey dwellings have been kept back from the entrance to the site at the South West corner which is the other open public viewpoint and the setting back of the first dwelling in the terrace means that the dwellings are not overly prominent in the open view from the South West. The dwellings have been located relatively close to the South Eastern and Eastern boundary, however they are far enough away from it that the hedge will be able to be retained, which will soften the impact of the development in views from the station and station car park. The retention of the hedge is considered to be of particular importance in mitigating the impact of the built development on the area and its retention would therefore be conditioned. It is therefore considered that the proposed scheme sits reasonably well on the plot and would not result in a cramped or overcrowded appearance.
23. The dwellings are simple in elevation and plan form comprising a hipped roof bungalow and three, pitched roof terraced houses. The immediate visual surroundings are a mixture of residential properties and industrial buildings, namely the rear of the 1970s flats to the West, commercial premises and the station car park access to the South and the station car park and railway line to the East. To the North of the site there is the garden of No. 10 High Street. Given these surroundings, the overall appearance of the development is considered appropriate, which, although relatively uninspiring, would be in scale and character with the area and would not cause any harm to the visual amenity of the area.



24. **Impact on the residential amenity** – The proposed dwellings have been sited away from the common boundary with the flats to the West in order to lessen any impact on those properties in terms of loss of light, visual intrusion or overshadowing. The two storey dwellings are located approximately 19 metres from the windows in the closest *facing* elevation of the flats to the West. At this distance it is not considered that they would be visually intrusive or overbearing, notwithstanding the fact that they would be sited on ground which is higher than the ground floor flats. The proposed houses are approximately 12 metres away from the South facing windows of two of the flats in the block, however they would only be visible in very oblique views from the windows and the Southernmost house has been set back further than the other two, further lessening the prominence of the development when viewed from those neighbouring flats. The proposed dwellings would be to the East of the flats and it is not considered that they would cause any significant loss of light to the windows of the flats.
25. The proposed bungalow has been proposed at the North end of the site as it was considered that a two storey dwelling in that location would be overbearing to the garden space of No. 10 High Street. The bungalow is considered to be acceptable in terms of its impact on neighbouring properties as it is 6 metres from the common boundary with the garden of No. 10 and a minimum of 3 metres from the graveled area to the rear of No. 8.
26. The windows in the elevations of the new dwellings which face the flats would serve hallways and kitchens at ground floor level and landings and bathrooms at first floor level. It is considered that the combination of the distance between the proposed ground floor windows and the flats and the screening provided by new planting would be sufficient that the kitchen windows would not cause any significant loss of privacy for the occupants of the flats. The first floor windows in the proposed dwellings would offer a greater opportunity for overlooking as they would be higher and would be less effectively screened by proposed planting. It is therefore considered necessary to require them to be obscurely glazed. As they serve bathrooms and landings it is considered that this is an acceptable way to mitigate the potential overlooking.
27. The proposed parking and turning area would be relatively close to the Western elevation of the flats, however it is considered that the combination of planting and boundary treatments would be sufficient to mitigate any harm to the existing properties.
28. **Parking and highway safety** - The Local Highways Authority (LHA) has not raised any objection to the proposed access or the parking and turning area. The scheme has been amended to reflect previous advice of the LHA. The access is considered to be acceptable and the provision of visibility splays at the access point is achievable and will ensure the development has an acceptable impact on highway safety. The Parish Council has raised the issue of access by emergency vehicles, however the turning area provided is 6 metres wide which is considered to be adequate for such areas. It is considered that this would allow safe access to the pedestrian path for emergency vehicles visiting the site.
29. The scheme proposes 8 parking spaces for the development which is equivalent to two per house. This is considered to be adequate for the likely needs of the occupants of the development. The provision of 8 spaces is a slight overprovision compared to the Council's parking standards of 1.5 spaces per dwelling, however it is considered that this will provide parking for visitors within the site which is considered to be beneficial. The proposed development is therefore considered to be acceptable

in terms of its impact on parking and highway safety.

30. **Noise and vibration** - The Council's Environmental Health Officer (EHO) has considered the Noise Assessment submitted with the application. Although concern was previously expressed regarding the susceptibility of the development to noise from a cooling plant located at the nearby BHM plastics premises, that plant has recently been removed and the noise source therefore eliminated.
31. The EHO's view is that concerns regarding the suitability of the site for residential development are now associated primarily with noise and vibration from the mainline railway to the East of the site. The EHO's conclusion is that based on the Noise Assessment submitted, on balance the site can be developed for residential purposes but to ensure a satisfactory living environment is provided, a substantial noise insulation and ventilation scheme will be required. As it is not easy to change the layout of the individual houses to move habitable rooms away from the elevation facing the railway line (as this would result in them overlooking neighbouring flats), it is considered that a mechanical ventilation system, as well as significant insulation of windows and walls, will be required. This should ensure that occupiers of the homes will not suffer undue disturbance from the noise generated by the nearby railway line. The EHO has requested that a condition be applied to any permission requiring the submission of a full ventilation and insulation scheme prior to the commencement of development.
32. **Contamination** - Both the Environment Agency and the Council's Contamination Officer believe that further site investigation work is required in order to ensure that any site contamination is discovered and remediated prior to the commencement of development. It is considered that the application of a condition requiring such investigations and detailing any remediation required would be sufficient to mitigate any potential harm to future occupants of the site and to allow the use of soakaway drainage on site.
33. **Trees and hedges** - The existing trees on site would be removed, however they are not good specimens and are not considered to contribute significantly to the visual amenity of the area. The boundary hedge to the South and East of the site is considered very important in terms of the general character and appearance of the area and in particular the separation and screening of the site it provides as well as a softening of the impact of the proposed built development. For those reasons, as well as for the habitat it provides, it is considered essential that it is retained. A condition would therefore be applied to any permission, requiring its protection during construction as well as its retention in perpetuity.
34. **Open space and community facilities** - The proposed development would not provide open space or community facilities on site and would therefore be required to contribute to their provision off site, in order to mitigate the additional burden that the occupants of the proposed dwellings would place on such facilities locally. The applicant has agreed to enter into a Section 106 legal agreement to make such contributions. At present the amounts would be as follows: Public open space - £9,839.08; Community facilities - £1,626.04; Waste receptacles - £278 and a Section 106 monitoring fee of £250. The applicant's willingness to enter into such a scheme is considered sufficient to comply with the relevant policies in this case.

**Recommendation**

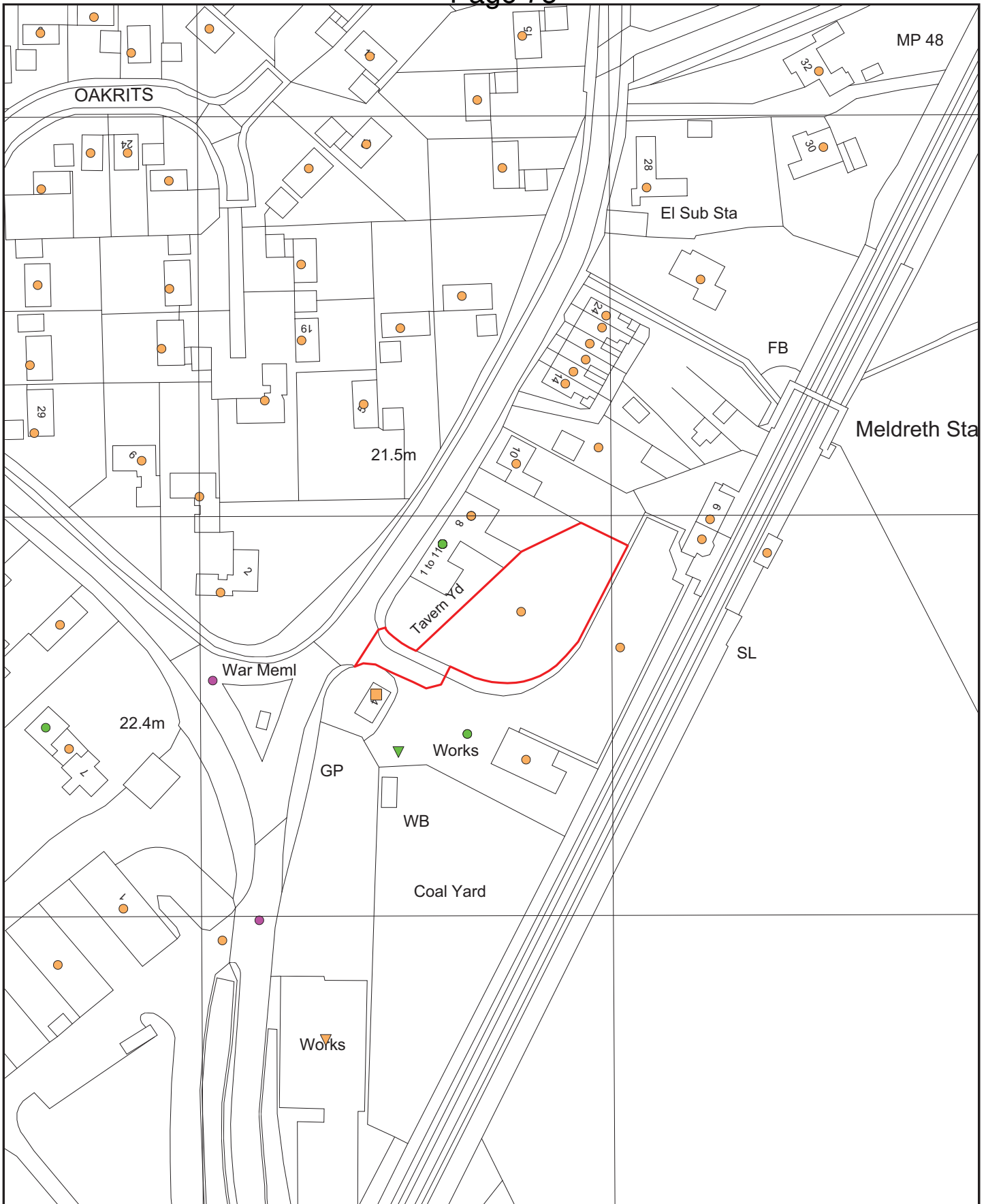
35. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is recommended that the application be granted Planning Permission, subject to conditions relating to:
1. Implementation within 3 years
  2. Development in accordance with approved plans
  3. Materials
  4. Hard and soft landscaping
  5. Boundary treatments
  6. Bin and cycle storage
  7. Provision of visibility splays at access
  8. Provision and retention of parking and turning area
  9. Obscure glazing of first floor windows in elevations facing flats
  10. Legal Agreement securing affordable housing contribution and open space, community facilities and waste receptacles contributions
  11. Contamination investigation works
  12. Protection of hedge during construction and subsequent retention
  13. Restriction of vegetation clearance during bird breeding season
  14. Noise attenuation scheme
  15. Limits on construction hours and delivery times
  16. Piling of foundations and control of airborne dust
  17. Floor levels plan

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

- Local Development Framework Core Strategy 2007
- Local Development Framework Development Control Policies 2007
- Planning File ref: S/0029/11

**Contact Officer:** Daniel Smith - Planning Officer  
01954 713162

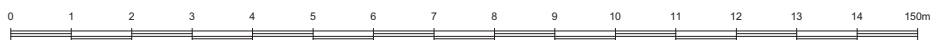
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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

1 February 2012

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

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**S/2291/11 – WATERBEACH**
**Erection of Dwelling at Land to the North of 43 Rosemary Road for Mrs C. de Grey**
**Recommendation: Approval**
**Date for Determination: 10<sup>th</sup> January 2012**
**Notes:**

**This application has been reported to the Planning Committee for determination as the officer recommendation conflicts with the recommendation of Waterbeach Parish Council**

**Site and Proposal**

1. The site is located within the Waterbeach village framework. It currently forms a single gravel parking space in a fenced off section to the rear of the garden to No. 43 Rosemary Road. The boundaries adjacent Nos. 41 and 45 Rosemary Road have a low picket fence. The site lies in flood zone 1 (low risk). This site is immediately adjacent the application site at rear of 45 Rosemary Road (adjacent 12 Burgess Road), Waterbeach where a dwelling was approved at the January planning committee meeting.
2. Nos. 41 to 45 Rosemary Road form a terrace of two-storey cottages with long rear gardens and kitchen windows at ground floor level and no windows at first floor level in their rear elevations. No. 45 has a garden adjacent the site where there is currently a two-storey dwelling proposed with a kitchen window in its side elevation facing the site. No. 41 Rosemary Road has a parking space adjacent the site that has planning permission for a garage.
3. The proposal, received on 15<sup>th</sup> November 2011, seeks the erection of detached, two-storey two bedroom dwelling with access on to Burgess Road. The main dwelling would be set back 3.8 metres from the road and the side elevations would project almost right up to both side boundaries. The dwelling would have width of 5.65 metres, a depth of 8 metres, and a height of 5 metres to the eaves and 7.7 metres to the ridge. A single storey, cycle and refuse store and small area of hardstanding would be provided to the front. A small garden would be provided to the rear that has an area of 36 square metres. The dwelling would be constructed from bricks for the walls and concrete tiles for the roof.

**Planning History**

4. Site: None relevant.
5. Adjacent Sites:  
**S/2026/11** - Dwelling Adjacent 12 Burgess Road (RO 45 Rosemary Road) – Approved.  
**S/2032/08/F** - Extensions, Garage and Vehicular Access at No. 41 Rosemary Road - Approved

**Planning Policy**

6. ***Local Development Plan Policies***

**South Cambridgeshire LDF Core Strategy DPD, 2007:**  
ST/5 Minor Rural Centres

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

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and New Developments

DP/7 Development Frameworks

HG/1 Housing Density

NE/6 Biodiversity

NE/11 Flood Risk

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

SF/11 Open Space Standards

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

**South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Open Space in New Developments SPD - Adopted January 2009

Trees & Development Sites SPD - Adopted January 2009

Landscape in New Developments SPD - Adopted March 2010

District Design Guide SPD - Adopted March 2010

7. ***National Planning Guidance***

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 3 (Housing)

8. ***Circulars***

Circular 05/2005 Planning Obligations

Circular 11/95 The Use of Conditions in Planning Permissions

**Consultation**

9. **Waterbeach Parish Council** – Recommends refusal on the following grounds: -

“Narrow road width with no pathway, there is no provision for car parking space for the property, and nowhere for visitors to the proposed dwelling to park.”

10. **Environmental Health Officer** – Concerned that problems could arise from noise during construction and suggests a condition in relation to the hours of use of power operated machinery. Also requests informatives with regards to pile driven foundations and the burning of waste on site.

11. **Trees and Landscapes Officer** – Has no objections.

12. **Landscape Design Officer** – No reply (out of time).

**Representations**

13. None received.



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

14. The key issues to consider in the determination of this application are the principle of the development and density, and the impacts of the development upon the character and appearance of the area, the amenities of neighbours, and highway safety.

#### **Principle of Development**

15. The site is located within the village framework of a 'Minor Rural Centre' where there is a good range of services and facilities and residential developments of up to 30 dwellings are considered acceptable in principle subject to all other planning considerations.
16. The site measures 0.01062 of a hectare in area. The erection of one dwelling would equate to a density of 94 dwellings per hectare. This density would meet the requirement of at least 40 dwellings per hectare for sustainable villages such as Waterbeach as set out under Policy HG/1. Whilst it is acknowledged that it would result in a high-density development, it would make the most efficient use of land.
17. The proposal is not considered to result in piecemeal development. Although it is noted that the sites are situated side by side and a larger development would require infrastructure to make the scheme acceptable in planning terms, the sites are under different ownerships.

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

18. The proposed development is not considered to harm the character and appearance of the area. The southern side of Burgess Road has mainly two-storey dwellings that are set close to the road. The main element of the dwelling would be set back from the adjacent proposed dwelling but set forward from the adjacent garage and the dwelling at No. 10 Burgess Road. The siting would therefore reflect the linear but slightly staggered pattern of development in the vicinity. It would be two-storey in height and in keeping with the scale of dwellings in the locality and a similar height to the proposed dwelling at No. 45 Rosemary Road. The dwelling would have a simple design that would replicate that opposite at No. 5 Burgess Road and the proposed dwelling at No. 45 Rosemary Road. It would be constructed from materials that are evident in the surrounding area.
19. Whilst it is noted that the dwelling would project right up to the side boundaries of the site, it is not considered to result in the loss of an important gap in the street scene or a cramped development as the area has a fairly high density of development and the comparable sized dwellings at Nos. 4c to 6b Burgess Road have a similar relationship to their surroundings.

#### **Neighbour Amenity**

20. The proposed dwelling is not considered to adversely affect neighbours through being unduly overbearing in mass or through a significant loss of light. It would be orientated to the north and situated a distance of 6 metres off the boundary with No. 43 Rosemary Road and 15 metres from the kitchen window its rear elevation. This would comply with the window-to-building distance of 12 metres as set out in the District Design Guide. It would be orientated to the west of the new proposed dwelling to the rear of No. 45 Rosemary Road and set 0.1 metres from the kitchen window in its side elevation. Although it would adversely affect the outlook from this window, it is not a significant habitable room and a two metre high fence could be erected without planning permission that would have a very similar impact. This relationship is therefore considered acceptable. It would be orientated to the east of No. 41 Rosemary Road and situated adjacent its parking area/ garage.
21. The proposed dwelling is not considered to result in overlooking to the garden and window in the rear elevation to the neighbour at No. 43 Rosemary Road and lead to a severe loss

of privacy to that property. The distance of 6 metres between the first floor bedroom windows and the rear boundary and the distance of 15 metres between the first floor bedroom windows and the kitchen window would fall short of the window to boundary distance of 15 metres and window to window distance of 25 metres as set out in the Council's District Design Guide SPD. However, the windows would be roof lights positioned at a height of 1.7 metres from finished floor level and be high level. This would therefore overcome any overlooking to No. 43 Rosemary Road.

### **Highway Safety**

22. The erection of one dwelling would not result in a significant increase in traffic generation along Burgess Road.
23. The proposed dwelling would have no on-site parking and would result in the loss of the parking space to No. 43 Rosemary Road. However, given that it would provide a small unit of accommodation within a sustainable village that has good access to public transport as a result of the railway station and bus routes, it would be situated in a central location with easy access to local services by walking and cycling, the Council's parking standards are maximum numbers required, Burgess Road and Rosemary Road currently have unrestricted on-street parking, and the majority of properties in Burgess Road have on site parking, The proposal is, on balance, considered acceptable. The development is not considered to result in a significant level of on-street parking that would cause an obstruction to the free flow of traffic along Burgess Road or Rosemary Road and be detrimental to highway safety.
24. Cycle parking would be provided on site within a covered and secure store.
25. A condition in relation to the provision of pedestrian visibility splays is not required given that there would be no vehicular access. A condition would be attached in relation to the use of bound material and surface water drainage for the hardstanding.

### **Other Matters**

26. The proposal would not increase the risk of flooding to the site and surrounding area subject to satisfactory methods of surface water drainage.
27. A landscape condition would be attached to any consent to agree some planting at the front of the dwelling to soften the development.
28. The South Cambridgeshire Recreation Study 2005 identified a shortfall of sport and play space within Waterbeach. No open space is shown within the development. The increase in demand for sport and playspace as a result of the development requires a financial contribution of approximately £2,244.90 (index linked) towards the provision and management of open space off-site and in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant has agreed to this contribution.
29. The South Cambridgeshire Community Facilities Assessment 2009 did not audit indoor community space in Waterbeach. However, due to the increase in the demand for the use of this space from the development, a financial contribution of £378.88 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant has agreed to this contribution.
30. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide. In accordance with the guide, developers are requested to provide for

household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. This would be secured via a legal agreement that would be a condition of any planning consent. The agent has confirmed that the applicant would be willing to contribute towards this request.

### Conclusion

31. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

### Recommendation

32. Approval. The following conditions and informatives are suggested: -

### Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**(Reason** - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 527/1.  
**(Reason** - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**(Reason** - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. The first floor bedroom windows in the rear elevation of the dwelling shall have a minimum sill height of 1.7 metres above finished floor level (first floor).  
**(Reason** - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in any elevation of the dwelling at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
**Reason** - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

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

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

8. During the period of demolition and construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and before 08.00 hours and after 13.00 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

**(Reason** - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

9. No development shall begin until details of a scheme for the provision of outdoor sport and playspace, indoor community facilities, and waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

**(Reason** - To ensure that the development contributes towards outdoor sport and playspace, indoor community facilities, and waste receptacles in accordance with the above-mentioned Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)

### **Informatives**

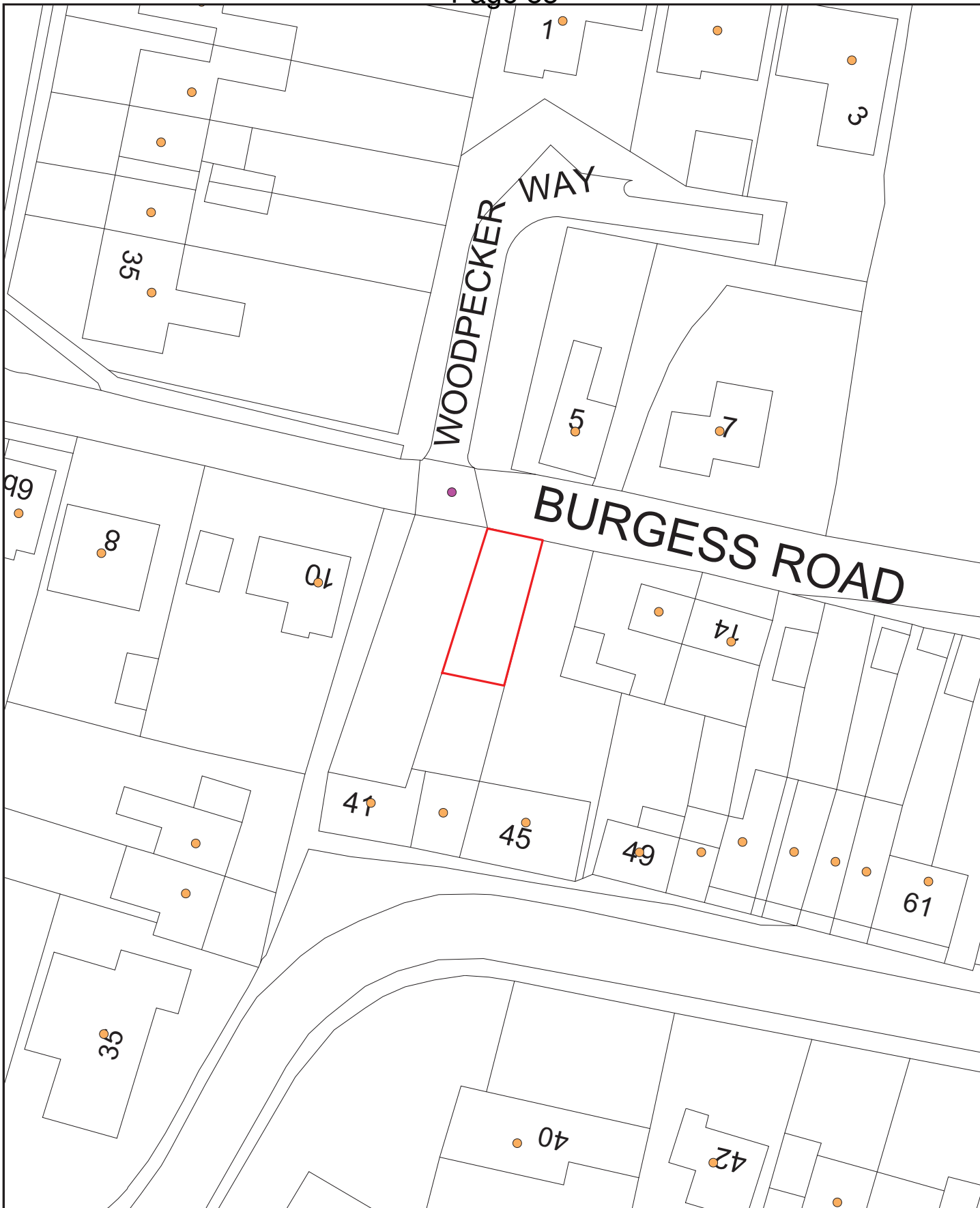
1. The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.
2. See attached Environment Agency advice regarding soakaways.

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Trees & Development Sites, Landscape in New Developments, and District Design Guide.
- Planning Policy Statements 1 and 3
- Planning File References: S/2291/11, S/2026/11, and S/2032/08

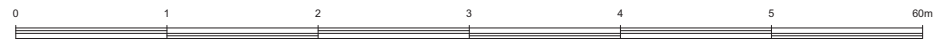
**Contact Officer:** Karen Pell-Coggins - Senior Planning Officer  
Telephone: (01954) 713230

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

1 February 2012

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

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**S/2272/11 – IMPINGTON****Erection of Dwelling at Land to the East of 37 Cambridge Road (Fronting Burrough Field) for Mr I. Purkiss.****Recommendation: Approval****Date for Determination: 6<sup>th</sup> January 2012****Notes:**

**This application has been reported to the Planning Committee for determination as the officer recommendation conflicts with the recommendation of Impington Parish Council**

**Site and Proposal**

1. The site is located within the Impington village framework. It measures 0.018 of a hectare in area and previously formed part of the rear garden of No. 37 Cambridge Road. It has now been fenced off along the eastern boundary of that property to create a separate plot of land that is situated at the end of a cul-de-sac between Nos. 19 and 32 Burrough Field. The boundary to Burrough Field consists of a 1.8m timber fence along with a street lamp and semi-mature sycamore tree. The site lies in Flood Zone 1 (low risk).
2. Burrough Field is a cul-de-sac of residential dwellings comprising detached two-storey dwellings set within wide spacious plots and finished in buff brickwork with concrete pan tiles. There are examples of extensions within the street scene. The street is of low density housing with most properties benefiting from off road car parking, front and rear gardens. No. 19 Burrough Field is situated to the south of the site and is set forward from the plot. It has a single storey rear extension and an outbuilding at the bottom of the garden. A hoigh wall aligns the boundary. No. 32 Burrough Field is situated to the north of the site and is parallel to the plot. It has a single storey side element and a single storey rear extension. There is a side/ rear patio area. A high fence aligns the boundary.
3. This full planning application, received 10<sup>th</sup> November 2011, proposes the erection of a part two-storey and part single storey two bedroom dwelling. It would be sited 5.6 metres back from the road and have two-storey gable facing the road with single storey monopitched elements to create a wider gable to the front. It would also have a single storey lean-to extension to the rear. The two-storey element would have a height of 5 metres to the eaves and 7 metres to the ridge and the single storey element would have a height of 2 metres to the eaves and 3.6 metres to the ridge. One parking space would be provided on a driveway at the front. The materials of construction would be buff bricks/cedar boarding for the walls and concrete tiles for the roof. The existing tree on the site would be removed.

### **Planning History**

4. A planning application for a dwelling on the site under reference **S/0467/11** was withdrawn.
5. An appeal was dismissed for a dwelling on the site under reference **S/1467/09/F** on the grounds of its design being out of keeping with the character and appearance of the area, a loss of privacy to the neighbour at No. 32 Burrough Field, and awkward manoeuvring and potential for on-street parking.
6. A planning application for a dwelling on the site under reference **S/1088/09/F** was withdrawn.
7. An appeal was dismissed for a dwelling on the site under reference **S/1688/99/F** on the grounds of its design being out of keeping with the character and appearance of the area and a loss of privacy and overbearing mass to the neighbour at No. 19 Burrough Field.

### **Planning Policy**

#### 8. ***Local Development Plan Policies***

**South Cambridgeshire LDF Core Strategy DPD, 2007:**  
ST/4 Rural Centres

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

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and New Developments

DP/7 Development Frameworks

HG/1 Housing Density

NE/6 Biodiversity

NE/11 Flood Risk

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

SF/11 Open Space Standards

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

**South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Open Space in New Developments SPD - Adopted January 2009

Trees & Development Sites SPD - Adopted January 2009

Landscape in New Developments SPD - Adopted March 2010

District Design Guide SPD - Adopted March 2010

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

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 3 (Housing)

#### 10. ***Circulars***

Circular 05/2005 Planning Obligations

Circular 11/95 The Use of Conditions in Planning Permissions

## Consultation

11. **Impington Parish Council** – Recommends refusal and makes the following comments: -

“Committee feel the proposed development would represent a marked contrast to the uniform rhythm and character of Burrough Field by virtue of its ridge line not aligned to the angle of other rooflines and its narrow built form. Its close proximity and corner windows on the southern corner overlook No. 19’s bedrooms and dining room. On road access to car park space suggested will require significant reversing distance on highway which children do play. Site plan does not accurately indicate constraint to access of 30 and 32. All those present feel that it is not compatible with its location due to corner windows being out of keeping, staggered gable frontage and narrow built form and would fail to preserve or enhance the character of the area.”

12. **Local Highways Authority** – Requires a condition in relation to the provision of 2.0 metres x 2.0 metres pedestrian visibility splays on either side of the access within the site area that are kept clear from obstruction above a height of 600mm and that the driveway is constructed with adequate drainage measures and bound material within 6 metres of the public highway. Also requests an informative in relation to works to the public highway.

13. **Urban Design Team** – Has the following comments: -

“Whilst this site was not included in the original development, its location and context are considered suitable for an infill development. The principle of an infill development for this location is therefore supported, as it would continue the grain of the development that currently exists in this part of Burrough Field and improve the overall appearance of the area.

A key concern of the previous application was raised regarding the location, mass and scale of the proposed dwelling in relation to the boundary and dwelling of no. 32 Burrough Field. In the current proposals both the orientation and the built form of the proposed building respond well to the restrictive nature of the site.

The massing and scale of the proposed dwelling is considered appropriate to the context of the site. The proposed single-storey element relates well to the proportions of the front porches prevalent in the area, while the proposed two-storey element is sufficiently set back from the pavement, and would continue the grain of development by matching the building line and approximate eaves and ridge heights of No.32, Burrough Field whilst being sympathetic of the amenity of No.19. Burrough Field. The proposed design would effectively protect the adjacent property from overshadowing and overbearing, and also balances the jutting of the three properties to be more uniform.

The design is of high quality and is commended: the scheme proposes an appealing contemporary design, which complements the pitched angles and rhythm of gables of adjacent properties, and so positively relates to the streetscape. It would serve as a terminating vista for Burrough Field and help enhance the image of the area.

The palette of materials proposed for the scheme is satisfactory: concrete interlocking roof tiles and buff facing brickwork are proposed to match the adjacent houses. The proposed timber cladding panels and composite windows with powder-coated finish would help relate the scheme to its urban context. Officers suggest the colour of the composite windows be dark grey in order to tie in with the contemporary style of the dwelling, and request that conditions be imposed regarding window frame colour.

The proposals respond positively to the constraints of the site and make efficient use of available land. The design is good quality and is well integrated into the existing urban fabric. Issues raised within previous applications have now been adequately addressed and the current design proposals are in general conformity with Policy DP/2 of the South Cambridgeshire District Council Development Plan (Adopted July 2007) and the design principles set out in the South Cambridgeshire District Council District Design Guide (Adopted March 2010). It is therefore recommended that the application be approved with the aforementioned condition regarding window frame colour.”

14. **Environmental Health Officer** – Concerned that problems could arise from noise during construction and suggests a condition in relation to the hours of use of power operated machinery. Also requests informatives with regards to pile driven foundations and the burning of waste on site.
15. **Trees and Landscapes Officer** – Has no objections.
16. **Landscape Design Officer** – Requests landscape and boundary conditions to achieve some planting in the front garden to visually soften the development. Suggests a climber on the front of the house to compensate for the loss of the tree.

#### **Representations**

17. Six letters have been received from neighbours that raise the following issues: -
  - a) Character of the area including narrowness of plot, cramped development, and scale and design of dwelling out of keeping with Burrough Field;
  - b) Neighbour amenity including loss of privacy, overbearing impact, loss of light, and on-street parking;
  - c) Highway safety including blocking of access to adjacent properties from on-street parking, restricted manoeuvring and egress of vehicles, lack of visibility, and maintenance of pedestrian visibility splays; and,
  - d) Other matters including impact upon adjacent trees, future landscaping, removal of existing asbestos building, safety of boundary wall, land not previously used as a vehicular access, no pedestrian access to rear, accuracy of drawings, position of bins on collection days, and removal of street light.

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

18. The key issues to consider in the determination of this application are the principle of the development and density, and the impacts of the development upon the character and appearance of the area, neighbour amenity, highway safety, and trees and landscaping.

#### **Principle of Development**

19. The site is located within the village framework of a ‘Rural Centre’ where residential developments with no limit on size are considered acceptable in principle subject to all other planning considerations.

#### **Density**

20. The development of one dwelling would equate to a density of 56 dwellings per hectare. This would comply with the density requirement of at least 40 dwellings per hectare that should be achieved in sustainable villages such as Impington and make the most efficient use of the land.

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

21. The proposal is not considered to harm the character and appearance of the area. The site does not form an important open space within the street scene, as the area comprises dwellings set close together. Whilst it is acknowledged that the plot width is narrower than the other plots in Burrough Field and that the dwelling would be smaller and have a design with a gable facing the road rather than the ridgeline as with other dwellings in the area, it would reflect features of dwellings in Burrough Field such as the front gable extensions to the properties at Nos. 19 and 20. It is not therefore considered to be out of keeping with its surroundings. The main materials would be similar to existing and the use of timber cladding and contemporary windows would give the dwelling a horizontal emphasis to identify with the existing dwellings.

### **Neighbour Amenity**

22. The proposed dwelling is not considered to seriously harm the amenities of the neighbour at No. 19 Burrough Field. Although it is noted that the single storey element of the dwelling would be located right on the boundary, it would orientated to the north and have an low eaves height of 2 metres (the same as a fence that could be constructed under permitted development rights) with a shallow roof sloping way with a maximum height of 3.6 metres at a distance of 3.5 metres from the boundary. The two-storey element would be set 2 metres off the boundary adjacent to the rear of the garden and orientated to the north west. This relationship is, on balance, considered acceptable and would not lead to an unduly overbearing mass or significant loss of light from the property or private patio area. The first floor bathroom window in the front and side elevation would not result in a loss of privacy as it would be fixed shut and permanently maintained with obscure glass in order to avoid overlooking. This would be a condition of any consent.
23. The proposed dwelling is not considered to seriously harm the amenities of the neighbour at No. 32 Burrough Field. The dwelling would be orientated to the south but be set in line with that property. It is not therefore considered to lead to an unduly overbearing mass or significant loss of light to that property or its private patio area. The first floor bedroom window in the rear elevation would be set off the boundary and allow an oblique angle of view similar to other neighbours. This is not considered to result in overlooking that would lead to a severe loss of privacy.
24. The first floor bedroom window in the rear elevation is not considered to overlook the properties to the west in Cambridge Road as it would be situated 12 metres off the boundary and 40 metres from the dwellings.
25. The parking and turning of vehicles on Burrough Field outside the site is not considered to seriously harm the amenities of nearby neighbours as this could happen in any case, as there is unrestricted on-street parking and it is a public highway.

### **Highway Safety**

26. The proposal is not considered to result in a material increase in traffic generation to and from the site that would be detrimental to highway safety.
27. One on-site parking space would be provided for the new dwelling. This is considered appropriate as it that would accord with the Council's maximum parking standards and is a sustainable village with good public transport links and easy access to services by walking and cycling. The ease of access to the parking space has been improved by its central position would be unlikely to lead to awkward manoeuvring.

The proposal is not therefore likely to lead to on-street parking that would cause a hazard and adversely affect the free flow of traffic along Burrough Field. The provision of 2.0 metres x 2.0 metres visibility splays either side of the parking space would be a condition of any consent. The previous use of the land for a builders yard but with no vehicular access is noted and the application has been considered on the basis of a new access being created.

### **Trees and Landscaping**

28. The proposal would not result in the loss of any important trees or landscaping that contribute to the visual amenity of the area. A landscaping condition would be attached to any consent to achieve some landscaping at the front of the site to soften the impact of the development upon the street scene and compensate for the loss of the tree.

### **Developer Contributions**

29. The South Cambridgeshire Recreation Study 2005 identified a shortage of sport and play space within Impington. No sport or public open space is shown within the development. The increase in demand for sport space as a result of the development requires a financial contribution of £2,244.90 (index linked) towards the provision of new space or the improvement of existing open space in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant's agent has confirmed agreement to this contribution.
30. The South Cambridgeshire Community Facilities Assessment 2009 states that Impington has community facilities of a poor standard. In addition, there is a shortfall of space. Due to the increase in the demand for the use of this space from the development, a financial contribution of £378.88 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant's agent has confirmed agreement to this contribution.
31. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide which outlines the basis for planning conditions and obligations. In accordance with the guide, developers are requested to provide for the household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant's agent has confirmed agreement to this contribution.

### **Other Matters**

32. The application plans are accurate in relation to the site. The plans do not have to show neighbouring properties.
33. The removal of an asbestos building is covered under Environmental Health legislation and is not a planning consideration.
34. A refuse storage area is provided within the single storey element at the front of the building. This could also be used for cycle parking.

The grass verge in front of the site is public highway and not privately owned land. Its current use for as a refuse area for properties in Burrough Field on collection day cannot be enforced.

35. The safety of the boundary wall is a civil matter between the applicant and the neighbour.
36. The removal of the streetlight is an issue between the applicant and the utility company.

**Conclusion**

37. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

**Recommendation**

38. Approval. The following conditions and informatives are suggested: -

**Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan and drawing number PL-01.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority.  
Development shall be carried out in accordance with the approved details.  
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.  
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
7. Visibility splays shall be provided on both sides of the access within the site and shall be maintained free from any obstruction over a height of 600mm within an area of 2.0 metres x 2.0 metres measured from and along respectively the highway boundary.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. No development shall take place until details of surface water drainage measures from the driveway have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in any elevation/roof slope of the dwelling at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. The first floor bathroom window in the east and south elevations of the dwelling, hereby permitted shall be fixed shut and permanently maintained glazed with obscure glass.  
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. No development shall begin until details of a scheme for the provision of open space, community facilities and waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.  
(Reason - To ensure that the development contributes towards open space, community facilities and waste receptacles in accordance with Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)
12. During the period of demolition and construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and before 08.00 hours and after 13.00 hours on Saturdays, nor at any



time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

## ***Informatives***

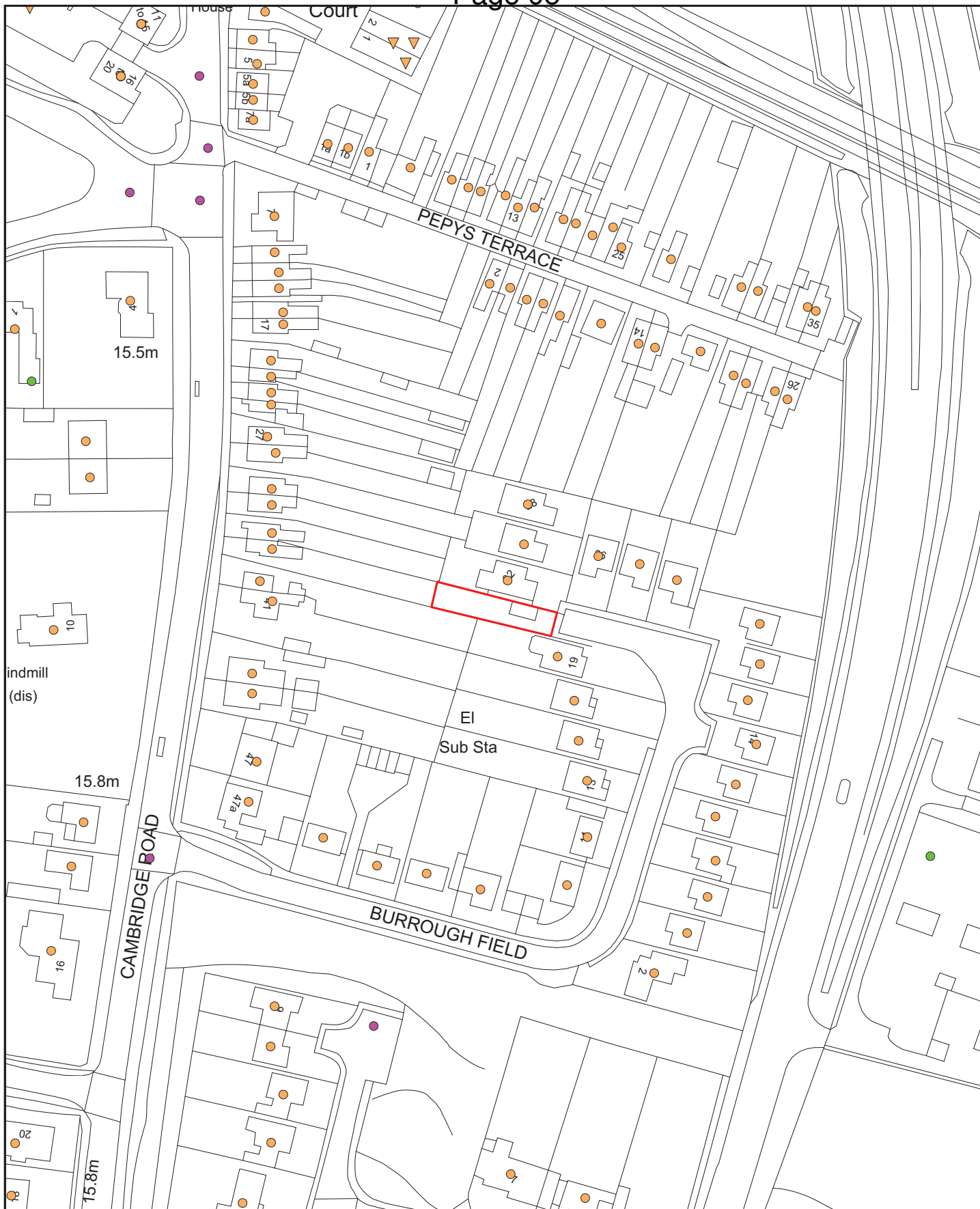
1. The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.
2. The driveway should be constructed from bound materials in order to avoid the displacement of loose materials on to the public highway.
3. Should pile driven foundations be proposed, then before works commence, a statement of the method of construction for these foundations shall be submitted and agreed by the Environmental Health Office so that noise and vibration can be controlled.
4. During demolition and construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.
5. Before the existing property is demolished, a Demolition Notice will be required from the Building Control section of the Council's planning department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.
6. See attached Environment Agency advice regarding soakways.

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Trees & Development Sites, Landscape in New Developments, and District Design Guide.
- Planning Policy Statements 1 and 3
- Planning File References: S/2271/11, S/0467/11, S/1467/09/F, S/1088/09/F, and S/1688/09/F.

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

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South  
Cambridgeshire  
District Council

Planning Dept - South Cambridgeshire DC



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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 1 February 2012  
**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager - Planning  
and New Communities

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**S/2111/11 - CAMBOURNE**  
**Erection of 82 dwellings and associated infrastructure**  
**at Land Parcel Cell 1A, Upper Cambourne**  
**for Taylor Wimpey East Anglia**

**Recommendation: Delegated Approval**

**Date for Determination: 18<sup>th</sup> January 2012**

**Notes:**

**This Application has been reported to the Planning Committee for determination because the recommendation of approval does not fully accord with the Parish Council's comments, which raise issues that have not yet been fully addressed.**

**Site, Background and Proposal**

1. The application site, measuring 2.3 hectares (ha), lies to the west of Upper Cambourne Village Green. It forms the principal part of the first phase (known as land parcel Cell 1A) of the Cambourne 950 development, approved by way of outline planning permission ref. S/6438/07/O. 'Reserved Matters' approval has already been granted for the initial first 5 dwellings on this land parcel, comprising a terrace of three 3-bed houses and two detached 4-bed houses.
2. This reserved matters application, received 20<sup>th</sup> October 2011, seeks approval of the access, appearance, landscaping (to be confirmed), layout and scale for 82 dwellings at 36 dwellings per hectare (dph). 23 will be affordable units. 3 of the 5 units on the 'phase 1' consented Cell 1A land parcel will be affordable, which ensures that 26 of the total 87 Cell 1A units will be affordable, in compliance with the 30% requirement agreed at the outline stage.
3. Condition 10 of the outline planning permission limits the size of affordable housing clusters to no more than 15 houses (or 20 affordable apartments). The proposed scheme proposes two affordable housing clusters of 11 and 12 units respectively on the northern section of the site, which accords with the planning condition.
4. In terms of dwelling mix, the market unit element of the scheme proposes the provision of 6 two-bed houses/flats (10.2%), 36 three-bed dwellings (61%), 14 four-bed dwellings (23.7%), and 1 five-bed dwelling (0.1%). With respect to affordable units the proposed mix will be 10 two-bed houses (43.5%) and 13 three-bed houses (56.5%).
5. The majority of car parking spaces will be provided 'on plot', and formed from a mixture of garages and driveway spaces – most being provided with 2 spaces, but some of the larger private units will benefit from 3 spaces. To help facilitate a scheme

with a strong sense of place and defined continuous street frontages on principal streets, the scheme incorporates a number of car parking courts in appropriate locations. The car parking courts have all been limited in scale and to create active secure environments each includes mews dwellings, be they houses or flats above garages.

6. During pre-application discussions, which have been held in consultation with Cambourne Parish Council, it was agreed that there would be significant benefit to deviating from the suggested road configuration for this land parcel, which would have seen a north-south street running through the centre of the proposed LAP/POS. The north-south street now runs to the south/east of the open space, which facilitates the provision of a single open space with dwellings overlooking the space on three sides. The western boundary links directly into the country park and creates a softening feature to the urban edge.
7. Subsequent to submission, the application has been subject to amendments in terms of the design of the dwellings, with changes made to more closely reflect the design ethos espoused in the outline application Design & Access Statement, and Design Guidance document, including reference to defined Character Areas. The design of the dwellings has been refined to create simple contemporary dwellings but punctuated by some more bespoke units, which through design, scale or form provide focal or landmark buildings at key locations. The dwellings are a mix of 2, 2½ and 3-storey.

#### **Planning History**

8. **S/6438/07/O** – Up to 950 dwellings, a neighbourhood/community building, ancillary public open space, formal play areas, internal access roads, pedestrian and cycle routes, and associated drainage and engineering infrastructure, including electricity sub-stations on land at Upper Cambourne, approved 3 October 2011.
9. **S/1504/11** – Reserved Matters application for erection of 5 dwellings (early phase of Cell 1A) and infrastructure, approved 3 October 2011.

#### **Planning Policy**

10. The following policies have been considered:

##### **South Cambridgeshire Local Development Framework (LDF) Core Strategy 2007**

ST/4 Rural Centres

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

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/6 Construction Methods

HG/1 Housing Density

HG/2 Housing Mix

TR/1 Travel

TR/2 Car and Cycle Parking Standards

TR/4 Non-motorised Modes

##### **South Cambridgeshire LDF Supplementary Planning Document (SPD) - District Design Guide – Adopted March 2010**

**Upper Cambourne Design Guidance** (adopted 1 August 2011)

**Consultations**

11. **Cambourne Parish Council** – resolved that the application be recommended for approval, subject to the following recommendations:
  - a. The pepper potting should be spread out and not be so concentrated in one area (which is next to an area of pre-existing social housing);
  - b. Pinch points should be incorporated on the paved roads to act as a safety measure for pedestrians and reduce speeding;
  - c. The cycle path is moved to the east side of Brace Dein;
  - d. Benches be provided to the LAP and pinch points added to the adjacent road;
  - e. The cycle and footpaths should all link up.
12. **SCDC Enabling & Development Officer** – notes that each of the housing clusters accords with the original planning consent in terms of size, and welcomes that the applicant is prepared to review the location relative to the adjacent sites. Whilst the tenure split accords with the Section 106 Agreement, the actual units that will be social rented or shared ownership will need to be discussed further. Discussions are also underway to ensure that one unit is fully wheelchair accessible as SCDC have a housing need for people who require fully wheelchair accessible; it has been agreed that this be accommodate on the adjacent parcel 1B.
13. **SCDC Environmental Health – Contaminated Land Officer** – This area of land was formerly military land and was previously investigated over 15 years ago. It is recommended that an appropriate condition be attached to the consent.
14. **Cambridgeshire Fire & Rescue Service** – should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants.
15. **Cambridgeshire County Council Rights of Way & Access Team** – no objections to the proposed development but would point out that Cambourne Footpath No. 3 runs along the southern boundary of Brace Dein, and the developer must ensure that the footpath remains open and unobstructed at all times.
16. The comments of the **Local Highway Authority and Landscape and Design Officer** are awaited.

**Representations**

17. No neighbourhood representations have been received.

**Planning Comments – Key Issues**

18. The key issues to consider in this instance are: compliance with outline planning permission and the principles of the approved Design Guidance document for Cambourne 950; impact on the residential amenity of adjoining properties; impact on the adjoining open countryside; and responses to consultee representations.

***Compliance with Outline Planning Permission***

19. The scheme complies with the general layout requirements set down through the outline planning permission ref. S/6438/07/O and the requirement to provide 30% of dwellings as affordable units.

***Compliance with Design Guidance***

20. The external design and layout of the scheme has been refined during the course of determination of the application, so that it more closely reflects the design aspirations detailed in the approved Design Guidance document for Cambourne 950.
21. The dwellings have been amended to deliver better proportioned, and simply detailed contemporary dwellings, including some verticality in terms of fenestration details to add aesthetic interest. Similarly, refinements have been made to some key plots, which have been identified in the Design Guidance as locations for landmark, focal and gateway buildings. In these cases, bespoke designs have been developed, which include the introduction of projecting bays, unique roof forms, and variations in scale and form, to set them apart and create key focal and landmark buildings.
22. Brick, cladding and roofing details for these units will reflect a particular plots location either within 'The Village Heart' or 'The Woodlands' Character Areas prescribed in the approved Design Guidance document.
23. The layout of the dwellings respects the design and layout parameters established by the outline parameter plans and further evolved through the adopted Design Guidance document for the wider Cell 1A development parcel.
24. Car and cycle parking provision is in accordance with adopted standards contained within the Local Development Framework Development Control Policies Development Plan Document 2007.

***Residential Amenity***

25. The application site has a direct relationship with the built out sections of Upper Cambourne to the north (UC03 and UC10), and indeed the development will act as the continuation of a number of the existing streets. The proposed dwellings that adjoin the existing dwellings on UC03 and UC10 front the streets and generally continue the existing street building lines, thus avoiding any adverse visual dominance or loss of light to the existing dwellings. Similarly, private amenity to the existing dwellings will not be adversely affected in terms of overlooking, as no direct back-to-back relationships will be created.

***Responding to Consultees' Comments***

26. Cambourne Parish Council resolved to recommend that the application be approved, subject to a number of matters being addressed/considered.
27. With regards to the issue of pepper-potting of affordable units, there is sympathy with the comments made, as whilst the scheme technically complies with Condition 10 of the outline planning permission, the aim of the condition is to ensure an even distribution across all of Cambourne, and thus the context including existing housing must be taken into account.
28. Thus whilst the proposed scheme proposes two affordable housing clusters of 11 and 12 units (compared with the maximum 15 units clusters stipulated on the '950 site), they are located in the northern section of the site, adjoining an existing area of



affordable housing to the north. As such the applicant has been asked, and has agreed, to review the proposed distribution of affordable housing.

29. With regard to the request for pinch points, the scheme has been specifically designed with limited areas of long straight road and areas of raised brick paving/shared surface streets are being used to create pedestrian friendly environments to secondary streets. The Highways Officer has informally confirmed that are satisfied with this approach, the layout is acceptable as proposed.
30. The issue of the cycleway will be dealt with by way of a separate reserved matter application, which has just been received, which incorporates linking footpaths and cycleways. That application confirms that the cycleway has been positioned to the south side of the carriageway, as requested by the Parish Council and demonstrates that the cycle and footpaths will all link up:
31. A detailed landscaping scheme has been submitted, however, comments are awaited from the Landscape Design Officer. An update will be provided.
32. The conditions sought by the Environmental Health Officer and Fire and Rescue Service are covered by an existing ones on the outline consent therefore it is not necessary to reiterate them on this reserved matter permission. The applicant's attention will be drawn to them by way of an informative. Similarly the advice of the Rights of Way & Access Team will be passed on by way of an informative.
33. In summary, this scheme is now acceptable and accords with the policies and guidance in place for Cambourne so long as an acceptable distribution of affordable housing is submitted, which the applicant has agreed to review prior to issuing a decision notice. An update on this report will be given.

### **Recommendation**

34. Delegated approval of reserved matters of layout, scale, appearance, access and landscaping, subject to receipt of a revised scheme showing acceptable pepper-potting of affordable homes.

### **Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location Plan LP/UC1A/10 Revision A; Site Plan SP/UC1A/02 Revision D; Lifetime Homes Plan OC/UC1A/LH/1 Revision A; Affordable Housing Plan OC/UC1A/HA/1 Revision A; Bin Strategy Plan OC/UC1A/BS/1 Revision A; Character Areas & Key Buildings Plan OC/UC1A/CS/1 Revision A; Street Elevations Plan PD/UC1A/SE/12 Revision C; Street Elevations Location Plan PD/UC1A/SE/10; House Type Planning Drawings: House Type PT43 (Plots 68, 81) Pd/UC1A/PT43/03 Rev.A; House Type PT43 (Plot 6) Pd/UC1A/PT43/01 Rev.A; House Type PT43 (Plots 11, 85, 9) Pd/UC1A/PT43/02 Rev.A; Landmark (Plot 87) Pd/UC1A/LM87/01 Rev.A; Type PB33 (Plots 69, 70, 71, 72) Pd/UC1A/PB33/02A Rev.A; Type PB33 (Plots 32, 36, 53, 57, 61, 31, 35, 51, 52, 56, 60) Pd/UC1A/PA/33/01A Rev.A; Type PB33 (plots 37, 54) Pd/UC1A/PA33/03 Rev.A; Type PB33 (Plots 7, 8) Pd/UC1A/PA33/02 Rev.A; Type PB33 (Plots 59, 74) Pd/UC1A/PA33/01 Rev.A; Type PC32 (Plots 66, 67) Pd/UC1A/PC32/02 Rev.A; Type PC32 (Plot 13) Pd/UC1A/PC32/04 Rev.A; Type PC32 (Plots 18, 19) Pd/UC1A/PC32/03 Rev.A; Type PC32 (Plot 12, 14) Pd/UC1A/PC32/01 Rev.A; Type PB52 (Plots

10, 77, 79, 86, 80) Pd/UC1A/PB52/01 Rev.A; Type PA22 (Plots 64, 65) Pd/UC1A/PA22/01 Rev.A; Type PE41 (Plots 33, 34) Pd/UC1A/PE41/01 Rev.A; Type PT34 (Plot 16) Pd/UC1A/PT34/02 Rev.A; Type PT34 (Plot 58) Pd/UC1A/PT34/03 Rev.A; Type PT34 (Plot 75) Pd/UC1A/PT34/01 Rev.A; Type PT33 (Plot 17) Pd/UC1A/PT33/02 Rev.A; Type PT31 (Plots 55, 63) Pd/UC1A/PT31/01 Rev.A; Type PT48 (Plot 78) Pd/UC1A/PA48/02 Rev.A; Type PT48 (Plot 83) Pd/UC1A/PA48/01 Rev.A; Type 45 (Plots 76, 82, 84) Pd/UC1A/PA45/01 Rev.A; Type 21 (Plot 62) Pd/UC1A/PT21/03 Rev.A; Type 21 (Plot 73) Pd/UC1A/PT21/01 Rev.A; Type 21 (Plot 15) Pd/UCC1A/PT21/02 Rev.A; Garage Details 2 (Plots 9, 10, 11, 77, 78, 79, 80-87) Pd/UC1A/GD/02 Rev.A; Garage Details 1 drawing no. Pd/UC1A/GD/01 Rev.A; Conservatory drawing no. Pd/UC1A/CONS/01 Rev.A; Type AA23S (Plot 50) Pd/UC1A/AA23S/02 Rev.A; Type AA23S (Plot 30) Pd/UC1A/AA23S/03 Rev.A; Type AA23S (Plot 24) Pd/UC1A/AA23S/01 Rev.A; Type AA23 (Plot 25) Pd/UC1A/AA23/03 Rev. A; Type AA23 (Plots 22, 29) Pd/UC1A/AA23/02 Rev. A; Type AA23 (Plots 48, 49) Pd/UC1A/AA23/01 Rev. A; Type AA31 (Plots 20, 26, 27, 40, 21, 28, 41) Pd/UC1A/AA31/01 Rvw.A; Type AA31 (Plot 45) Pd/UC1A/AA31/03 Rev. A; Type AA31 (Plots 44, 43) Pd/UC1A/AA31/02 Rev. A; Type AA31S (Plots 42, 46) Pd/UC1A/AA31S/01 Rev. A; Type AA31S (Plot 39) Pd/UC1A/AA31S/02 Rev. A; Type PT31S (Plots 23, 47) Pd/UC1A/PT31S/01 Rev. A; Lifetime Home Plan Type AA23 drawing no. Pd/UC1A/LTH/01 Rev.A; Lifetime Home Plan Type AA23S drawing no. Pd/UC1A/LTH/02 Rev.A; Lifetime Home Plan Type PB33 drawing no. Pd/UC1A/LTH/03 Rev. A; Planting Plan ref. 2328-PP-01 Revision E; Planting Plan ref. 2328-PP-02 Revision E; Planting Plan ref. 2328-PP-03 Revision E. (Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town & Country Planning Act 1990.)

2. No development shall commence until a schedule of materials (including render colours) and finishes for the doors, windows, walls and roofs of the dwellings and garages on a plot by plot basis, hereby permitted, to include samples of the materials and method of window opening have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved schedule, samples and window opening method.  
(Reason: To ensure that the submitted details conform with the adopted Upper Cambourne Design Guidance August 2011 which aims to coordinate materials within defined Character Areas to enhance the visual quality of the development and in accordance with Policy DP/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD adopted July 2007).
  
3. No development shall commence until a scheme of hard surfacing and road surfacing within the site to include samples of the materials has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved scheme and samples.  
(Reason - In the interests of the visual amenity and quality of the development and to conform with the adopted Upper Cambourne Design Guidance August 2011 which aims to coordinate materials within defined Character Areas to enhance the visual quality of the development and in accordance with Policy DP/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.)

4. No development shall commence until details, materials and finishes for all railings, bollards, electronic gates and open space seating hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved scheme and samples.  
(Reason - To enhance the visual quality of the development and to meet the requirements of the Upper Cambourne Design Guidance adopted August 2011 and in accordance with Policy DP/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD adopted July 2007.)
5. No development shall commence until a plan specifying the location and extent of a compound to be provided clear of the public highway for storage and the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction, has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and no materials shall be stored, nor contractors' vehicles parked, outside the approved compound and parking area.  
(Reason - In the interest of highway safety and to ensure compliance with Policy DP/3 and DP/6 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.)
6. No development shall take place until details of external lighting for the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved details.  
(Reason - In the interests of the amenity, security and the quality of the development in accordance with Policy NE/14 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Class A of Part 1 of Schedule 2 of the Order shall take place with respect to plots 7, 12, 13, 14, 16, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 49, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 64, 65, 72, 74, 75, and 76 unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
(Reason - In the interests of residential amenity by virtue of either the relatively small size of private garden areas or the limited back-to-back distances with other plots in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. No dwellings shall be occupied until the access road and footpaths necessary to serve that development have been completed to wearing course level.  
(Reason - To protect the safety of users of the access roads and footpaths and to safeguard the appearance of the built environment in accordance with Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD adopted July 2007.)
9. The garages, car ports and parking spaces to be provided on or near each dwelling for parking and turning of vehicles shall be provided before the respective dwellings are occupied, and those spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles.

(Reason - In the interests of highway safety and in accordance with Policy TR/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.)

10. Meter boxes shall not be installed on any elevation facing a highway other than in accordance with a scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority.  
(Reason - To avoid visual clutter in the interests of the quality of the development in accordance with Policy DP/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD adopted July 2007.)

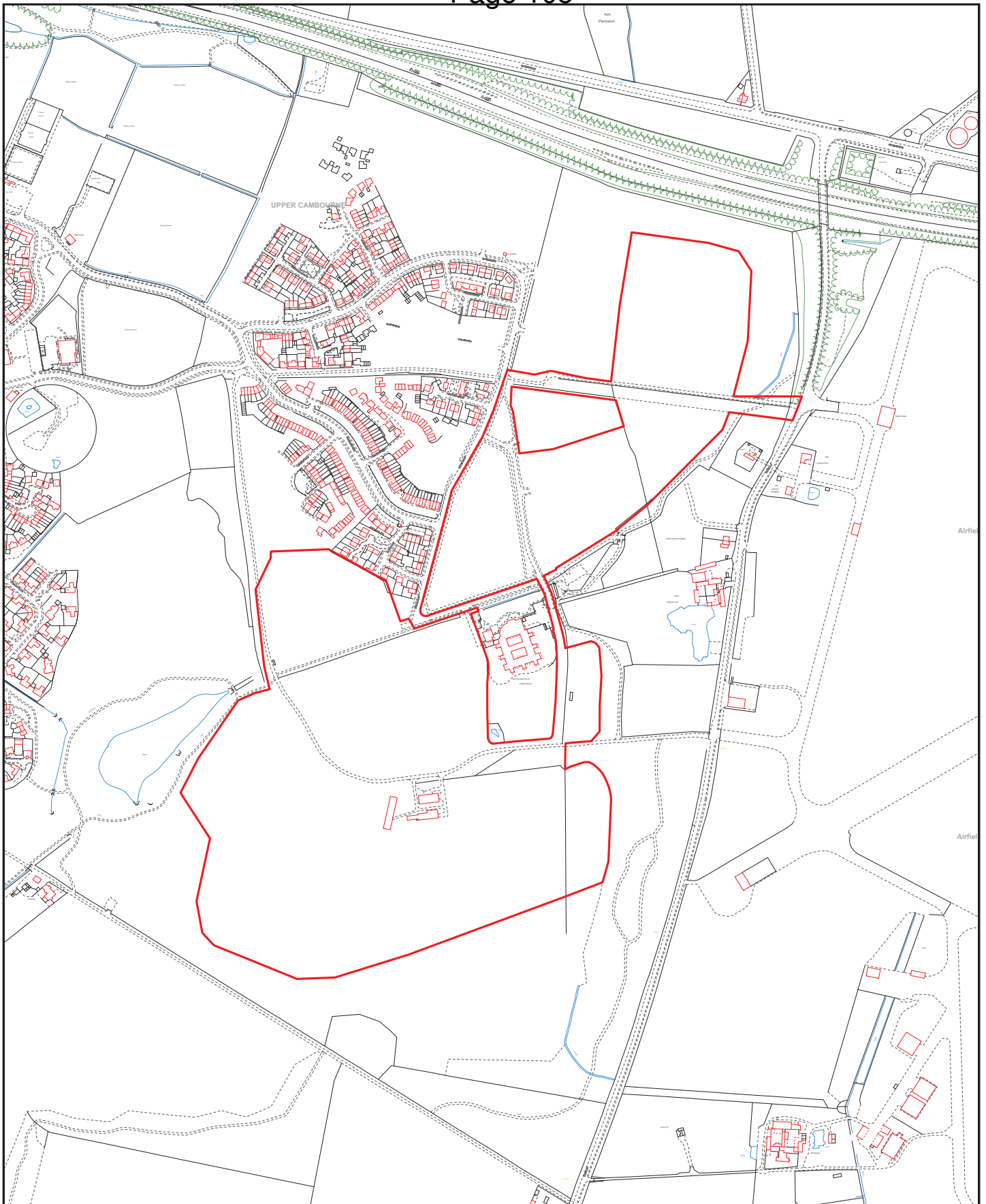
### **Informatives**

1. The applicant's attention is drawn to the conditions imposed on the outline planning consent S/6438/07/O which apply to this development.
2. The applicant's attention is drawn to the comments of the Environmental Health Officer and Fire and Rescue Service and is reminded of the need to meet conditions of the outline planning permission in relation to land contamination and fire hydrants.
3. The comments of Cambridgeshire County Council's Rights of Way and Access Team are drawn to the attention of the applicant:
  - a. No alteration to the surface of public rights of way is permitted without its consent (it is an offence to damage the surface of a public right of way under S1 of the Criminal Damage Act 1971).
  - b. The footpath must remain open and unobstructed at all times. Building materials must not be stored on them and contractors' vehicles must not be parked on them (it is an offence under S137 of the Highways Act 1980 to obstruct a public right of way).
  - c. The landowner is reminded of its responsibility to maintain hedges and fences adjacent to the public rights of way, and that any transfer of land should account for any such boundaries (S 154 Highways Act 1980).
  - d. The granting of planning permission does not entitle the developer to obstruct a public right of way (Circular 1/09 para. 7.1).
  - e. Further guidance notes for developers in relation to public rights of way are available at its website:  
<http://www.cambridgeshire.gov.uk/environment/countryside/definitive/>.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- South Cambridgeshire Local Development Framework Design Guide SPD (adopted March 2010)
- Upper Cambourne Design Guide4 – Adopted March 2010
- Planning File Ref: S/2111/11, S/1504/11 and S/6438/07/O.

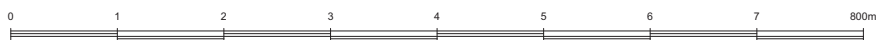
**Contact Officer:** Trevor Faulkner – Principal Planning Officer  
Telephone: (01954) 713417



South  
Cambridgeshire  
District Council

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Planning Dept - South Cambridgeshire DC



**FOR INTERNAL USE ONLY**

Scale - 1:7091  
Time of plot: 15:54

Date of plot: 20/01/2012

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Planning Committee

1 February 2012

**AUTHOR/S:** Executive Director (Corporate Services) / Legal and Democratic Services Manager

**SAWSTON - PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.18**

**Purpose**

1. To consider a proposal to divert public footpath no. 18 in Sawston.

**Recommendations**

2. It is recommended that an order is made under section 257 of the Town and Country Planning Act 1990 to divert Public Footpath No.18, Sawston between Mill Lane and The Baulks, as described in the report from Cambridgeshire County Council (Appendix 1).

**Reasons for Recommendations**

3. To enable the development proposed in planning application S/2435/07/F to take place.

**Background**

4. While South Cambridgeshire District Council remains the Order Making Authority, Cambridgeshire County Council now acts as its agent in carrying out all the administration involved in dealing with applications relating to public rights of way under the Town and Country Planning Act 1990. The Planning Committee's decision will be conveyed to the County Council as soon as possible.

**Considerations**

5. As set out in Appendix 1 to this report.

**Options**

6. To approve or not approve the application.

**Implications**

7.	Financial	Public Notices
	Legal	None specific
	Staffing	None specific
	Risk Management	None
	Equality and Diversity	None
	Equality Impact Assessment completed	None
	Climate Change	Public Rights of Way represent a sustainable means of travel

**Consultations**

8. As set out in the report from Cambridgeshire County Council, and with Planning and New Communities at South Cambridgeshire District Council.

**Consultation with Children and Young People**

9. None

**Effect on Strategic Aims**

10. The District's network of safe and well maintained public rights of way makes sure that South Cambridgeshire continues to be a healthy place in which residents can be proud to live.

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

Report and Appendices from Cambridgeshire County Council

**Contact Officer:** Ian Senior – Democratic Services Officer  
Telephone: (01954) 713028



To: Legal and Democratic Services Manager, South Cambridgeshire District Council  
From: Andy Davison, Definitive Map Officer, Rights of Way and Access Team, Cambridgeshire County Council, CC1305  
Ref: TCPA90/196-18/AD  
Date:

## **Report on the proposed diversion of Public Footpath No.18, Sawston**

### **1.0) Purpose**

1.1) To report on the proposed diversion of Public Footpath No.18, Sawston between Mill Lane and The Baulks (Footpath No.20). The application for the diversion and a plan showing the effect of the proposals are attached in Appendix **A**.

### **2.0) Background**

2.1) This diversion order is required in order to implement a planning permission in relation to planning application number S/2435/07/F, made by Fabco Ltd, which was granted on appeal on 4<sup>th</sup> December 2008 (see Appendix **B**). The application is for the "Change of use of Combined Dwelling / Shop to Dwelling with Home Office, Erection of Bungalow and Garage, Formation of Driveway and Realignment of Public Right of Way, Erection of Boundary Fencing".

2.2) The diversion of the footpath therefore falls to be determined by the relevant planning authority ("competent authority") under section 257 of the Town and Country Planning Act 1990.

2.3) In February 2007, South Cambridgeshire District Council entered into an Agreement with Cambridgeshire County Council providing that all Public Path Order applications under section 257 of the Town and Country Planning Act 1990 should be processed by the County Council, acting as agents for the District Council. A copy of the Agreement explaining the procedure is attached at Appendix **C**.

2.4) The application for a diversion order was therefore correctly made to Cambridgeshire County Council, who began the formal consultation procedure on August 4<sup>th</sup> 2011. (Strictly speaking this is a renewed application, due to the time elapsed since discussions first started on this case, and the fact that the developer has employed a new agent.)

### **3.0) Site Description** (Pictures attached in Appendix **D**)

3.1) The present route of Footpath 18 starts on Mill Lane at TL 4803 4944 next to a former shop, and runs in somewhat meandering fashion northwards for approximately 60 metres across a rather unkempt informal green space to meet The Baulks, Footpath 20, at TL 4803 4949. The defined path on the ground has a tarmac surface approximately 1 metre wide.

- 3.2) The proposed diversion would relocate the path to the eastern side of the site, adjacent to the boundary fence of no.80, Mill Lane, starting at TL 4804 4943 and joining The Baulks at TL 4804 4949.
- 3.3) The new path would be 2 metres wide with a tarmac surface constructed to the specification of the area Highway Supervisor.

**4.0) Legislation**

- 4.1) Section 257 of the Town and Country Planning Act 1990 allows that:
  - '(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—
    - (a) in accordance with planning permission granted under Part III, or
    - (b) by a government department.
  - (2) An order under this section may, if the competent authority is satisfied that it should do so, provide—
    - (a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
    - (b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
    - (c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
    - (d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.'
- 4.2) Under Schedule 14 of the Act (*Part 1: confirmation of orders*):
  - '(2) If no representation or objections are duly made, or if any so made are withdrawn, the authority by whom the order was made may, instead of submitting the order to the Secretary of State, themselves confirm the order (but without any modification).
  - ...
  - (3)(2) If [an] objection is made by a local authority...the Secretary of State shall, before confirming the order, cause a local inquiry to be held.'
- 4.3) Section 336 makes clear that a "local authority" means a "billing authority or precepting authority"
- 4.3) An Order shall come into effect once the new route has been certified by either the order-making authority or the highway authority as being of a satisfactory standard for public use. The County Council as highway authority will undertake the certification.

- 4.4) The Equality Act 2010 consolidated previous disability legislation. There is currently little formal guidance on how the Act interacts with existing rights of way legislation. However, it is generally understood to require order-making authorities to take into account the reasonable needs of disabled people (using the term in its broadest sense) in considering changes to the rights of way network. The Act requires authorities to be more proactive in recording their thought-processes in making their decisions.

#### **5.0) Grounds for diversion of Public Footpath No.18, Sawston**

- 5.1) The proposed development envisages a new driveway and a new bungalow, with its curtilage, being constructed on the route of the existing footpath. The diversion is thus required in order to implement a planning permission granted under part III of the Town and Country Planning Act 1990. Section 257(1)(a) is therefore satisfied.
- 5.2) The proposed new route for will provide an alternative footpath:
- The new path will be constructed to the Highway Authorities specification. The applicants have agreed to undertake the necessary works required at their own expense.
  - The rights of statutory undertakers will not be affected.
  - The requirements of Section 257(2) are therefore satisfied.
- 5.3) It is not considered that the Equality Act 2010 is relevant in this case – both the existing path and the proposed diversion are surfaced and fully accessible, with no obstacles.

#### **6.0) Consultations**

- 6.1) The local branch of the Ramblers' Association, the regional branch of the British Horse Society, Sawston Parish Council, Local County and District Members, the immediate neighbours, the prescribed user groups and the utility companies were all consulted about the proposals. The following replies have been received (copies are attached as Appendix E):
- The local Ramblers' Association drew attention to their comments at the previous consultation, but “[saw no reason] *why the RA should object to the diversion as currently proposed*”.
  - The regional British Horse Society “*makes no comment on the proposed diversion*”.
  - Mr Thomas of 84 Mill Lane felt “*that a path such as that planned...would be a considerable improvement*” and supported the proposed diversion.
  - Mr and Mrs Smith of 80 Mill Lane wrote: “*We wish to object to the footpath being diverted to run adjacent to our western boundary fence. At present the footpath runs through open land several metres from our boundary, the new path would become enclosed, dark and uninviting especially at night. The new proposed route would result in people and cyclists banging and knocking against our fence and causing a nuisance to us as the new path would run parallel to our*

*home. If the application to divert Footpath No. 18 is successful we wish to request that the Developer supplies and erects a 1.8 metre closeboard fence to our western boundary. This would be similar to our northern boundary fence which also runs adjacent to a footpath."*

- Virgin Media, National Grid, BT Openreach, Atkins – Cable & Wireless and Anglian Water had no objection.
- 6.2) No other responses were received from statutory undertakers or prescribed bodies.
- 6.3) Sawston Parish Council reiterated that they *"still object to moving the footpath to the side of the existing property (No.80)."* Copies of e-mail correspondence with them, and extracts from the Parish Council minutes are attached as Appendix **F**.
- 6.4) The developer's agent submitted documents to meet the planning conditions relating to the path diversion. These are attached as Appendix **G**.
- 6.5) As this is an urban location, and involves a path with a tarmac surface, the Cambridgeshire County Council area Highway Supervisor was consulted as the officer responsible for future maintenance. His specification for the construction of the new path is attached as Appendix **H**.
- 6.6) The Service Director, Infrastructure Management and Operations, Cambridgeshire County Council made the following comments:..... attached as Appendix **I**

**7.0) Discussion**

- 7.1) The planning application was made in 2007 and attracted several objections, including one from the County Council Rights of Way and Access Team, as well as from one of the neighbouring properties, the Parish Council and the local Ramblers' Association. The substance of this team's objection was that the path diversion proposed by the developer would be confined by high fences on both sides, and thus would not meet our planning guidelines.
- 7.2) Permission was refused by South Cambridgeshire District Council, but granted on appeal to the Planning Inspectorate. The Inspector made several conditions, specifically agreement with the appropriate authorities on landscaping, boundary treatments and the diversion of the public footpath.
- 7.3) The developer's new agent has submitted new plans for landscaping and fencing and a new application to divert the path. Under the revised plans most of the western side of the path is not to be fenced; the northern stretch of less than 15 metres would have a high fence on the eastern side and a 1.2 metre fence around the new bungalow on the west. A 2 metre wide path would be provided, constructed to the highway authority's specification and not confined on both sides.
- 7.4) This addresses the County Council's concerns; as noted above, the Ramblers' Association have also indicated that they would consider this satisfactory.

- 7.5) However, the neighbouring householders at no.80 still have an outstanding grievance, essentially of loss of amenity or privacy. They feel that their existing fence is not substantial enough to withstand the extra wear due to the proximity of the diverted path, or to provide adequate privacy. The southern section of fence is nominally 1.8 metres, and the northerly section 1.5 metres. The two parties have been put in touch with each other and it is hoped that they will reach an agreement for the developer to provide a fence that that will be acceptable to the householder. It is not, however, considered appropriate to make the provision of a new fence for the neighbouring householder a condition of the path diversion. The criterion for a diversion under the legislation is that it is “necessary to...enable development to be carried out...”
- 7.6) Sawston Parish Council objected to the planning application, and have expressed their opposition to the diversion in support of the neighbours. They have intimated that they will sustain their objection, even if the developer reaches an agreement with the neighbours. As noted above, under Schedule 14 of the Act, if an order is made and the Parish Council objects, a local inquiry must be held before it can be confirmed.
- 7.7) Notwithstanding this, it appears that the criteria for making a diversion order have been met – the diversion is needed to enable the development to be carried out, and an alternative path will be provided. A Planning Inspector has granted permission for this development to be carried out, and it would not be appropriate to introduce unreasonable obstacles as a means of frustrating it.
- 8.0) Recommendation**
- 8.1) It is recommended that an order is made under section 257 of the Town and Country Planning Act 1990 to divert Public Footpath No.18, Sawston between Mill Lane and The Baulks, as described in this report, to enable the development proposed in planning application S/2435/07/F to take place.

**LIST OF DOCUMENTS**

<b>A</b>	Application for proposed diversion, and a plan showing the effect
<b>B</b>	Copy of the Planning Inspector's appeal decision
<b>C</b>	Copy of Memorandum of Agreement between the District Council and Cambridgeshire County Council
<b>D</b>	Photos of the site
<b>E</b>	Copies of consultation responses
<b>F</b>	Copies of consultation response from Sawston Parish Council, and extracts from their minutes.
<b>G</b>	Developer's documents detailing how they will meet planning conditions.
<b>H</b>	County Council Highway Supervisor's specification for construction of the path
<b>I</b>	Memo from the County Council Service Director, Infrastructure Management and Operations.

DRAFT

MICHAEL THOMAS CONSULTANTS  
PLANNING PROPERTY SERVICES

07786805977

info@planningpropertyservices.co.uk

To: Cambridgeshire County Council acting as agent for the Local Planning Authority

**TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION FOR AN ORDER TO PERMANENTLY DIVERT  
A PUBLIC RIGHT OF WAY**

Name of applicant FABCO PROPERTIES LIMITED

Address .....

Tel. (work) ..... Tel. (home) .....

I hereby apply for the diversion of the footpath/bridleway\* known as SAWSTON [parish] 18 [no.] under s.257 of the Town and Country Planning Act 1990 and undertake, if an order for the diversion of the path is made, to carry out such work on the diverted route of the path as may be required to bring the path into a fit condition for public use to the satisfaction of the County Council, prior to the confirmation of the order.

(\*Delete the term that does not apply.)

Signed AWM Date 20/06/2011

**Consent of other landowner/s and other requirements**

Written consent of any other landowner/s affected by your proposed diversion (for both the existing line and proposed new line) must be obtained prior to submission.

A copy of the County Council's requirements for making diversion orders can be found at the end of this application form. The County Council will require all of these to be met. Please note in particular:

The requirement for pre-application consultations: The applicant must consult with the relevant Parish Council and local user groups, and must append copies of any correspondence to this application

**The path to be diverted**

Parish SAWSTON No. 18

From ..... OS grid ref. ....

To ..... OS grid ref. ....

General description of path .....

**Landowner**

Name FABCO PROPERTIES LIMITED

Address .....

**Lessee/tenant**

Name n/a

Address .....

**Occupier**

Name ..... n/a .....  
Address .....

**Reasons for the diversion**

Local Planning Authority: SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL  
Planning application No: S/2435/07/F  
Date of Planning Permission: 4th DECEMBER 2008 (APPEAL REF 2082851)  
Description of proposed development: THE CHANGE OF USE OF THE EXISTING SHOP / DWELLING AND THE ERECTION OF A NEW BUNGALOW

**The proposed new route of the path**

Please enclose a signed and dated plan, preferably at scale of not less than 1:2,500 and based on an Ordnance Survey map.

From ..... OS grid ref. ....  
To ..... OS grid ref. ....

General description of new path ..... 2M WIDE TARMAC PEDESTRIAN FOOTPATH .....

**Landowner**

Name ..... FABCO PROPERTIES LIMITED .....  
Address .....

**Lessee/tenant**

Name ..... n/a .....  
Address .....

**Occupier**

Name ..... n/a .....  
Address .....

**Other Legal Interests**

Please give details of any other person(s) having a legal interest in the land over which the right of way is to be diverted, for example other landowners, mortgagees or other persons having an easement over the land:

..... n/a .....  
.....

Has the written consent of all such persons been obtained?  
Yes/no (Delete as applicable.)

The consents must accompany this application.



**Statement**

I hereby agree to put the new route(s) into a fit condition, as approved by the Council, for use by the public within 28 days of a request by the Council to do so.

I hereby undertake to defray any compensation which becomes payable in consequence of the coming into operation of the order, and to pay in full the County Council's administrative costs of making the order and the costs of the public notices.

I also undertake with Cambridgeshire County Council to meet in full the requirements of any statutory undertaker in respect of any apparatus which may be over, in or under the right of way in respect of which I am making this application. I understand that the consent of the statutory undertakers (i.e. gas, water, electricity, telecommunications, the Post Office and the Civil Aviation Authority) is required before the order can be confirmed by the council and that their consent may be conditional on my carrying out works to protect the statutory undertakers' apparatus and/or rerouting it. (The Council will consult with statutory undertakers on your behalf.)

Data Protection

Applicants' names and addresses will be held by the County Council and will be published in its decision report, which will remain as part of the legal record in the public domain. They may also be published on the County Council's website if regulations so require, but if exemptions are possible applicants will be contacted at that point for their consent.

I have read and understand this application and make my application acknowledging the conditions specified in it.

Signed AWJh ..... Date 20/06/2011

**Pre-application consultations**

Please append copies of all correspondence with user groups and the relevant Parish Councils. Have any objections been raised?

.....  
.....

**Works**

Following receipt of this application, the County Council's rights of way officer will contact you to arrange to meet you to inspect the proposed new route and to agree the works that will be needed to bring it into a fit condition for use as a public path. These works will be confirmed in writing following the site inspection. Please note that the Council will require a minimum width of 2m to be provided for the new route of a public footpath, and a minimum of 4m for the new route of a public bridleway. The new path will be signposted and/or waymarked to the extent deemed necessary by the Council.

**Coming into operation of an alternative route**

Please note that the existing route of the path to be stopped up will **not** be extinguished until an officer of the Countryside Access Team acting on behalf of the highway authority (Cambridgeshire County Council) has certified that the new route of the alternative path has been provided on the ground to a suitable standard for use by the public. It is the applicant's responsibility to ensure that works to provide the new route of the path are completed.

**Recovery of fees and costs**

Under the 'Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 as amended by SI 1996 No 1978, the County Council may recover from the applicant the reasonable administrative costs of processing applications for, and making, public path orders. The County Council will invoice you for:

- the administrative costs of processing your application up to the making of a public path order, a charge of £971.60.
- staff travelling expenses @ 45p per mile.
- the cost of inserting one Public Notice in a local newspaper at the time of the making of the order, one Public Notice in a local newspaper at the time of the confirmation of the order and one Public Notice in a local newspaper at the time of the coming into operation of the order

The costs of taking an opposed order to a public inquiry will be met by the County Council or District Council, but the County Council will expect the applicant to provide their own legal representation at the inquiry. Please note that the Council reserves the right to decline to proceed to a public inquiry for an opposed order.

For further information see the County Council's *Public Rights of Way – A guide for planners and developers* available on our website at

<http://www.cambridgeshire.gov.uk/environment/countryside/definitive/>

and *A guide to definitive maps and public rights of way* published by Natural England:

<http://naturalengland.etraderstores.com/NaturalEnglandShop/Product.aspx?ProductID=8f4433c1-0c14-488e-96b6-b7d67bacbfd4>

## Public Path Diversion Orders – Cambridgeshire County Council requirements for making an order

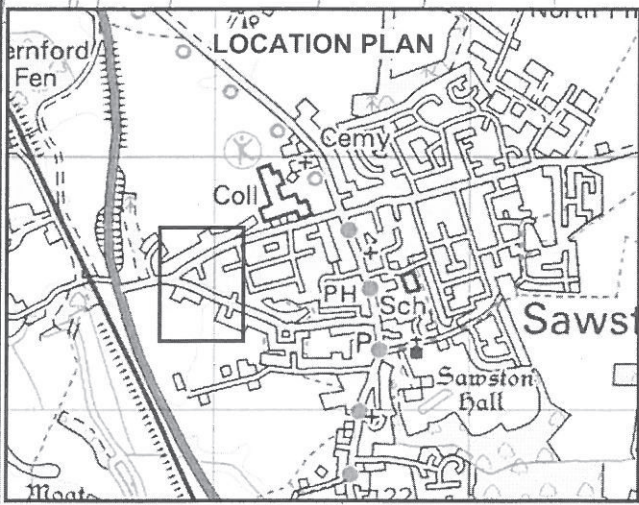
### **Diversions**

- pre-application consultations have been carried out with the prescribed bodies
- where possible, a suitable alternative path is provided for every path that is to be stopped up under s257 Town & Country Planning Act 1990
- the proposed new routes of paths are reasonably convenient to the public when compared with the original routes
- the Parish Council does not object to the proposals
- no objections are received to the proposals during the statutory consultation period prior to making an order
- the proposed new route is not less convenient for maintenance than the original
- the maintenance burden on the County Council of the new route is no greater than that of the original
- if the maintenance burden is greater, the landowner may be required to enter into a maintenance agreement with the County Council
- a minimum width of 2m is provided for the new route of a public footpath, and a minimum of 4m for the new route of a public bridleway
- that all works needed to bring the new route of the path into a suitable condition for use by the public are carried out at the expense of the landowner to the Countryside Access Team's specifications

### ***Pre-application consultations***

*Applicants are advised that prior to formally submitting their diversion or extinguishment application to the Countryside Access Team, they must complete informal consultations with the prescribed bodies (list attached). This will identify at an early stage whether the proposal is likely to be accepted by the public, and all responses received should be attached to the application form.*

# Proposed diversion of Sawston FP18



**KEY**

	FP18 to be stopped up
	FP18 - new route
	Unaffected Rights of Way

Scale (at A4): 1:1250  
 Date: 02/08/2011  
 By: fh298

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 February 2012

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

## APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as at 19 January 2012. A summary of a recent decision of importance is also reported, for information.

- Decisions Notified By The Secretary of State

2.

Ref. no.	Details	Decision	Decision Date
S/1392/10/F	Dr S Sangray 37a Rampton Road Willingham Removal of agricultural Occupancy	Allowed	01/12/11
S/0262/11/F	Mrs S Izzard Land off Potton Road Gamlingay C of U of land to permanent residential caravan site	Dismissed	02/12/11
S/0251/11/F	Mr & Mrs Robinson 54 High Street Over Erection of a brick wall and gates onto High Street(retrospective)	Dismissed	05/12/11
S/2278/10/F	Mrs C Bidwell 20 New Road Over Two storey extension	Dismissed	05/12/11
S/0725/11/LB	Mr N Jones 13 Elmlea Silver Street Litlington Alterations/Extension to existing outbuilding to create a new bedroom and ensuite shower room	Allowed	06/12/11
S/0724/11/F	Mr N Jones 13 Elmlea Silver Street Litlington Alterations/Extension to existing outbuilding to create a new bedroom and ensuite shower room	Allowed	06/12/11

S/1240/10/LB	Mr J Atherton Upper Farmhouse Alms Hill Bourn Demolition of Garden Wall	Allowed	06/12/11
S/1238/10/F	Mr J Atherton Upper Farmhouse Alms Hill Bourn Timber post & rail fence with gates in revised location	Allowed	06/12/11
S/0687/11/F	Mr I McFadyen 2 Poplar Farm Close Bassingbourn 16no photovoltaic solar panels o garage roof	Dismissed	08/12/11
S/0688/11/LB	Mr I McFadyen 2 Poplar Farm Close Bassingbourn 16no photovoltaic solar panels on garage roof	Dismissed	08/12/11
S/2246/10/F	Beechdale Ltd Kingston Barns Bourn Road Kingston Conversion of a rural building to provide holiday accommodation.	Allowed	21/12/11
S/0675/11/F	Mr & Mrs Solanki 24 Gibraltar Lane Swavesey Front gates and Boundary	Dismissed	23/12/11
S/1157/11/F	Mr & Mrs Le Strat 31 Sheralds Croft Lane Thriplow Fist floor front and side and ground rear extension	Allowed	30/12/11
S/1778/10/F	Barton Housing Assoc Gretton Court High Street Girton Car-parking condition No 13	Allowed Committee Approval	05/01/12
S/0733/1/F	Mr A Greed Land south of Brickhills Willingham No19 Dwellings accessed off Brickhills	Allowed Committee Refusal	16/01/12
S/1271/11/A	Marshall Jaguar Newmarket Road Fen Ditton	Allowed Delegated	16/01/12

Free standing illuminated Refusal  
sign

- Appeals received

3.

Ref. no.	Details	Decision	Decision Date
S/1522/11/F	Mrs D Edwards Peartree Cottage 92 High Street West Wrating Erection of photo-voltaic panels on roof of detached garage	Refused	02/12/11
S/1284/11/F	Goreway Holdings Adj 7 Station Road Foxton Dwelling	Refused	05/12/11
S/1713/11/F	Mr & Mrs L Lattion 59 Ermine Way Arrington Dwelling and Car Park	Refused	07/12/11
S/1263/09/F	Tonga Marine Ltd Highfields Court Highfields Caldecote Variation of Condition	Refused	09/12/11
S/1263/09/F	Tonga Marine Ltd Highfields Court Highfields Caldecote Variation of Condition 1(A)	Refused	09/12/11
Plaenf.4816	Mr E Wells The Scholars Rectory Farm Road Little Wilbraham Without planning permission carrying out or woks of operational development		18/12/11
Plaenf.4817	Mr E Wells The Scholars Rectory Farm Road Without planning permission carrying out or woks of operational development Little Wilbraham		18/12/11
S/1513/11/F	Mr M Huntingdon 11 West Road Histon Front Porch	Refused	22/12/11
S/0828/11/F	MPM Properties (Royston) Ltd The Plough Shepreth	Refused	22/12/11

	Cof U from restaurant to residential		
S/0931/11/O	Mr B Cooper 2 Hall Close Foxton Single Dwelling	Refused	13/01/12
S/2064/11/F	Mr & Mrs K A Wojtecki 5 Long Lane Comberton Dwelling and carport	Refused	16/01/12

- **Local Inquiry and Informal Hearing dates scheduled before the next meeting on 1 February 2012.**

4.

Ref. no.	Name	Address	Hearing
Plaenf.4484	Mr J Green	Overbrook Farm Green End Landbeach	Confirmed 24/01/12
S/2275/10/F	Mr Banks	Manor Farm Washpit Lane Harlton	Confirmed 31/01/12
S/1561/11/F	Mr Bibby	The Stables Schole Road Willingham	Confirmed 15/02/12
S/1298/11/F	Taylor Wimpey	Greengage Rise Melbourn	Confirmed 28/02/12

- **Summaries of recent decisions**

**Mr Andy Greed – Erection of 19 dwellings – Land south of Brickhills, Willingham – Appeal allowed and costs awarded against the Council**

- The Planning Committee refused the application on two grounds. These were the impact on the character and appearance of the surrounding area and on the residents living opposite in Brickhills. The appeal was determined by way of a hearing.
- The area surrounding the site contains buildings of varied size, scale, design and materials. In response to this diverse character, a contemporary design with distinctive building profiles was proposed. This approach would accord with guidance in the Council's District Design Guide which, among other things, states that infill sites are expected to complement the street pattern by continuity of form and design or by appropriate contemporary contrast.
- The first refusal reason related to the design and appearance of plots 12-15 and in particular to their flat roofs. The inspector found the proposed flat roofs would reflect design details indicated in the wider development that was proposed, including the proposed flat roofed porches. The front bays, projecting gables and render panels of plots 12-15 would reflect those on the adjacent plots 11 and 16 and the palette of materials and door and window details would be repeated throughout the scheme. This would create a consistent overall design and a visually cohesive development with a sense of place. The contrast between the flat and mono-pitched roofs and the differing bulk and scale of the dwellings would provide a degree of design variety and interest reflective of the varied character of buildings in the



surrounding area. Public viewpoints from where the flat roofs could be seen are limited, but as the flat roofs of plots 12-15 would be seen as an integral part of the comprehensive scheme design, the fact that they could be visible in some views would not in itself be objectionable.

8. Against this background, the inspector concluded that the Council had been unduly prescriptive in terms of its design requirements and its response to a small flat roofed element of a scheme which demonstrates a clear and coherent design approach. Whilst planning permission should be refused for development of obviously poor design, the appeal proposal could not reasonably be described in this way.
9. The previous Inspector found that the front elevations of plots 12-15 would overwhelm the neighbouring Brickhills properties as a result of their height, scale and proximity, eroding the enjoyment of their rear rooms and gardens, thereby harming their living conditions. In response to these concerns, the height of plots 12-15 had been reduced by about 1.4m by removing the previously shown mono-pitch roof and its replacement with a flat roof. The current appeal inspector noted that no technical justification or other convincing evidence was provided, either at the time of refusal or at the hearing to justify the Council's decision that this harm would remain. It was also noted that officers considered that the relationship between the existing and proposed developments would be acceptable. The inspector concluded that the proposed development would have no unacceptable adverse impacts on the residential amenities of the occupiers of properties in Brickhills and a satisfactory living environment would be created for future occupiers.
10. The appeal was therefore allowed subject to the provision of six affordable dwellings and appropriate contributions towards education and open space provision within the village. These measures have been secured through a completed section 106 agreement.
11. Costs were also awarded against the Council. The inspector found that whilst there was no objection to a contemporary scheme in principle, it appears that the Council's design objections arose principally from opposition to one design element of the scheme, being the flat roofs. This objection was not fully justified and the approach is contrary to guidance set out in PPS1. Whether or not the Committee followed the lead of one Member (as the appellant had claimed), the Council's decision did not follow the recommendation of officers. Whilst it involved matters of judgement concerning the effects of the proposed development on the character and appearance of the area and on neighbours, the evidence provided by the Council was not sufficiently specific to explain its contrary decision. In particular, the analysis as to the effects of the scale, massing and bulk of the appeal proposal on these factors was vague, despite being narrowly focused.
12. It was incumbent on the Council to set out the factors on which its own assessment has been based. In this instance, the Council could not provide a respectable basis for its stance, contrary to the advice set out in the Costs Circular. The Council failed to show reasonable planning grounds for its decision and the appellant has faced unnecessary and wasted expense, because the entire appeal could have been avoided. The inspector therefore found that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated and that a full award of costs was justified.
13. There is no indication at present as to what those costs are likely to be and members will be updated as necessary at the meeting.

**Background Papers:** the following background papers were used in the preparation of this report  
None

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