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28 April 2014

To: Chairman – Councillor Robert Turner
Vice-Chairman – Councillor Lynda Harford
All Members of the Planning Committee - Councillors David Bard, Val Barrett,
Brian Burling, Tumi Hawkins, Caroline Hunt, Sebastian Kindersley,
David McCraith, Deborah Roberts, Ben Shelton, Hazel Smith and Nick Wright

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 7 MAY 2014 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

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

AGENDA

PAGES

PUBLIC SEATING AND SPEAKING

Public seating is available both in the Council Chamber (First Floor) and the Public Gallery / Balcony (Second Floor). Those not on the Committee but wishing to speak at the meeting should first read the Public Speaking Protocol (revised May 2013) attached to the electronic version of the agenda on the Council's website.

PROCEDURAL ITEMS

1. **Apologies**
To receive apologies for absence from committee members.
2. **General Declarations of Interest** 1 - 2
3. **Minutes of Previous Meeting**
To authorise the Chairman to sign the Minutes of the meeting held on 2 April 2014 as a correct record. The minutes can be viewed by

visiting the electronic version of this agenda on the Council's website.

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CONFIDENTIAL ITEM

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| 17. | Exclusion of Press and Public
The press and public are likely to be excluded from the meeting during consideration of the following item in accordance with the provisions of Section 100(a)(4) of the Local Government Act 1972 (exempt information as defined in paragraphs 1, 2, 5 and 7 of Schedule 12A (as amended) of the Act). | |
| 18. | Stapleford (Proposed application for injunction to remedy current breaches and prevent apprehended future breaches of planning control at land at Hill Trees, Babraham Road, stapleford)
Appendices 1 to 14 of the Committee report dated 2 October 2013 were previously issued in hard copy at that time, and can be viewed by visiting the electronic version of this agenda on the Council's website. | 117 - 144 |

OUR LONG-TERM VISION

South Cambridgeshire will continue to be the best place to live, work and study in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment.

The Council will be recognised as consistently innovative and a high performer with a track record of delivering value for money by focusing on the priorities, needs and aspirations of our residents, parishes and businesses.

OUR VALUES

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

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

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

Notes to help those people visiting the South Cambridgeshire District Council offices

While we try to make sure that you stay safe when visiting South Cambridgeshire Hall, you also have a responsibility for your own safety, and that of others.

Security

When attending meetings in non-public areas of the Council offices you must report to Reception, sign in, and at all times wear the Visitor badge issued. Before leaving the building, please sign out and return the Visitor badge to Reception.

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Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Leave the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park opposite the staff entrance

- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If you feel unwell or need first aid, please alert a member of staff.

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We are committed to improving, for all members of the community, access to our agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

Toilets

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

Recording of Business and Use of Mobile Phones

We are open and transparent about how we make decisions. We allow recording, filming and photography at Council, Cabinet and other meetings, which members of the public can attend, so long as proceedings at the meeting are not disrupted. We also allow the use of social media during meetings to bring Council issues to the attention of a wider audience. To minimise disturbance to others attending the meeting, please switch your phone or other mobile device to silent / vibrate mode.

Banners, Placards and similar items

You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. Failure to do so, will result in the Chairman suspending the meeting until such items are removed.

Disturbance by Public

If a member of the public interrupts proceedings at a meeting, 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. The meeting will be suspended until order has been restored.

Smoking

Since 1 July 2008, South Cambridgeshire District Council has operated a Smoke Free Policy. No one is allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. You are not allowed to bring food or drink into the meeting room.

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Notes

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

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Agenda Item 2

Planning Committee

Declarations of Interest

1. Disclosable pecuniary interests (“DPI”)

A DPI is where a committee member or his/her spouse or partner has any kind of beneficial interest in the land under consideration at the meeting.

2. Non-disclosable pecuniary interests

These are interests that are pecuniary involving a personal financial benefit or detriment but do not come within the definition of a DPI. An example would be where a member of their family/close friend (who is not their spouse or partner) has such an interest.

3. Non-pecuniary interests

Where the interest is not one which involves any personal financial benefit or detriment to the Councillor but arises out of a close connection with someone or some body /association. An example would be membership of a sports committee/ membership of another council which is involved in the matter under consideration.

I have the following interest(s) (* delete where inapplicable) as follows:

Agenda no.	Application Ref.	Village	Interest type	Nature of Interest
	S/		1* 2* 3*	
	S/		1* 2* 3*	
	S/		1* 2* 3*	

Address/ Location of land where applicable

Signature:

Name Date

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Agenda Item 4

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/1774/13/FL
Parish(es):	Over
Proposal:	Extension and conversion of barn to dwelling.
Site address:	Ivy House, 12 Fen End, Over
Applicant(s):	Mr and Mrs A Stockbridge
Recommendation:	Approve.
Key material considerations:	Principle of development; Listed Building; Residential Amenity; Highway Safety and Other Considerations
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Andrew Fillmore
Application brought to Committee because:	The officer recommendation is contrary to the views of the Parish Council. The application was deferred from the committee meeting of 2 April 2014 for a site visit.
Date by which decision due:	9 October 2013

Planning History

1. S/0336/FL Erection of implement shed following demolition of barn. Approved.

Planning Policies

2. *National*
3. National Planning Policy Framework
4. *South Cambridgeshire LDF Core Strategy DPD, 2007*

ST/6 Group Villages

5. *Adopted Local Development Framework, Development Control Policies*

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
HG/1 Housing Density
HG/8 Conversion of buildings in the countryside
NE/6 Biodiversity
NE/15 Noise Pollution
SF/10 – Outdoor Play Space, Informal Open Space and New Developments
SF/11 – Open Space Standards
TR/2 - Car and Cycle Parking Standards
CH/3 Listed Buildings

6. *Supplementary Planning Document(s)*

District Design Guide SPD – adopted 2010
Listed Building: Works to or affecting the setting of – adopted 2009

Consultations

7. **Over Parish Council** - Recommend refusal.

Councillors recommend refusal on the grounds that this application would have a detrimental impact on the setting of the adjacent listed building ie 12 Fen End and the Dovecote in the grounds thereof. It would also change forever the views and setting of these significant and unique landmark listed buildings and the cumulative effect of incremental development would be unacceptable in this setting. The access onto Fen End at this juncture would constitute a danger to road users as there is a sharp blind bend to one side of the property with very limited visibility. Should this application be granted this unique property would be irreparably compromised.

8. **Environmental Health (contamination)** – the previous use of the barn is unclear and as the end use is residential it is important any residual contamination from the previous use is accurately considered and remediated where necessary. Recommend a condition requiring investigation and recording of contamination along with remediation measures.

9. **Highways Authority** – No objection. The visibility splays are acceptable to the highways authority.

10. **Conservation Officer** – No objection. The requested additional supporting information and plans are satisfactory.

Representations

11. A single letter of representation has been received from the adjoining neighbouring residents opposing the application on grounds the development will result in the loss of privacy and cause overshadowing.

Planning Comments

12. The application site comprises a barn to the rear of Ivy House, which is located to the southern side of Fen End within the village of Over. Ivy House is a large imposing detached 17th century dwelling positioned to the front of the site with an elongated curtilage measuring circa 170m in length. The most westerly part of this curtilage, directly behind Ivy House, is used as residential garden with the remaining part of the curtilage in use as 'paddock' land.
13. Ivy House is Grade II listed, and given the barn was erected prior to 1948 this buildings is listed by association. This timber framed barn is used for the storage of hay for the applicant's horses. The Dovecote (Grade II Listed in its own right) along with further outbuildings can be found to the rear of Ivy House.
14. Full planning permission is sought for conversion of the barn to a residential dwelling including construction of a rear extension and replacing the roofing material from sheet metal to thatch. Listed Building application reference S/1776/13/LB relates to the same work as is proposed under this planning permission.
15. Access is proposed via the existing vehicular access serving the host property.
16. The site lies within the village framework as defined by the Local Development Framework (LDF) inset map for Over, whilst the settlement is identified as a 'Group Village' in the LDF Core Strategy.

Listed Building

17. The NPPF advises that in determining applications relating to heritage assets, local planning authorities should take account of;
 - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality
 - The desirability of new development making a positive contribution to local character and distinctiveness
18. This national guidance goes on to advise that where a development will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Where development results in substantial harm applications should be refused.
19. English Heritages publication 'Conserving Principles, Policies and Guidance' advises the value of a heritage asset can be broken down into four components; Evidential Value, Historical Value, Aesthetic Value and Communal Value. In assessing the value of the barn the building scores 'moderately' on both the Evidential Value (potential of a site to provide evidence of past human activity) and Historical Value (evidence the site gives of past events and people's lives) as whilst its historical agricultural use is evident the barn has not been listed in its own right. Turning to the Communal Value (the meaning of a place to people who relate to it) and Aesthetic Value of the barn is considered to score 'low', as this building is of secondary importance to the individually listed Ivy House and Dovecote.

20. Following numerous amendments to the plans the Conservation Officer is supportive of the scheme but seeks further detailed information relating to the repair of the timber framing, 'upgrading' of the structure including insulation and other changes to the walls and the new thatch roof. These can be addressed through condition without significant alterations to the integrity of the building.
21. Officers are therefore of the view that although the development proposes significant changes to the buildings external appearance, including addition of single story extension, the development respects the integrity of the building notably through retaining its timber frame and agricultural appearance. As such the proposal, result in 'less than substantial harm' to the building and therefore this harm needs to be balanced against the public benefits of the proposal.
22. The historical use of the building in agriculture is not viable, and given the site's location within the village framework the conversion to residential is compliant with other policies within the development plan, and would secure the long term future of the barn. As such the public benefit outweighs the harm, and the development is supported by national policy.
23. The Parish Council oppose the application on grounds the development would result in a detrimental impact on the setting of two listed buildings (Ivy House and Dovecote), through changing the views of and setting of these significant and unique landmarks. Officers are of the view that whilst there would be an identified harm, conversion of the barn to a residential dwelling would permanently preserve this building, and this preservation outweighs the harm. As such there is less harm in allowing the conversion than leaving the building in its existing use as an unviable economic asset which is unlikely to receive the necessary maintenance.

Residential Amenity

24. The barn is sited approximately half way down the rear garden of the adjoining property to the north, which has a curtilage extending circa 70m from the rear wall. Given the barns siting gable end on to this boundary, 9m ridge height with half gable roof formation and 6m height of the rear extension no material harm is identified through loss of outlook or shadowing. The northern gable end is to be served by first floor windows to a bedroom and shower/WC and the outlook from these secondary windows is not considered to result in material loss of privacy for adjoining residents.

Highway Safety

25. The site is to be served by an existing entrance which currently provides access to the host property and which is located on a bend on Fen End. Following receipt of plans detailing appropriate visibility splays (2.4m x 43m) the highways authority does not oppose the scheme. As such the development is considered to provide a suitable and safe means of vehicular access onto the public highway

Other Considerations

26. No specific issues are raised with regards to Crime and Disorder.
27. The Parish Council oppose the application on grounds of an adverse impact on the setting of the listed Ivy House and Dovecote, along with concerns relating to highway safety. Both of these are addressed in paragraphs 17-23 and 25.

28. Concerns relating to contamination can be addressed through imposing a condition requiring the submission of a detailed investigation assessment and, following this, appropriate remediation initiatives.
29. The application is accompanied by a Unilateral Undertaking with the applicant prepared to pay the councils contributions in respect of open space provision, community facilities and waste receptacles.

Conclusions

30. It is considered that the conversion of this barn which is listed by association with Ivy House would result in some harm to the building; however this harm is outweighed by the public benefit of securing the barn's long term retention through a viable long term use. No harm is identified in respect of the impact on neighbouring amenity in terms of shadowing or loss of privacy. The Highways Authority is satisfied that the existing access arrangements are suitable.
31. The proposal therefore complies with the provisions of the development plan and national planning policies contained within the NPPF and as such it is recommended that permission be granted subject to the conditions outlined below.

Recommendation

32. Approval subject to the following conditions –
33. 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.)
34. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Site Location Plan', 'Existing and Proposed Sections and Elevations' Drawing number '212/187/03 rev P2', 'Barn Elevations –East and North', 'Barn Elevations – Revisions' and 'Floor Plans – Revision'
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
35. No development approved by this application shall commence, until;
 - a) The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved by the Local Planning Authority.
 - b) Following approval of a), a detailed scheme for the investigation and recording of contamination and remediation objectives (which have been determined through risk assessment) must be submitted and agreed in writing by the Local Planning Authority
 - c) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to the approval in writing of the Local Planning Authority
 - d) The works specified in the remediation method statement have been completed, and a verification report submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP/1 of the adopted LDF 2007)

36. The proposed rooflight shall be inserted with flush detail in accordance with details to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works on site.
(Reason - To safeguard the appearance of the listed building.)
37. Prior to the commencement of development details of all new and matching materials shall be provided to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.
(Reason - To ensure the use of matching materials.)
38. Prior to the commencement of development details of all boundary walls, fences and gates shall be submitted for the prior written approval of the Local Planning Authority. The works shall be carried out in accordance with the agreed details.
(Reason - To protect the setting of this listed building.)
39. Prior to the commencement of development details of the proposed windows shall be submitted for the prior, written approval of the Local Planning Authority. Such detail shall show sections, opening arrangements and glazing bar patterns. All windows shall be of timber construction and painted. The works shall be carried out in accordance with the agreed details.
(Reason - To ensure fenestration appropriate to this listed building.)
40. Prior to the commencement of development details of the new gutters and drainpipes shall be submitted for the prior written approval of the Local Planning Authority. The works shall be carried out in accordance with the agreed details.
(Reason – To ensure detailing and material appropriate to this listed building.)

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007
<http://www.scambs.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scambs.gov.uk/localplan>

Report Author: Andrew Fillmore – Senior Planning Officer

Telephone: (01954) 713180

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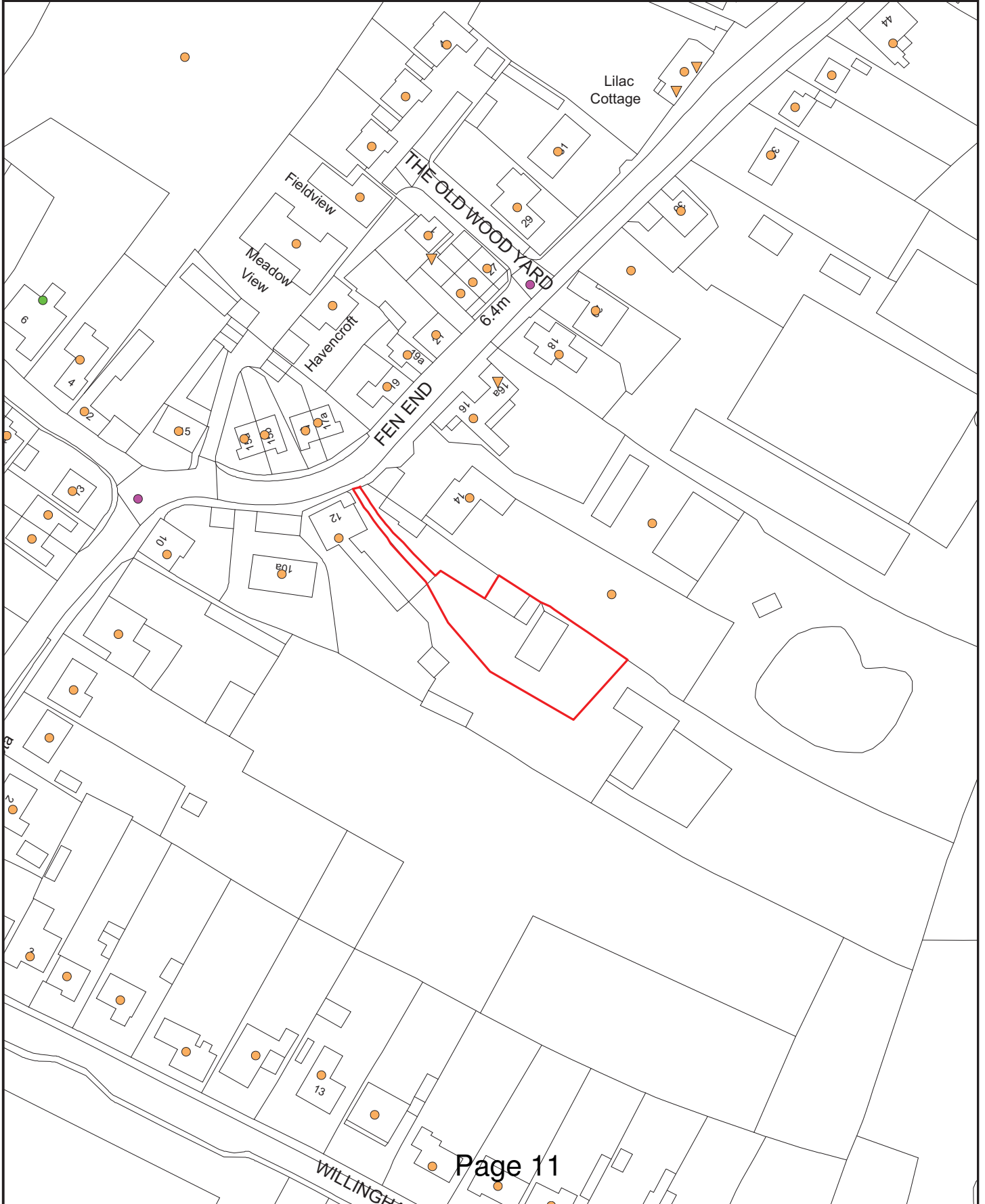
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Agenda Item 5

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/1776/13/FL
Parish(es):	Over
Proposal:	Listed Building consent for extension and conversion of barn to dwelling
Site address:	Ivy House, 12 Fen End, Over
Applicant(s):	Mr and Mrs A Stockbridge
Recommendation:	Approve
Key material considerations:	Listed Building
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Andrew Fillmore
Application brought to Committee because:	The officer recommendation is contrary to the views of the Parish Council. The application was deferred from the committee meeting of 2 April 2014 for a site visit.
Date by which decision due:	9 October 2013

Planning History

1. S/0336/FL Erection of implement shed following demolition of barn. Approved.

Planning Policies

2. *National*
3. National Planning Policy Framework
4. *Adopted Local Development Framework, Development Control Policies*
CH/3 Listed Buildings
5. *Supplementary Planning Document(s)*

Consultations

6. **Over Parish Council** - Recommend refusal.

Councillors recommend refusal on the grounds that this application would have a detrimental impact on the setting of the adjacent listed building i.e. 12 Fen End and the Dovecote in the grounds thereof. It would also change forever the views and setting of these significant and unique landmark listed buildings and the cumulative effect of incremental development would be unacceptable in this setting. The access onto Fen End at this juncture would constitute a danger to road users as there is a sharp blind bend to one side of the property with very limited visibility. Should this application be granted this unique property would be irreparably compromised.

7. **Conservation Officer** – No objection. The requested additional supporting information and plans are satisfactory.

Representations

8. None received

Planning Comments

9. The application site comprises a barn to the rear of Ivy House. Ivy House is a Grade 2 listed dwelling located on Fen End, Over and has the following listing description;

'Grade II House, late C17. Some minor C19 alterations. Red Brick with steeply pitched tiled roof, tumbled end parapets on kneelers, and a Dutch gable end to the wing to the road. Projecting end stacks with offsets. Plan of three room main range with wing to road, forming a T-plan. Two storeys and attics with plain band at eaves height and between storeys. The wing to the road has a segmental parapet on plain pilasters also of brick, surmounted by ball finials of stone. The pilasters frame the elevation which is divided by the bands. Original flat arches to five flush frame horizontal sliding sashes. There have been minor repairs in brick to the front, rear and end walls. At left hand one recessed hung sash above the doorway, and at right hand a lean to roof has been made to a small C19 addition. The rear elevation has plain pilasters to the corners and flanking to the rear doorway. Doors of raised and fielded panels. The location of the original door to the street is not clear. Interior: The house preserves the original plan of two rooms on either side of narrow hall and stairbay. The wing to the road is of two window bays. The staircase is c.1660 with flat section balusters and original rail. Stop chamfered beams to ground floor rooms. There are doors with raised and fielded panels. This house, No 14 Fen End and No 22 High Street, are possibly associated with Dutch prisoners of war which, it is believed, were used in construction of the New Bedford River and remained after peace was concluded in 1654'

10. As the barn was erected prior to 1948 and is located within the curtilage of Ivy House it is listed by association.

11. In addition to the barn which is the subject of the application a number of further outbuildings can be found to the rear of Ivy House including a barn located directly

to the front of the application site which has consent (S/0336/FL) to be replaced by an implement shed, and the 'Dovecote' which is separately listed Grade 2 and has the following list description;

'late C17 and C19 alterations: Red brick with rebuilt upper course of gable ends and tiled roof. Dentil eaves cornice. Square. Interior: The nesting boxes have been removed and a floor inserted'

12. The application proposal seeks listed building consent for conversion of the barn to a residential dwelling including construction of a rear extension and replacing the sheet metal roof with thatch. The rear extension measures 9.5m (length) x 4.2m (width) and has a height to the ridge of 6m.

Listed Building

13. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
14. Section 12 of the NPPF addresses heritage assets. Paragraph 131 requires planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets.
15. Paragraph 132 advises when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation, with the more important the asset the greater the weight should be. This advice goes on to state that heritage assets are irreplaceable, with any harm or loss requiring clear and convincing justification.
16. Paragraph 133 recognises that there are different levels of harm which are identified as "substantial" and "less than substantial", and paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing it optimum viable use.

Substantial or less than substantial harm

17. English Heritages publication 'Conserving Principles, Policies and Guidance' sets out a method for thinking systematically and consistently about the heritage values that can be ascribed to a place and sets out four categories in this assessment;

Evidential value: the potential of a place to yield evidence about past human activity.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory.

18. Evidential value derives from the physical remains that have been inherited from the past, and the ability to understand and interpret the evidence tends to be diminished in proportion to the extent of its removal or replacement. The barns historical agricultural use is still evident; however this is not so important as to list this structure in its own right.
19. Historical value derives from the ways in which past people; events and aspects of life can be connected through a place to the present and tends to be illustrative or associative. The barn is an historic building but is not so rare as to provide unique evidence about the past.
20. Aesthetic value derives from the ways in which people draw sensory and intellectual stimulation from a place. The barn's historical appearance has been notably compromised through the introduction of a sheet metal roof and as such scores low in this category.
21. Communal value derives from the meaning(s) of a place for the people who relate to it, or for whom it figures in their collective experience or memory, and is often closely bound up with historical and aesthetic values. War memorials often score highly in this category. The barn which has always remained in private use is located in a private rear garden and is of little communal value.
22. In summary the barn scores 'moderately' on both Evidential and Historical value but 'low' on Aesthetic and Communal value, and the assessment turns to the impact of the development.
23. The construction of the rear single storey extension measuring 9.5m in length, and more importantly the introduction of domestic paraphernalia such as boundary treatment and washing lines which are associated with residential properties will add a degree of domestication thereby detracting from the buildings historical agricultural use and listed status. As such the proposal results in harm to the listed building.
24. However, as part of the conversion the buildings timber frame is to be preserved with a central open space (the essential quality of the barn) retained. Furthermore the barns frontage to Fen End (and Ivy House) remains largely unaltered, with the introduction of a thatch roof a welcome reflection of the buildings past. As such the identified harm is tempered and considered 'less than substantial', which is reflective of the buildings status as listed by association rather than in its own right.

Substantial Harm vs Public Benefit

25. Paragraph 134 of the NPPF advises that where the harm identified is 'less than substantial' this needs to be weighed against the public benefit, including securing its 'optimum viable use'.
26. The barn is currently used for the storage of hay for the applicant's horses and serves no real economic use. The conversion of the barn to an independent dwelling house would introduce a more optimum economic use whereby the owners would more likely maintain the building to a high standard and therefore ensure the long term viability of the listed building and its key features.

27. The historical use of the building in agriculture is not viable, and officers are of the view that securing the long term future of the barn as a well maintained structure would result in a public benefit which outweighs the identified harm.
28. The Parish Council oppose the application on grounds the development would result in a detrimental impact on the setting of two listed buildings (Ivy House and Dovecote), through changing the views of and setting of these significant and unique landmarks. Whilst the development would result in an adverse impact this harm is not so significant and outweighed by the public benefits of the scheme.

Conclusions

29. It is considered the conversion of this barn which is listed by association with Ivy House would result in some harm to the building; however this harm is outweighed by the public benefit of securing the barn's long term retention through a viable use.
30. The proposal therefore complies with the provisions of the development plan and national planning policies contained within the NPPF and as such it is recommended that permission be granted subject to the conditions outlined below.

Recommendation

31. Approval subject to the following conditions –
32. The works to which this consent relates shall be started not later than the expiration of three years beginning with the date of this decision notice.
(Reason - To ensure that consideration of any future application for works will not be prejudiced by listed building consents which have not been acted upon.)
33. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Site Location Plan', 'Existing and Proposed Sections and Elevations' Drawing number '212/187/03 rev P2', 'Barn Elevations –East and North', 'Barn Elevations – Revisions' and 'Floor Plans – Revision'
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

Background Papers

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- Nation Planning Policy Framework
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- Local Development Framework, Development Control Policies, Adopted July 2007
<http://www.scams.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scams.gov.uk/localplan>

Report Author: Andrew Fillmore – Senior Planning Officer
Telephone: (01954) 713180



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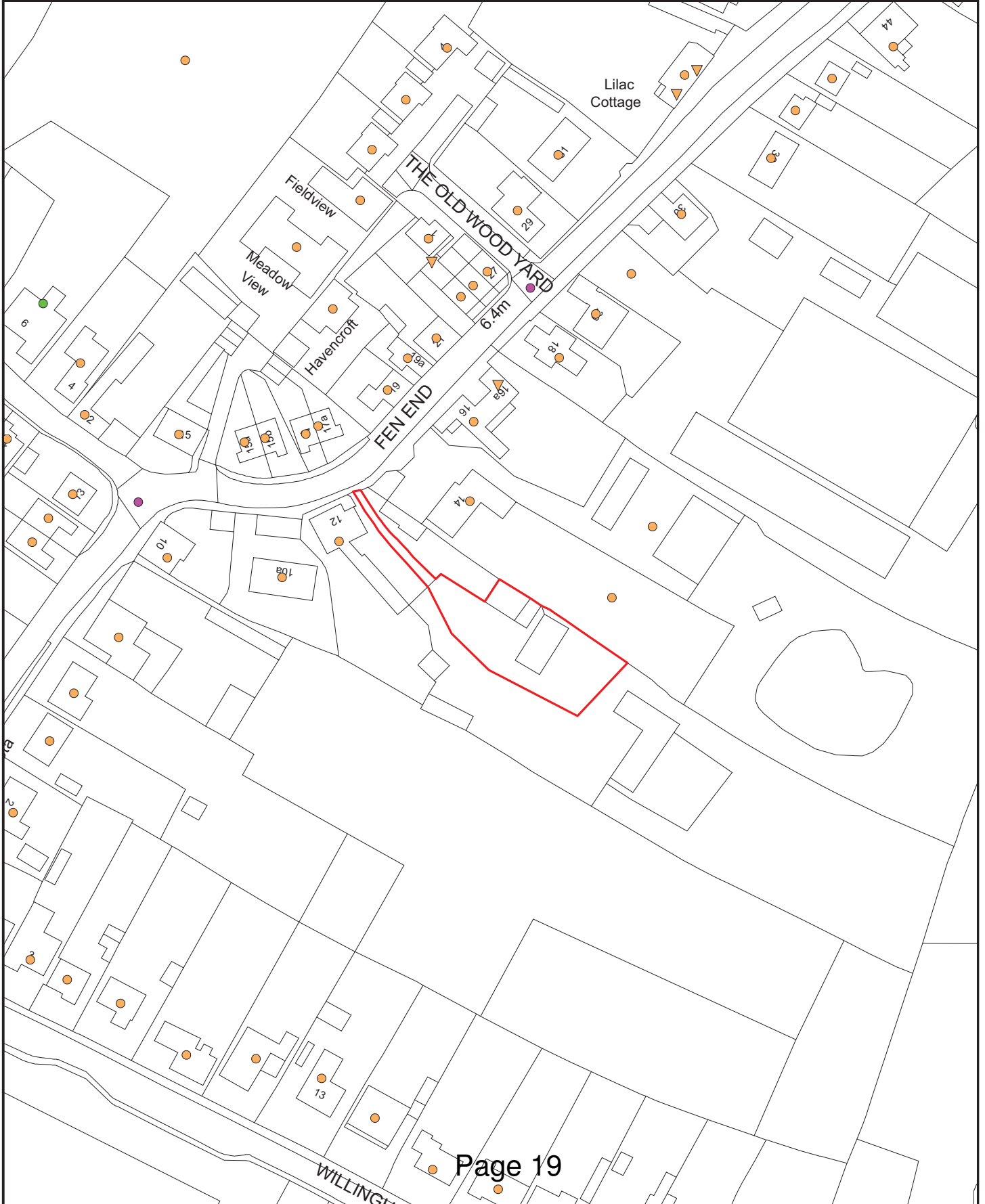
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Agenda Item 6

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/0727/14/PA
Parish(es):	Willingham
Proposal:	Prior Notification for the erection of an agricultural shed
Site address:	130 Station Road, Willingham, Cambridge
Applicant(s):	Mr Ray Manning, MA Manning and Son
Recommendation:	Prior Approval not required
Key material considerations:	Siting, design and external appearance
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Andrew Fillmore
Application brought to Committee because:	The application has been submitted by a District Councillor.
Date by which decision due:	8 May 2014

Planning History

1. No relevant planning history.

Planning Policies

2. The Town and Country Planning (General Permitted Development) Order 1995

Consultations

3. No consultations undertaken. Willingham Parish Council notified of the application.

Representations

4. No consultations undertaken.

Planning Comments

5. The application proposal seeks 'Prior Approval' from the local planning authority for the erection of a portal frame shed measuring 24.4m (length) x 4.3m (height to eaves) / 6.5m (height to ridge) x 12.2m (breadth) to be externally finished with polyester steel walls (green colour) and a fibre cement roof (grey colour). This building is to be positioned to the rear of the residential dwelling at no. 130 Station Road and used for the storage of agricultural implements.
6. The agricultural holding (MA Manning and Son) comprises a parcel of land which extends west from Station Road (B1050), to the southern side of Willingham village. A farmstead is located to the east of this holding, and comprises a number of typical agricultural barns set behind a linear grouping of detached residential dwellings. Vehicular access is provided off Station Road.
7. Further residential properties can be found to the east of Station Road opposite the site. Vegetation planting extends along the sites eastern boundary parallel with Station Road.
8. Class A Part 6 of The Town and Country Planning (General Permitted Development) Order 1995 allows for the erection of a building which is reasonably necessary for the purposes of agriculture without the need to obtain planning permission, subject to compliance with a number of criteria including those relating to the size of the building, scale of the agricultural holding and its proximity to a trunk or classified road, and a requirement that the developer apply to the local planning authority to determine whether 'prior approval' is required in respect of the siting, design and external appearance of the building.
9. Unlike a planning application the local planning authority has 28 days following receipt of a 'Prior Approval' application to make a decision as to whether such approval is required. Failure of the local planning authority to issue a decision would by default allow the development to proceed.
10. The legislation is clear in stating that the only factors which can be taken into account in determination of such applications relate to siting, design and external appearance.

Siting

11. The building is proposed to be located adjacent and to the west of a grouping of agricultural buildings/dwelling, with the only public views limited to glimpses through the vegetation from Station Road to the south-east. Given this siting in close proximity to existing agricultural buildings, which are of similar scale and height to the proposal, the development's siting is considered appropriate and will minimise the intrusion into the character of the existing landscape.
12. As such, this location is considered appropriate and will prevent an adverse impact on the landscape character.

Design

13. The proposed rectangular shape with dual pitched roof reflects the design of the existing agricultural barn on site and is typical of a modern agricultural building. The proposed design is appropriate for the use and location of the development.

External appearance

14. With the walls to be constructed from polyester (colour green) and the roof a grey colour fibre cement construction the barns appearance is reflective of typical modern agricultural buildings. The buildings external appearance is appropriate for the use and location of the development.

Conclusions

15. Having regard to the above it is not considered that Prior Approval is required from the local planning authority.

Recommendation

16. Prior Approval not required.

Background Papers

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- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scamb.gov.uk/localplan>

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Telephone: (01954) 713180

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Agenda Item 7

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/0199/14/FL
Parish(es):	Willingham and Over
Proposal:	Provision of one temporary mobile home, retrospective planning permission
Site address:	Land to the North of the Piggery, Haden Way, Willingham
Applicant(s):	Mr David Flack
Recommendation:	Approve with conditions
Key material considerations:	Principle of Development; Impact on the Countryside – Visual Character and Appearance, Parking and Highway Safety
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Lydia Pravin
Application brought to Committee because:	The officer recommendation is contrary to the views of the Parish Council
Date by which decision due:	31 March 2014

Planning History

1. **S/2126/13/FL** – Provision of two temporary mobile homes, part retrospective planning permission - refused
2. **S/2059/10** – Change of use of agricultural building to B1 and B8 – approved
3. **S/1699/09/F** – Change of use from agricultural building to B1, B2 and B8 – withdrawn
4. **S/1928/01/PNA** – Agricultural storage building – permitted development, consent not required
5. **S/1265/74/O** – Erection of an agricultural bungalow – approved
6. **S/0988/75/O** – Erection of an agricultural bungalow - approved

Planning Policies

7. National Planning Policy Framework
8. *South Cambridgeshire LDF Core Strategy DPD, 2007*
ST/5 Minor Rural Centres (Willingham) and ST/6 Group Villages (Over)
9. *Adopted Local Development Framework, Development Control Policies*
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
10. *Draft Local Plan*
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
HQ/1 Design Principles
11. *Supplementary Planning Document(s)*
District Design Guide SPD – adopted 2010

Consultations

12. **Willingham Parish Council** - Recommend refusal.

The Council are of the opinion that there is no proven need for permanent security on building sites in the locality and further would request that the mobile home is removed as it has been put in place prior to any building work starting.

Further evidence was provided by the agent in support of the application and Willingham Parish Council reconsidered the application. Their original recommendation was upheld with the above comments. They also added the applicant's family have premises nearby to the site and in addition as the building is already partially converted it would be completed very quickly.

13. **Over Parish Council** – Recommend refusal.

The Council are of the opinion that there is no proven need for such as building and it is also sited outside the village framework.

Over Parish Council also reconsidered the application due to the additional evidence submitted by the agent, however, it was felt the original concerns had not been addressed and they upheld the original recommendation.

Representations

14. No representations were received from neighbouring residents.

Planning Comments

15. The application site, land to the north of the Piggery is situated at the end of Hayden Way, a residential road which turns into a tarmaced track. The site is currently being developed from an agricultural building to B1 and B8 use. There is a 1.8m high hedge screening the eastern front boundary with a 2m high iron gate and willow tree. On the northern side boundary there is a 1m high hedge and fence with 4m high trees and views of a horticultural business in the distance on the adjacent land. The southern side boundary has 1m high post and wire fencing with 2-3m high trees in the distance which also continues on the rear boundary.
16. This application seeks permission for the provision of one temporary mobile home, retrospective planning permission which is currently on site situated to the west behind the agricultural building which is being converting to B1 and B8 use. The mobile home measures 8.8m in length, 3.6m wide and 2.8m high (approx.) and the materials consist of coated aluminium panels, cream colour, grey felt flat roof and aluminium windows and doors.
17. The existing access point to the site is located on the north-eastern site boundary which will be retained.
18. The site lies outside the village frameworks of Willingham and Over as defined by the Local Development Framework (LDF). Willingham is identified as a 'Minor Rural Centre' and Over is identified as a 'Group Village' in the LDF Core Strategy.

The principle of development on this site

19. One of the core planning principles contained in the NPPF is that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.
20. The provision of a temporary mobile home is required for site and security operations whilst the adjoining industrial unit, planning application S/2059/10 – Change of use of agricultural building to B1 and B8 which was approved is being developed.
21. Information was provided by the agent confirming that the mobile home on site is not currently lived in at present and temporary consent would be required for a maximum period of two years. A list of items was also provided which have been stolen from the site, however, these thefts have not always been reported to the Police.
22. With regard to the Local Development Framework, Development Control Policies, Development Plan Document, adopted July 2007, DP/7 Development Frameworks this policy states outside urban and village frameworks only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.
23. This policy is to protect the countryside from gradual encroachment on the edges of villages and incremental growth in unsustainable locations. The agricultural buildings are being changed to B1 (business) and B8 (storage and distribution)

and therefore the temporary mobile home is not associated with a countryside use (farm buildings, houses subject to agricultural occupancy conditions or affordable housing schemes permitted under the rural exceptions policy) and is contrary to local plan policy.

24. South Cambridgeshire Local Plan Proposed Submission, July 2013, policy S/7 Development Framework, paragraph 2.48 states “The plan includes some flexibility for reusing existing buildings, and for development which supports the rural economy.” Although the draft Local Plan has not been adopted it provides flexibility for an application of this nature, for a temporary mobile home which will support the existing development of the business located on site and therefore support the rural economy.
25. Although the theft is unsubstantiated and has not been qualified and the mobile home has a bedroom within it, it is temporary in nature and will be sited for a maximum period of two years. It can be conditioned to be removed from site when no longer required.
26. The NPPF states there should be support for economic growth in rural areas and the conversion of the agricultural building has been granted consent. Although the temporary mobile home is contrary to current local plan policy it will support the continued development of the business for the wider benefit of the local community and the application is supported, in principle.

Impact on the countryside – Visual Character and Appearance

27. The proposed development is simple in design and the materials used are typical of a temporary mobile home and is therefore not considered to be unsympathetic in nature.
28. There are limited views of the mobile home from the tarmaced track off Hayden Way due to the 1.8m high hedge screening the eastern front boundary with a 2m high iron gate and willow tree. There is only a 1m high hedge and fence on the northern side boundary, however, there are 4m high trees and views of a horticultural business in the distance on the adjacent land. The southern side boundary has 1m high post and wire fencing with 2-3m high trees in the distance which also continues on the rear boundary.
29. The mobile home is located as near as possible to the agricultural unit on the western side which is currently being changed to B1 and B8 use. This building is significant in size and the materials are industrial in nature, similar to that of the mobile home. Although the land is fairly open due to the location of the temporary mobile home and given that it could be removed at any time it is considered the proposed development will not cause a significant loss of openness that harms the character and appearance of the countryside.

Parking and Highway Safety

30. Vehicular access to the site is via the existing entrance of the agricultural unit currently being converted off Hayden Way. The proposal will not result in significant traffic generation that would not otherwise be generated by the planning permission granted, S/2059/10 – Change of use of agricultural building to B1 and B8.

31. There is sufficient space on site for cars to park adjacent to the mobile home due to the size of the existing site. It is therefore considered the proposed development will not cause significant harm to parking and highways safety sufficient to sustain a refusal of the application.

Conclusion

32. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that there is insufficient harm to withhold permission for a limited period and planning permission should be granted in this instance.

Recommendation

33. Approve, subject to the following conditions –

34. **The temporary mobile home shall be sited as shown on drawing number 1629/2/02B and removed after a period of two years from the date of this permission, or on the first occupation of the building approved under planning permission S/2059/10, whichever is the sooner and the land restored to its former condition.**

(Reason - Approval of the proposal on a permanent basis would be contrary to Policy DP/7 of the adopted Local Development Framework 2007 and the land should be reinstated to facilitate future beneficial use.)

35. **The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 1629/2/02B.**

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

Background Papers

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Report Author: Lydia Pravin – Planning Officer
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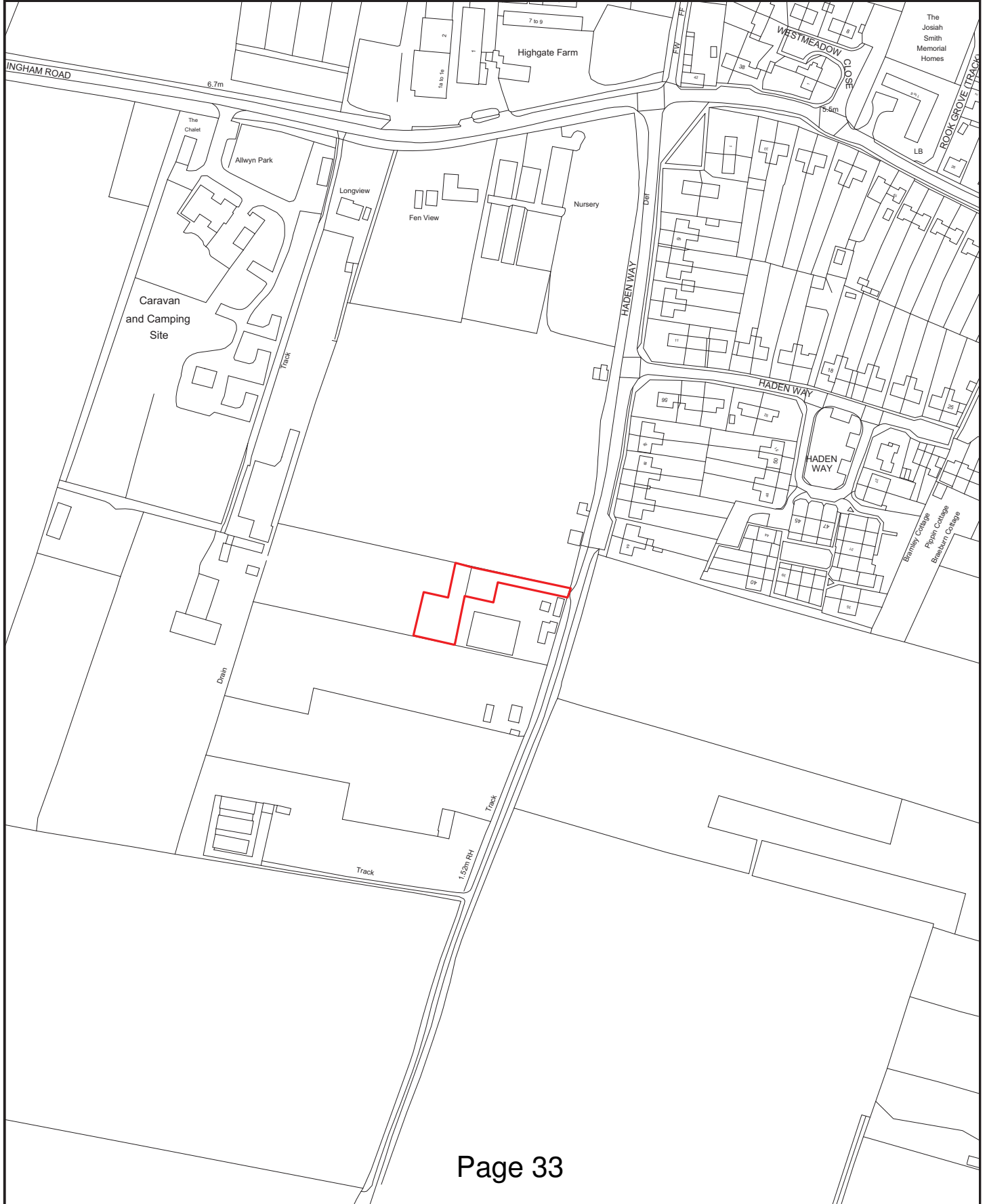
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Agenda Item 8

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/0863/13/FL
Parish(es):	Willingham
Proposal:	Use of land as a gypsy traveller pitch, with caravan, amenity block, stable block and 2 cabins
Site address:	3 Cadwin Field, Scholes Road
Applicant(s):	Miss Esther Loveridge
Recommendation:	Approve with conditions
Key material considerations:	Impact upon the character and appearance of the area and sustainability
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	John Koch
Application brought to Committee because:	The officer recommendation is contrary to the views of the Parish Council
Date by which decision due:	19 December 2013

Planning History

1. **S/1919/08/F** – Change of use of land to site mobile home and amenity portacabin – Allowed on appeal for temporary period of three years

Planning Policies

2. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
3. **Planning policy for traveller sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such

that travellers should have suitable accommodation in which to access education, health, welfare and employment infrastructure but for lpa's to have due regard to the protection of local amenity and the local environment. Paragraphs 20 -26 provide criteria against which to judge planning applications. These criteria have been taken into account in this report.

4. Paragraph 10 states that where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Paragraph 25 states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites this should be a significant material consideration when in any subsequent planning decision when considering applications for the grant of temporary planning permission.

South Cambridgeshire LDF Core Strategy DPD, 2007

5. **ST/5** Minor Rural Centres

Adopted Local Development Framework, Development Control Policies

6. **DP/1** Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor playspace, Informal Open Space and New Developments

Draft Local Plan

7. **S/10** Minor Rural Centres
S/7 Development Frameworks
H/19 Provision for Gypsies and Travellers
H/21 Proposals for Gypsies and Travellers on unallocated land outside Development Frameworks
H/22 Design of Gypsy and Traveller Sites

Consultations

8. **Willingham Parish Council** - Recommend refusal due to the increase in numbers. If permission is granted the Parish Council would ask that this must be a named permission.
9. The **Local Highway Authority** has no objection.
10. The **Environment Agency** has no objection in principle. If foul water drainage is not to the public foul water sewer, an appropriate septic tank and soakaway system must meet the relevant BS Standard. Informatives are also suggested in respect of pollution control measures.
11. The **Traveller's Liaison Officer** is keen to see the application determined without further delay to give the family certainty as to its future.

Representations

12. None received.

Planning Comments

13. The application site lies within the countryside to the east and near the edge of Willingham. It is part of a line of 6 gypsy pitches off the end of Schole Road known as nos. 1, 2, 3, 5 and 6 Cadwin Field. The site itself is generally well screened from the public realm with boundary fencing and a row of conifers along much of the western boundary. It currently contains a caravan, amenity block, two portable cabins and a stable building. The stable building is 3.25 m high to the ridge and constructed in timber under a composite slate roof. Foul water drainage is by means of a septic tank, there being no available connection to a public foul water sewer.
14. The current lawfulness of the sites along Cadwin Field is as follows:
 - 1 Cadwin Field – Temporary planning permission expired on 18 August 2012. Permission not renewed despite officer requests to do so.
 - 2 Cadwin Field – Permanent planning permission granted on appeal on 3 October 2013. For named occupants on the basis that the inspector found some of the occupants were not gypsies as defined in planning policy.
 - 3 Cadwin Field – Temporary planning permission granted on appeal on 18 August 2009 for three years. The reason for this was to allow a review of sites following the then pending Gypsy and Traveller DPD. This has since been abandoned in favour of policies to be adopted as part of the emerging Local Plan.
 - 4 Cadwin Field – Vacant
 - 5 Cadwin Field – Temporary planning permission expired on 1 November 2011. Permission not renewed despite officer requests to do so. The site is now understood to be vacant.
 - 6 Cadwin Field – Permanent planning permission granted by the Planning Committee by decision notice dated 4 October 2012. This is not for a named occupant.
15. Having lived on the site since 2008, the applicant seeks a permanent planning permission. No additional development beyond that described in the application is required. Her gypsy status has already been confirmed through the earlier appeal decision.
16. As such, the main issues in this case are:
 - The extent to which the application accords with the provisions of the development plan - principally the impact on the character and appearance of the area; the sustainability of the location; and the capacity of Willingham to accommodate further traveller sites
 - The general need for, and availability of, additional gypsy sites in the district.
 - The personal needs of the applicant
 - Human Rights issues

The Development Plan

17. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 still exists and allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land at Chesterton Fen that is suitable, available and affordable..
18. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that

issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle.

19. While the site is clearly in the countryside, it is very much self-contained. It is not otherwise designated or protected for its landscape value or contribution to the setting of the village. All the relevant boundaries are generally well screened such that use of, and activity on, the site goes unnoticed. The pitch is of an appropriate size and is satisfactorily laid out for the benefit of the current occupants. Adequate space for car parking and refuse provision can be provided. There is no overall harm to the character and appearance of the area. This is consistent with the approved pitches at 2 and 6 Cadwin Field.
20. PPTS states that the scale of sites should not dominate the nearest settled community. Clearly in terms of its physical impact, that would not be the case here, especially as permission already exists for use by caravans on neighbouring sites. In sustainability terms, the site is relatively close to the edge of Willingham and is sufficiently close to enable pedestrian access to the services and facilities in the village.
21. As ever, there are concerns from the parish council that Willingham lacks the capacity to accommodate additional sites and that it already has its "fair share" of sites. It is true that Willingham has witnessed an increase in demand for sites in a relatively short period of time and this understandably continues to be an issue of significant concern to the parish council. However, there remains a lack of demonstrable evidence that undue pressure is being placed on village services, to an extent that this application should be refused for these reasons. Neither is there any suggestion that occupation would prejudice peaceful and integrated co-existence between the site and the local community, or that the site and its occupants would be deliberately isolated from the rest of the community.
22. Members are reminded that this issue has been tested at appeal on more than one occasion and not supported by inspectors. The most recent example is the appeal decision issued on 14 March 2014 for three new pitches at Alwyn Park, Over Road, Willingham. The inspector not only dismissed the Council's case on this ground, but also awarded costs to the appellant as the Council had been unable to substantiate its concerns in this respect. A summary of this case is provided in the item on Appeals against planning decisions and enforcement action elsewhere on the agenda. In the current case, the applicant has been living on the site for some 6 years and their occupation would not be new compared to the proposed site at Alwyn Park.
23. In the circumstances, the use of the site is considered to be suitable on landscape and wider sustainability grounds and subject to the conditions set out below is in accordance with the development plan.

The general need for, and availability of, additional gypsy sites

24. The Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011 was published in October 2011. The GTANA has assessed a need for 67 additional pitches between 2011 and 2016, and a need for five extra pitches from 2016 - 2021. These findings were largely accepted by the Council's Housing Portfolio Holder on 13 June 2012 as part of the evidence base to support the Council's planning framework. The shortfall in pitches between 2011 and 2016 has been reduced by two and agreed as 65.
25. The number of pitches now approved exceeds of the assessed need for the period up to 2021. In spite of this, however, the two public sites at Whaddon and Milton are full with infrequent turnover of pitches. While two extra pitches are to be provided at Whaddon

when the site is refurbished, the Council currently has several applications on the waiting list for its two sites. There are still sites in the district that have temporary or an expired temporary planning permission. There are no other sites in the district where pitches are known to be vacant, available and suitable for travellers.

26. Thus while the need arising from the GTANA has been met, approval of the application site would help reduce the needs of this particular family. Critically, given no harm has been identified from the use of the site, officers consider that the lack of any perceived need for additional sites would not in itself be a reason to refuse the application. This view is consistent with paragraph 10 of the PPTS. It is also consistent with the Alwyn Park inspector's view in the recent appeal decision.

Personal needs and circumstances

27. In support of her application, the applicant states that since 2008 her family have been able to enjoy a settled life in the village. The land has been improved from effectively being a piece of wasteland to now being levelled off, fenced and gravelled. There are five children, three of whom attend Willingham primary school. One is to go onto secondary school later this year. The family are registered at the local doctor's surgery. Her partner has serious health issues, but these have improved since being on this site. His health would be affected if they were forced to move.

Human Rights

28. Refusal of permanent planning permission would lead to interference with the applicant's rights under Article 8 of the European Convention on Human Rights. This must, however, be balanced against the protection of the public interest in seeking to ensure needs arising from a development can be properly met, or that they do not prejudice the needs of others. These are part of the rights and freedoms of others within Article 8 (2).

Conclusion

29. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, officers consider that the development accords with the development plan and no material considerations have been identified to suggest the application should be refused. Indeed, the permanent approval for plots 2 and 6 lends further support to permanent permission now being granted. While the parish council has suggested it be tied to a named occupant, this would be inconsistent with the Committee's decision in respect of 6 Cadwin Field. It is also different than the situation on plot 2 where gypsy status for all of the occupants was in question.

Recommendation

30. Approve, subject to:

Conditions

- 1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Site Plan; SCDC1 (1:100 site layout)**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- 2. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of**

'Planning policy for traveller sites (March 2012)'

(Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore use of the site needs to be limited to qualifying persons.)

3. **No more than two caravans, as defined in the Caravan sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on the site at any one time.**

(Reason - To minimise the impact on the character of the surrounding area in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

4. **No commercial activities shall take place on the land, including the storage of materials.**

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

5. **No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.**

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

6. **No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing with the local planning authority**

(Reason - To minimise the impact on the character of the surrounding area in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives:

As requested by the Environment Agency

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- National Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007
<http://www.scams.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scams.gov.uk/localplan>
- Planning File Ref: S//863/13/FL

<http://plan.scambs.gov.uk/swiftlg/apas/run/wphappcriteria.display>

Report Author: John Koch – Team Leader
Telephone: (01954) 713268

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Agenda Item 9

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/0053/12/FL
Parish:	Caxton
Proposal:	Erection of Wind Turbine
Site address:	Land at Caxton Gibbet, St Neots Road, Caxton
Applicant:	The Abbey Group, Cambridgeshire
Recommendation:	Delegated Approval
Key material considerations:	Principle, landscape impact, neighbour amenity and highway safety
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Paul Sexton
Application brought to Committee because:	The officer recommendation of delegated approval is contrary to the recommendation of refusal from Caxton, Elsworth and Papworth Everard Parish Councils
Date by which decision due:	7 March 2012

Planning History

1. The site has been the subject of a number of planning and advertisement applications in relation to the redevelopment of the site to the current restaurant/takeaway uses. The main applications for redevelopment of the site are set out below.
2. S/0059/12/OL – Erection of two drive thru restaurants (Class A3/A5), associated parking, landscaping and alteration to existing access following demolition of existing restaurant/takeaway –Refused

S/0060/12/OL – Erection of restaurant/takeaway (Class A3/A5) (including approval of access details) – Approved

S/1723/12/OL – Erection of restaurant/takeaway buildings (Class A3/A5) (including approval of access layout and scale) – Approved

S/2284/12/RM – Submission of reserved matters in respect of appearance and landscaping for the erection of restaurant/takeaway buildings (Class A3/A5) following outline consent S/1723/12/OL, and in respect of appearance, landscaping, layout and scale for the erection of restaurant/takeaway building (Class A3/A5) following outline planning consent S/0060/12/OL – Approved

Planning Policies

3. *National Planning Policy Framework*
4. The NPPF confirms the presumption in favour of sustainable development (paragraph 14)
5. Paragraph 17 supports the transition to a low carbon future and encourages the use of renewable resources, such as the development of renewable energy. It also states that planning should contribute to conserving and enhancing the natural environment.
6. Paragraphs 97 and 98 refer to renewable energy. They state that Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Applicants for renewable energy should not be required to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emission. An application should be approved if its impacts are (or can be made) acceptable
7. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
8. *Planning Practice Guidance – Renewable and Low Carbon Energy*
9. This document updates previous Government advice in respect of the issues to be considered when determining applications for wind turbines.
10. *Local Development Framework*
 - DP/1 – Sustainable Development
 - DP/2 – Design of New Development
 - DP/3 – Development Criteria
 - DP/7 – Development Framework
 - NE/2 – Renewable Energy
 - NE/4 – Landscape Character Areas
 - NE/6 – Biodiversity
 - NE/15 – Noise Pollution
 - NE/16 – Emissions
 - CH/2 – Archaeological Sites
11. *Supplementary Planning Documents*
 - Biodiversity SPD - adopted 2009
 - Landscape in New Developments SPD – adopted 2010
12. *Draft Local Plan*

S/3 – Presumption in Favour of Sustainable Development
CC/2 – Renewable and Low Carbon Energy Generation
CC/6 – Construction Methods
HQ/1 – Design Principles
NH/2 – Protecting and Enhancing Landscape Character
NH/4 – Biodiversity
SC/11 – Noise Pollution

Consultations

13. **Caxton Parish Council** – recommends refusal for the following reasons:
14. “The benefit is minimal. The feature is inappropriate given the low level of all other buildings. It is an unsightly blemish on the existing ridge line of the A428. The proximity to the A428, so close to the roundabout would be a distraction and hence dangerous to traffic.
15. Photovoltaics are also used by MacDonald’s and would be a better solution and have lower visual impact more suited to the low level of this development. It was also noted that the nearby school development had ruled out wind turbines and had opted for solar alternatives.”
16. **Elsworth Parish Council** – recommends refusal. Its comments were originally submitted as part of an objection to the applications for the redevelopment of the whole site.
17. “The application to erect a wind turbine is similarly opportunistic. It is clear from the application that the purpose is to reduce the energy costs of the applicant’s proposed businesses. It will make no material contribution to the local environment and community, particularly bearing in mind that the development will consume enormous amounts of energy to run and illuminate the site. Its proximity to the road may distract drivers and cause traffic accidents. The other environmental disadvantages of wind turbines are well documented to see.
18. Finally it is suggested that a turbine is desirable as it will act as a local landmark. That is a matter of subjective opinion and, in any event, is not a valid planning reason for building it.”
19. **Papworth Everard Parish Council** – recommends refusal.
20. “The Parish Council objects to this proposal for reasons of road safety. The presence of the turbine adjacent to the A428 will be extremely distracting for drivers and may result in an increase in accidents.
21. If the LPA is minded to approve the applications for the drive-through restaurants, other ways of providing electricity and reducing greenhouse gas emissions should be considered, such as solar panels and/or ground source, or air source, heat pumps.”
22. **Cambourne Parish Council** – recommends approval.
23. **Local Highway Authority** – due to the low traffic generation of the site when operational the Highway Authority considers that the proposal will have no significant impact on the adopted public highway, however the delivery of the wind turbine to the site, and the potential increase in HGV movement fall outside the normal operation of

the adopted public highway. Any consent should therefore include a condition requiring submission and approval of a Traffic Management Plan.

24. **Highways Agency** – has no objection.
25. **Landscapes Officer** – the wind turbine, 25m to tip height, could visually dominate the area, and from the west of Cambourne will be seen in conjunction with the Wind Turbine development at Graveley. From within the built area there will be clear line of site along the circulation road to the gap between the Costa and Subway buildings.
26. To reduce visual impact it is suggested that some additional tree planting would be beneficial along the western boundary of the site, which would then form a tall green edge, both when viewed from the existing built area, filling the gap between the buildings, with the top 25-40% of the turbine visible over the trees. It would also lessen the visual impact when viewed from Swansley Wood Farm/Oak Tree Cottages access road by providing a substantial green backdrop to the turbine.
27. To reduce visual impact and cumulative impact from the A428 tree planting is suggested at the east boundary of the site. It is suggested that some of this might take place outside the site boundary.
28. The site contains mounds of mixed sub-soil, hardcore and rubbish scrapped from the existing built area and it suggested that there should be a clean-up with some low cost landscape treatment to these areas.
29. **Environmental Health Officer** – the proposed turbine will be approximately 470m from the nearest residential premises at Swansley Wood and Oak Tree Cottage, to the east. Having regard to the relatively high day and night-time background noise levels in the area (dominated by traffic noise from the A428 and retail/commercial premises nearby), due to separation distances alone, which will reduce noise levels, no unacceptable adverse noise impact on residential living conditions and quality of life is envisaged.
30. With regard to shadow flicker, technical advice advises that adverse impacts are unlikely to arise at distances beyond approximately 10 times the rotor blade diameter length, which in this case equates to a distance of approximately 134m, and it is therefore unlikely that residential premises will be affected.
31. With regards to impacts on the existing retail/commercial premises closer to the turbine, noise from the turbine may be audible from time to time, particularly during lulls in traffic. However, due to traffic and other commercial activity noise levels in the area, it is not considered that such uses are particularly sensitive and no significant adverse impact is envisaged.
32. With regard to the potential health and safety issues associated with members of the public having access to areas close to the turbine location, and the rare possibilities of tower collapse, blade breakages/failure or ice throw, it assumed that the applicant/agent or contractor will be considering such issues as part of Construction Design and Management Regulation requirements.
33. It is noted that residential premises may be allocated/proposed in closer proximity as part of Land West of Cambourne to the south, under the emerging local plan. The proposed turbine may introduce a noise and other constraints if such residential proposals are allocated in locations close to the turbine, however it is noted that the local plan is emerging and has yet to undergo public examination at Public Inquiry.

34. In conclusion there are no objections to the proposals.
35. **Cambridgeshire Archaeology** – comments that the site is an area of high archaeological potential and recommends that it is subject to a programme of archaeological investigation prior to commencement of development, which can be secured by condition.

Representations

36. A letter of objection has been received from the occupiers of Kenyon, St Peters Street, Caxton, commenting that the wind turbine is an intrusion into the air space and the landscape, and is wholly unnecessary.
37. One letter of support has been received from a resident of Gamlingay, stating that it is good to see a company making a contribution to reducing CO₂ emissions, and will be for the good for the environment.

Planning Comments

38. The full application, proposes the erection of a single 11kw wind turbine, 18.3m high to the hub, with blade length of 6.7m, giving an overall maximum height of 25m to tip. It will be located on an area of unused land, immediately to the east of the recently redeveloped site at Caxton Gibbet, which is now occupied by McDonalds, Costa and Subway. The proposed turbine will be set approximately 50m from the A428 and 60m from the rear of existing buildings on the Caxton Gibbet site.
39. To the east of the site is a strip of planting running parallel to the A428, with agricultural land to the south. 360m to the east are former agricultural buildings, now in commercial use. Beyond these are two residential properties the curtilage of the closest of which is 470m from the proposed turbine. To the north is the A428, beyond which is agricultural land.

Principle

40. Adopted Local Development Framework policies and Central Government advice support the principle of the provision of development for generation of energy from renewable sources subject to proposals according with development principles set out in Policies DP/1 to DP/3.
41. The planning consents for the redevelopment of the Caxton Gibbet site required the development to make 10% energy savings through the use of renewable energy technologies, and this condition was satisfied by the specification of various measures, which did not include reliance on the proposed turbine. Officers have sought confirmation from the applicant that the other measures agreed have been implemented, and that any energy savings as a result of the turbine would be additional. Even if the energy benefits arising from the turbine are minimal, government advice clearly indicates that even small-scale projects should be supported. The absence of any direct community benefit is also irrelevant (and indeed unnecessary) when considering the benefits of the proposal.

Neighbour amenity

42. Environmental Health has considered the application and has concluded that there proposal is unlikely to give rise to any significant adverse impacts on adjacent land users, including residential users, both in terms of noise or shadow flicker.
43. Reference is made in the Environmental Health Officers comments to the possibility of future development in closer proximity as a result of the proposal for Cambourne West in the Submission Local Plan, however this is not an approved document and the closest site boundary would be 630m from the proposed turbine.

Landscape impact

44. A turbine with a height to tip of blade of 25m will be visible in the landscape. The Landscapes Officer comments highlight potential areas of concern, but also suggest additional planting that could be undertaken to help mitigate the impact of the proposed turbine. When approaching from the south the site is at the top of a ridge, with land levelling to the north, and therefore the blades will be visible on approach from all directions.
45. Existing landscaping will help soften the impact of the lower section of the turbine. The applicant has been asked to confirm that existing planting on the north boundary of the site will be retained.
46. Although the turbine will be visible, due to its small scale (relative to other commercial wind turbines), and subject to additional landscaping, the visual impact upon the surrounding landscape is considered to be of only limited harm, and not sufficient such as to warrant refusal of the application.

Highway safety

47. Neither the Highways Agency nor the Local Highway Authority has raised objections on highway safety grounds. These agencies will have considered the matter of potential driver distraction when commenting on the application.

The advice in the Planning Practice Guidelines suggests that fall over distance plus 10% is normally used as a safe separation distance, and the proposal conforms to these guidelines.

Other matters

48. A condition can be attached to any consent requiring an archaeological investigation of the site, although officers are aware that an investigation was required by condition of the planning consent for the redevelopment of the main area of the site, which was undertaken. Officers have asked for clarification as to whether the investigative work carried out at that time also covered the site of the proposed turbine.
50. It is necessary to impose a condition seeking the removal and reinstatement of the land should the turbine cease to be operational. This is in accordance with policy NE/2.
51. The Local Planning Authority issued an EIA screening opinion on 9 November 2011 advising that it did not consider that the proposed turbine to require an Environmental Assessment under the 2011 Regulations.

Recommendation

52. That subject to agreement of the applicant to additional planting being carried out that delegated powers to approve the application.

Conditions (to include)

- (a) Time limit – 3 years
- (b) List of approved plans
- (d) Landscaping
- (e) Archaeology
- (f) Traffic Management Plan
- (g) Decommissioning

Background Papers

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/0053/12/FL, S/0059/12/OL, S/0060/12/OL; S/1723/12/OL and S/2284/12/RM

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

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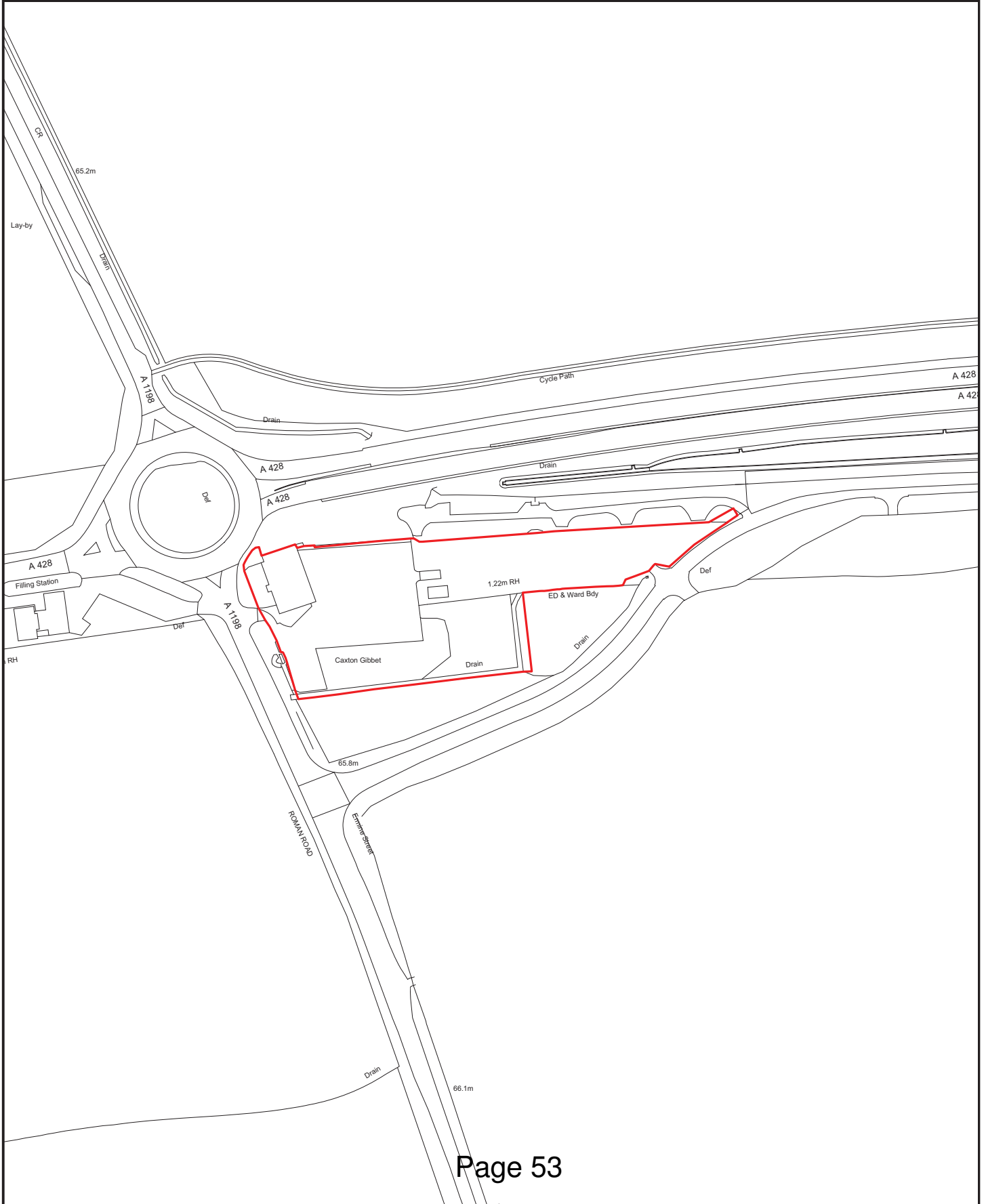
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Agenda Item 10

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number: S/0025/14/FL

Parish(es): Cottenham

Proposal: Erection of dwelling and vehicular access

Site address: 3 Histon Road

Applicant(s): Mr Robert Wallis

Recommendation: Refusal

Key material considerations: Conservation Area Impact, Listed Building Impact, Design

Committee Site Visit: None

Departure Application: No

Presenting Officer: Katie Christodoulides

Application brought to Committee because: Requested by Nigel Blazeby

Date by which decision due: 12/03/2014

Planning History

1. S/1421/95/O-Bungalow-Refused.
S/1700/78/F-Erection to form kitchen store and wc-Approved.
S/0209/83/O-Erection of dwelling-Refused.
S/0821/84/O-Bungalow-Refused.

Planning Policies

- 2.. *National*

National Planning Policy Framework
3. *South Cambridgeshire LDF Core Strategy DPD, 2007*

Policy ST/5: Minor Rural Centres
4. *Adopted Local Development Framework, Development Control Policies*

Policy DP/1: Sustainable Development
Policy DP/2: Design of New Development

Policy DP/3: Development Criteria
 Policy DP/4: Infrastructure and New Developments
 Policy DP/7: Development Frameworks
 Policy HG/1: Housing Density
 Policy CH/4: Development Within the Curtilage or Setting of a Listed Building
 Policy CH/5: Conservation Areas
 Policy SF/10: Outdoor Playspace, Informal Open Space and New Developments
 Policy SF/11: Open Space Standards
 Policy NE/1: Energy Efficiency
 Policy NE/6: Biodiversity
 Policy NE/11: Flood Risk
 Policy TR/1: Planning for More Sustainable Travel
 Policy TR/2: Car and Cycle Parking Standards

5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*

District Design Guide - Adopted March 2010.
 Open Space in New Developments - Adopted January 2009
 Trees and Development Sites-Adopted January 2009
 Biodiversity-Adopted July 2009
 Landscape in New Developments-March 2010
 Cottenham Village Design Statement-Adopted November 2007
 Development Affecting Conservation Areas-Adopted January 2009

6. *Draft Local Plan*

S/7 Development Frameworks
 S/8 Rural Centres
 HQ/1 Design Principles
 H/7 Housing Density
 SC/7 Outdoor Play Space, Informal Open Space and New Developments
 SC/8 Open Space Standards
 CC/1 Mitigation and Adaption to Climate Change
 CC/4 Sustainable Design and Construction
 CC/7 Water Quality
 CC/8 Sustainable Drainage Systems
 CC/9 Managing Flood Risk
 NH/4 Biodiversity
 NH/14 Heritage Assets
 TI/2 Planning for Sustainable Travel
 TI/3 Parking Provision
 TI/8 Infrastructure and New Developments

Consultations

7. **Cottenham Parish Council**-Recommends approval and comments that the proposal should have no adverse impact on No.5 Histon Road, there shall be no contractor parking on the Histon Road and hours of work shall be conditioned.
8. **Local Highways Authority**-Recommends refusal as the applicant does not appear to control sufficient land to provide adequate visibility splays at the site access. The proposal would therefore be detrimental to highway safety. The proposed width of the access is not sufficient to allow vehicles to pass wholly of the public highway and would lead to unnecessary maneuvering within the public highway. Following the

submitted EAS Transport Report and plan SK01 dated 04/03/2014, the Local Highways Authority raise no objections regarding the proposal and request that conditions in regard to visibility splay provision, minimum access width, sufficient space for vehicles to pass, pedestrian visibility splays. Driveway levels, no unbound material and an informative in regard to permission from the Local Highway shall be added to any consent granted.

9. **Conservation Officer**—The dwellings along Histon Road comprise of a traditional, linear development form and burgage cycle of development in which dwellings front the highway with large, open green spaces to the rear. The proposed dwelling would be contrary to the traditional urban development form with the dwelling sited across the plot rather than perpendicular with the highway and along the sites boundaries. As a result the proposal would enclose the open rear garden and be contrary to the historic pattern of buildings, which would not preserve or enhance, resulting in harm to the character and appearance of the Conservation Area. The proposed dwelling as a result of its excessive height and proximity to the curtilage listed Grade II outbuilding would result in harm to the setting of the listed outbuilding at Elm Barns. The proposed design of the dwelling is considered to be complex with the numerous fenestration.
10. **Environmental Health Officer**— Raises no objections and requests that conditions in regard to hours of work, no burning of any waste and driven pile foundations should be added to any consent granted. Informatives in regard to disturbance to neighbours and a Demolition Notice from the Building Control Department shall be added.
11. **Ecology Officer**—No objections in regard to biodiversity impact.
12. **Cottenham Village Design Group**—Comments that the site seems acceptable for infill development, the alignment of the barn across the site rather than following the site boundary is unusual. The design has an unusual window layout, and could be unified by being evened out and simplifying the look and size of the three openings. The materials are considered acceptable, however slate is historically unlikely on barn structures.

Representations

13. **No.3 Histon Road**—Raises concerns regarding the height of the proposed dwelling, loss of privacy and visual impact to the Conservation Area and open spaces.
14. **No.5 Histon Road**—Raises concerns regarding water run off to the end gable of the property.
15. **No.360 High Street**— Raises concerns regarding loss of light and loss of privacy.

Planning Comments

16. The key issues to consider in this instance are the principle of the development, impact upon the character and appearance of the area including the Conservation Area, neighbour amenity, highway safety/parking provision, trees and landscaping and developer contributions.

Principle of Development

17. The site is located within the village framework of a 'Minor Rural Centre' where residential development and redevelopment up to an indicative maximum scheme of

30 dwellings will be permitted within village frameworks. The principle of development is therefore acceptable. The site has an area of 0.102114 hectares. The proposed dwelling would equate to a density of 9.8 dwellings per hectare. Policy HG/1 Housing Density states the minimum density of dwellings per hectare is 30 dwellings, with at least 40 dwellings per hectare in more sustainable locations. The proposed density is considered to be significantly lower than the minimum density, however given the character of the area in which dwellings are set in large plots, the proposed density is considered to be appropriate for the character of the area.

Character and Appearance including Conservation Area

18. The character of the dwellings along the eastern side of Histon Road comprise of narrow dwellings which lie adjacent to the public highway, forming a traditional, linear development pattern. To the rear of the dwellings lie long, narrow open gardens and plots which were often open orchards with outbuildings forming the burgage cycle style of development. The proposed dwelling, following demolition of the existing outbuilding would lie perpendicular to the public highway and would be sited across the plot, which would be contrary to the traditional urban development form in which dwellings are set on street edges and outbuildings run perpendicular to the road and along the sites boundaries, retaining large green spaces to the rear. As a result the proposal would be contrary to the historic pattern of buildings and form of development which characterizes this part of the High Street. The proposal would enclose the open rear garden, reducing open views through the site from Histon Road. The proposal is therefore not considered to preserve or enhance the Conservation Area and would result in harm to the character and appearance of the Conservation Area.

Impact upon setting of adjacent curtilage listed building

19. To the north of the site forming the common boundary lies the Grade II curtilage listed outbuilding, and lying further north are a group of Grade II listed buildings at Elm Barns. The curtilage listed outbuilding lies parallel and runs along to the (eastern) rear part of the site. The proposed dwelling would be set 1 metre from the curtilage listed outbuilding, with the proposed eaves level being set at 3.15 metres and height at 5.6 metres. Given the close proximity and siting of the dwelling to the curtilage listed outbuilding and that the high eaves level and height of the dwelling which would be significantly higher than the curtilage listed barns, the proposed dwelling would dominate and result in significant visual harm to the curtilage listed building.

Neighbour Amenity

20. Given the distance of the proposed dwelling from the neighbouring dwellings at Nos. 345 High Street and 5 Histon Road, the proposal is not considered to result in any unreasonable overbearing impact or loss of light for these residents.
21. Rooflights serving habitable rooms would be positioned in the rear roof slope of the proposed dwelling, with one roof light in the front roof slope serving a bathroom. As a result the proposal is not considered to result in any loss of privacy to the neighbouring properties at Nos. 345 High Street and No.5 Histon Road. The proposed dwelling would be set 14 metres from the common boundary to the rear of the site and over 40 metres from the nearest neighbour sited to the east at 9 Dunstal Field.

Highway Safety/Parking Provision

22. Vehicular access to the site would be sited where the existing front boundary wall lies following its removal and the rebuilding of the wall immediately adjacent to the south of the existing dwelling at No.3 Histon Road. The Local Highways Authority have raised no objections in regard to highway safety, subject to the addition of conditions should consent be granted in regard to visibility splays, minimum width of the access, sufficient space for parking, entering, turning and leaving the site, the falls and levels of the driveway not running on the public highway and the use of a bound material. An informative in regard to permission from the Local Highways Authority for any works to the public highway shall be added to any consent granted.

Given the large driveway proposed, the District Council's parking standards of 1.5 spaces per dwelling would be satisfied.

Trees and Landscaping

23. There are various trees within the site which will be removed for the proposed dwelling. The proposed landscaping comprises of a mix of soft and hard landscaping. A planning condition would be added to any consent granted to require full details of both hard and soft landscaping works to be submitted and approved prior to the commencement of development.

Developer Contributions

24. The South Cambridgeshire Recreation Study 2005 identified the sport and play space within Cottenham is poor. No open space is shown within the development. The increase in demand for sport and play space as a result of the development requires a financial contribution of £849.42 (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.
25. The South Cambridgeshire Community Facilities Assessment 2009 states that Cottenham has a poor standard of facilities. Due to the increase in the demand for the use of this space from the development, a financial contribution of £513.04 (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.
26. The 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 the scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling.

Conclusions

27. 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 not be granted in this instance.

Recommendation

28. Refusal

Reasons for refusal

1. The dwellings along Histon Road line the public highway, forming a linear development pattern with large, narrow open plots running to the rear. The proposed dwelling by virtue of its siting across the plot, within the open rear garden area would be contrary to the traditional urban development form, reducing open views through the site from Histon Road. The proposal would therefore not be in keeping with the area and would be visually out of character, resulting in significant harm to the visual amenity of the local area. The proposal would therefore fail to preserve or enhance the Conservation Area and would result in harm to the character and appearance of the Conservation Area. The proposal would be contrary to Policy CH/5 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 and Conservation Areas Supplementary Planning Document 2009 and paragraphs 132 & 133 of the National Planning Policy Framework. that states proposals should ensure that all new development would preserve or enhance the character and appearance of Conservation Areas.
2. The proposed dwelling by virtue of its siting immediately adjacent to the Grade II curtilage listed outbuilding at Elm Barns and excessive height which would be significantly higher than the listed outbuilding would result in the dwelling dominating the curtilage listed outbuilding. The proposal would result in significant harm to the setting of the listed building and would be contrary to Policy CH/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 and Listed Buildings Supplementary Planning Document 2009 and paragraphs 132 & 133 of the National Planning Policy Framework that states proposals should ensure that all new development would preserve or enhance the character and appearance of the designated heritage asset.

Suggested conditions if minded to approve

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: 069-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 full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained,**

together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

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

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

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

6. **No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related delivered taken or dispatched from the site except between the hours of 0800 hours to 1800 hours on weekdays and 0800 hours to 1300 hours on Saturdays, not at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.**

(Reason - To protect the amenity of adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

7. **There shall be no burning of any waste or other materials on the site.**

(Reason - To protect the amenity of adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

8. **Should driven pile foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.**

(Reason - To protect the amenity of adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

9. **Prior to the first occupation of the development, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan No. SK01. The splays shall thereafter be maintained free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriage.**

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

10. **The access shall be a minimum width of 5 metre, for a minimum distance of 5 metres measured from the near edge of the highway carriageway.**

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

11. Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to:

- (a) enter, turn and leave the site in forward gear**
- (b) park clear of the public highway**

The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

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

12. The proposed driveway shall be constructed using a bound material to prevent debris spreading on to the adopted public highway. (Reason – In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

13. The proposed driveway shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. (Reason – In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

14. Pedestrian visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 1.5m x 1.5m measured from and along respectively the:

- (a) highway boundary**

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives:

1. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppressions for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact Environmental Health Service.
2. The granting of planning permission does not constitute a permission or licence to a developer to carry out works within, disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Local Highway Authority for such works.

Background Papers

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- Nation Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007
<http://www.scams.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013

<http://www.scams.gov.uk/localplan>

Report Author: Katie Christodoulides – Acting Senior Planning Officer
Telephone: (01954) 713314

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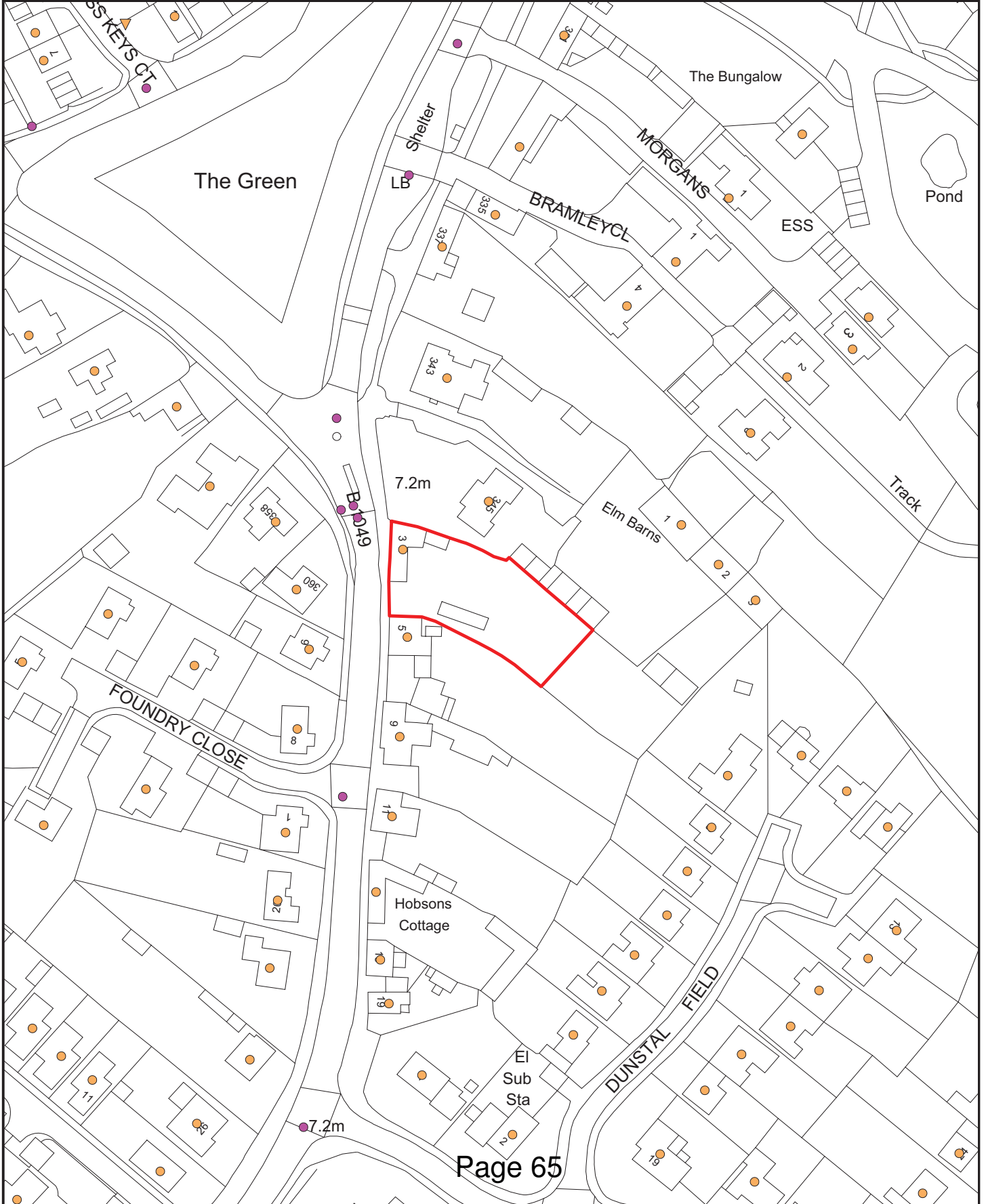
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Agenda Item 11

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/0373/14/FL
Parish(es):	Ickleton
Proposal:	Erection of Dwelling and Associated Works
Site address:	Land to the west of 20, Church Street
Applicant(s):	Heddon Management Ltd
Recommendation:	Approval
Key material considerations:	Neighbour Amenity
Committee Site Visit:	None
Departure Application:	No
Presenting Officer:	Katie Christodoulides
Application brought to Committee because:	The officer recommendation conflicts with the recommendation of Ickleton Parish Council
Date by which decision due:	16/04/2014

Site and Proposal

1. The site is located within the Ickleton village framework and conservation area. It is a triangular shaped plot that measures approximately 0.05 of a hectare in area. The site currently comprises an area of rough grass that has a number of trees around the perimeter. The land levels rise to the north. A public footpath runs along the north eastern boundary. The site lies within flood zone 1 (low risk).
2. An electricity substation is situated immediately to the east of the site. It is surrounded by high fencing. No. 20 Church Street is a detached, two-storey, render and plain tile listed building that lies to the south east. It has a high curtilage listed flint wall along the boundary with the site and first floor kitchen, bathroom and landing windows in its rear elevation. No. 1 Frogge Street is a detached, two and a half storey, render and plain tile listed building that lies to the south west. It has a high fence along its rear boundary. No. 28 Church Street is a one and a half storey, render and slate dwelling that lies to the west. It has a ground floor kitchen window in its side elevation and ground lounge patio doors and a first floor bedroom window in its rear elevation. A low fence and trees align the boundary with the site. No. 10 Butchers Hill is a detached,

one and a half storey, weatherboard and plain tile dwelling that lies to the north. It is set at an elevated level and has sitting room and bedroom windows in its rear elevation and its main sitting out area adjacent the southern boundary wall.

3. This full planning application, received 19 February 2014, seeks the erection of a single storey L shaped dwelling along the north and western site boundaries. The building would measure 14.4 metres in length, 16.8 metres in depth and have a height of 3.8 metres. It would have a contemporary design with a central flat roof and two monopitch roof elements of different heights. The materials of construction for the monopitch elements would be zinc with a dark grey brick plinth and vertical boarding for the elevations. Two parking spaces would be provided on the driveway. The existing Walnut and fruit trees in the south eastern corner of the site would be retained. The remaining trees would be removed. Three new trees and a laurel hedge would be planted on the south western boundary of the site, two new trees would be planted on the north /north eastern boundary of the site, and one new tree would be planted within the courtyard amenity area.

Planning History

4. An appeal was dismissed for the erection of a dwelling on the site under reference **S/0167/13/FL**. The proposal was considered by the Inspector to have an unacceptable visual impact upon and be intrusive to the neighbour at No.10 Butchers Hill.
5. An appeal was dismissed for the erection of a dwelling on the site under reference **S/1725/11**. The proposal was considered by the Inspector to have an unacceptable impact upon the amenity of the neighbour at No. 10 Butchers Hill.
6. Planning permission was refused for the erection of a dwelling on the site under reference **S/2123/08/F**. The proposal was considered to damage the setting of the listed building at No. 20 Church Street and the conservation area through the bulk of the development affecting the site's open character and design being unsympathetic to the traditional character of buildings within the vicinity of the site and harm to the amenities of neighbours at No. 28 Church Street through being unduly overbearing in mass, through noise and disturbance from the use of the access; and through overlooking.
7. An appeal was dismissed for the erection of dwelling and garage on the site under reference **S/0750/05/F**. The proposal was considered by the Inspector to damage the setting of the listed building at No. 20 Church Street through the loss of a significant section of the curtilage listed boundary wall, the bulk of the development affecting the secluded surroundings, and the height of the building destroying the majority of the site's open character; harm to the amenities of neighbours at No. 28 Church Street through being unduly overbearing in mass and through noise and disturbance from the use of the access; and an adverse impact upon the new dwelling through overlooking from existing dwellings.

Planning Policies

8. *Local Development Plan Policies*

South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/7 Infill Villages

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
CH/2 Archaeological Sites
CH/3 Listed Buildings
CH/4 Development Within the Setting of a Listed Building
CH/5 Conservation Areas
NE/1 Energy Efficiency
NE/6 Biodiversity
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009
Development Affecting Conservation Areas SPD - Adopted January 2009
Listed Buildings SPD - Adopted July 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009
District Design Guide SPD - Adopted March 2010

Draft Local Plan

S/9 Minor Rural Centres
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
HQ/1 Design Principles
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/8 Open Space Standards
CC/1 Mitigation and Adaption to Climate Change
CC/2 Renewable and Low Carbon Energy Generation
NH/4 Biodiversity
NH/14 Heritage Assets
TI/3 Parking Provision
T1/8 Infrastructure and New Developments
T1/9 Education Facilities

Consultations

9. **Ickleton Parish Council**-Recommends refusal. Concerns raised regarding design, impact upon the Conservation Area and adjacent listed building and listed wall, size of the dwelling, cramped appearance, parking, highway safety, neighbour amenity. Should the application be recommended for approval conditions should be added in regard to a methodology for the safe preservation of the listed walls and make good any damage to the walls incurred as a result of the development, with traditional methods of repair and permitted development rights are removed.

10. **Conservation Officer**-Recommends approval given the views of the inspector in relation to the previous application.
11. **Local Highways Officer**-Requires conditions to ensure that the driveway is constructed with adequate drainage measures, the access be provided as shown on the plans and retained free of obstruction and a bound material within 6 metres of the public highway.
12. **Archaeology Officer**-Requests a condition is added to any consent granted to require the applicant to undertake archaeological investigation due to the high archaeological potential of the site.
13. **Environmental Health Officer**-Has no objections and requests a condition in regard to hours of working and two informatives in regard to drive pile foundations and burning of waste on site.
14. **Tree Officer**-Raises concerns regarding impact of the development on T4 and T5 trees which are located off site.
15. **Landscape Design Officer**-No objections but requests conditions are added to any consent granted to require details of landscaping.
16. **Ecology Officer**- No reply (out of time).
17. **Rights of Way and Access Team**- No reply (out of time).
18. **Ramblers Association**-No reply (out of time).

Representations

19. **The Ickleton Society**- Objects to the proposal on the grounds of visual impact to the neighbour at No.10 Butchers Hill, size of the dwelling, impact upon the curtilage listed wall and listed building and the design.
20. **10 Butchers Hill**- Objects to the proposal on the grounds of overlooking, privacy, visual intrusion, noise and disturbance, impact to the setting of the adjacent listed building, design, and highway safety.
21. **Gurner House, 20 Church Street**-Objects to the proposal on the grounds of size, impact upon the neighbour at No.10 Butchers Hill, design, impact upon the adjacent listed buildings and listed wall and highway safety.
22. **Oak Cottage, 30 Church Street**- Objects to the proposal on the grounds of overdevelopment of the site, highway safety, impact upon the Conservation Area and adjacent listed building, tree impact and neighbour amenity.

Planning Comments

23. 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 setting of adjacent listed buildings, the character and appearance of the conservation area, the curtilage listed wall, trees and landscaping, highway safety, and neighbour amenity.

Principle of Development

24. The site is located within the village framework of an 'Infill Village' where residential developments of up to two dwellings are considered acceptable in principle subject to all other planning considerations.

Density

25. The development of one dwelling would equate to a density of 20 dwellings per hectare. Whilst this would be below the density requirement of 30 dwellings per hectare that should be achieved in villages such as Ickleton, it is considered appropriate in this case given the sensitive nature of the site within the conservation area and adjacent listed building, and the access restrictions.

26. Setting of Adjacent Listed Buildings

No. 20 Church Street is situated to the east of the site. It is a two-storey listed building that is set on the back edge of the footpath. The original building is to the eastern side with the main garden to the rear, and a 1970's two-storey annexe extension is to the western side with a kitchen garden to the rear and parking area to the side. There is a high flint wall along the eastern side boundary and large conifers to the rear.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The relationship of the site to No.20 to be 'somewhat tenuous'. That cannot be disputed. The boundary wall between No.20 and the appeal site provide clear separation and the ground level of the appeal site is significantly lower. A building on the appeal site would bring visual change but would have no harm to its setting as a listed building."

Given the above comments and that the current proposal has been further set into the ground with a lower height and a reduced in scale to single storey, the development is not considered to damage the setting of the listed building at Gurner House, No. 20 Church Street.

No. 1 Frogge Street is situated to the west of the site. It is a two and a half storey building that is set on the back edge of the footpath. It is situated a distance of 20 metres from the site boundary and has a high fence along its rear boundary. There are some trees and landscaping within the site that act as a screen.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The long rear garden at No.1 Frogge Street and the firm boundary render the contribution of the appeal site to the building's setting less obvious that at No.20 Church Street. The conclusion in 2012 was that there would be no significant intrusion on the setting of the listed building. The reduced two-storey bulk and its increased distance from the common boundary make that even more true of the design now proposed."

Given the above comments and that the current proposal has been further set into the ground and reduced in scale to single storey, the development is not considered to damage the setting of the listed building at No. 1 Frogge Street.

27. Curtilage Listed Wall

The Inspector made the following comments in relation to the application S/1725/11 dismissed at appeal (Reference APP/W0530/A/12/2176129): -

“As an important feature of the listed building’s curtilage, and of special historic interest itself, the wall’s preservation and its long term integrity must be ensured during construction of the new dwelling and after it has been erected. There is nothing to suggest that the wall is structurally unsound, and its fabric is generally in a serviceable condition. The report (structural) identifies the means by which the stability of the wall could be secured as excavations take place to accommodate foundations for the new dwelling. The technique described is not unusual and often successfully implemented under similar circumstances of proximity of historic buildings to new development. I am confident that there are sufficient expertise and construction methods available to be assured of adequate protection of the wall during and after construction of the proposed house. Such measures could be controlled by condition.”

28. Given the above comments and subject to a condition that requires details of the method of excavation to be agreed to enable its retention and protection, the development is not considered to harm the curtilage listed wall.

29. Character and Appearance of the Conservation Area

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

“The appeal site is not readily visible from public vantage points. The proposed dwelling would be barely noticeable, if at all. If it were glimpsed, it would be within a setting of other buildings and trees. The pattern of development and style of building around the appeal site are both mixed. There is no reason why even an overtly modern design, such as is proposed, should not sit comfortably in its context”.

Given the above comments and that the current proposal has been reduced in height and scale down to single storey, the development is considered to preserve the character and appearance of the conservation area.

30. Trees and Landscaping

The proposal would not result in the loss of any important trees or landscaping that contribute to the visual amenity of the area. The significant Walnut tree would be retained and protected. The trees to be removed along the south western boundary would be replaced. A landscaping condition would be attached to any consent ensure that planting softens the impact of the development upon the surrounding listed buildings and conservation area.

31. Highway Safety

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. The access width is considered suitable. Whilst it is acknowledged that the standard requirement of 2.0 metres x 2.0 metres pedestrian visibility splays could not be achieved on each side of the access due to the boundary wall and that this would lead to restricted visibility when exiting the site, the use of lower splays are considered acceptable in this case given the support by the appeal Inspector under appeal reference:

APP/0530/a/05/1187162 who did not consider the level of traffic that would use the access and standard of visibility to pose a significant threat to pedestrian safety.

Two on-site parking spaces would be provided for the new dwelling that would accord with the Council's parking standards. The proposal would not therefore lead to on-street parking that would cause a hazard and adversely affect the free flow of traffic along Church Street.

Although it is noted that the proposal would not provide an on-site turning area and vehicles would have to reverse out of the site, this is considered acceptable given the nature of the existing access and the lack of any objection from the Local Highways Authority.

32. Neighbour Amenity

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The proposed house would be visible from habitable windows in 20 Church Street. Any overlooking or loss of privacy however, could only be from the first floor bedroom windows in the proposed house".

"The low profile of the proposed house, compared with the levels at No.20, means that it could not be domineering or overbearing".

Given the comments above and that the current proposal would be reduced in height and to single storey, the development is not considered to have an unacceptable adverse effect upon the amenities of the neighbours at No.20 Church Street.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The proposal provides for a small part of the site to be conveyed to No.29. giving more space outside the patio doors at the rear of the house. Boundary treatment and planting could ensure no harmful overlooking or overbearing impact from the proposed house. Reason for refusal no.5 is that the occupiers of No.28 would suffer noise and disturbance" "This appears not to have been a reason for refusal of the previous application, in which case it is unclear why it should apply to this one. The number of daily vehicle movements generally associated with a single dwelling is very small" "Any additional noise or disturbance would be insufficient on its own to warrant dismissal of the appeal".

Given the above comments, the proposal is considered acceptable in regard to the amenities of the neighbours at No.28 Church Street.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"No.28's garden lies between No.30 and the appeal site. Intervening vegetation makes it all but impossible to discern the site, or where the proposed house would be, from the ground floor or garden; indeed, it is difficult to gain a clear view from the first floor rear window. There would be no harm to the level of amenity enjoyed by the occupiers of No.30".

Given the above comments, the proposal is considered acceptable in regard to the

amenities of the neighbours at No.30 Church Street.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

“The distance of the proposal from No.1 means that it would be too far away from the house itself to be at all dominant or overbearing” “There should be no harmful overlooking from the proposed house”. “There would be no harm to the level of amenity enjoyed by the occupiers of No.1 Frogge Street”.

Given the comments above and that the proposal would be reduced in height and to single storey, the development is not considered to have an unacceptable adverse effect upon the amenities of the neighbours at No.1 Frogge Street.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

“The extent of the visible roof would be very much greater than might appear from the drawing and would still be seriously harmful to the outlook of the occupiers, from both their house and their garden. It is not, as my colleague said in 2012, a question of the loss of a view; it is the intrusiveness of the expanse of roof so close to the boundary, even though it would be much less than previously, that remains unacceptable”.

The proposal has been reduced down in height and in scale to single storey level, in which it would be lower than the rear boundary wall of the neighbouring property at No.10 Butchers Hill. The proposed dwelling would therefore not be seen from the garden of No.10 Butchers Hill unless you are standing immediately adjacent to the boundary wall or at ground floor elevation windows. The development is therefore not considered to have an unacceptable adverse effect upon the amenities of the neighbours at No. 10 Butchers Hill, in regard to overbearing impact.

33. Developer Contributions

The South Cambridgeshire Recreation Study 2005 identified a shortage of play space within Ickleton. No 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 £3,104.38 (index linked) towards the improvement of existing open space in the village to comply with Policy SF/10 of the LDF. A section 106 legal agreement has been completed that secures this contribution.

The South Cambridgeshire Community Facilities Assessment 2009 states that Ickleton has an excellent level and standard of indoor community facilities. However, investment is required and due to the increase in the demand for the use of this space from the development, a financial contribution of £513.04 (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. A section 106 legal agreement has been completed that secures this contribution.

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. A section 106 legal agreement has been completed that secures this contribution.

34. Conclusion

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.

35. Recommendation

It is recommended that the Planning Committee approves the application subject to the following conditions and informatives: -

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: 10044-01, 14002-02, 14002-03, 14002-04, 14002-05, 14002-06 & Location Plan.
(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 samples of the materials to be used in the construction of the external surfaces of the dwelling 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 details of the materials to be used for hard surfaced areas within the site have been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the approved details.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 2007 of the adopted Local Development Framework 2007 and in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)
6. No development shall take place until details of the method of surface water drainage for the driveway has been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the approved details.

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

7. The permanent space to be reserved on the site for the parking of two cars shall be provided before the development hereby permitted is occupied and thereafter maintained.

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

8. 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.)

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 development within Classes A, B, C, D, and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

(Reason – To safeguard the amenities of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

12. During the period of construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and 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.)

13. No development shall take until details of the method of excavation of the site and the method of construction for the dwelling and associated works, 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 protect the listed wall in accordance with Policy CH/3 of the adopted Local Development Framework 2007.)

14. No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation and timetable for investigation which has been submitted to and approved in the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason-To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

Informatives

1. The site is subject to an agreement under section 106 of the Town and Country Planning Act 1990.
2. The driveway should be constructed from bound materials within 6 metres of the public highway in order to avoid the displacement of loose materials on to the public highway.
3. The access shall remain open at all times and not be obstructed.
4. 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.
5. During 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.
6. See attached Environment Agency advice regarding soakways.
7. Public footpath No. 6, Ickleton runs along north eastern boundary of the site. The following points of law should be noted in relation to the public footpath: -
 - i) No alteration to the surface of the footpath is permitted without the consent of the Cambridgeshire County Council Rights of Way and Access Team (it is an offence to damage the surface of a public right of way under s.1 of the Criminal Damage Act 1971).
 - ii) The footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it (it is an offence under s. 137 of the Highway Act 1980 to obstruct a public right of way).
 - iii) Landowners are reminded it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s. 154 of the Highways Act 1980.)
 - iv) The granting of planning permission does not entitle a developer to obstruct a public right of way (Circular 1/09 para. 7.1)

Background Papers

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- 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
- National Planning Policy Framework 2012
- Planning File References: S/0167/13/FL, S/0167/13/FL, S/1725/11, S/2123/08/F, and S/0750/05/F

Report Author: Katie Christodoulides – Acting Senior Planning Officer
Telephone: (01954) 713314



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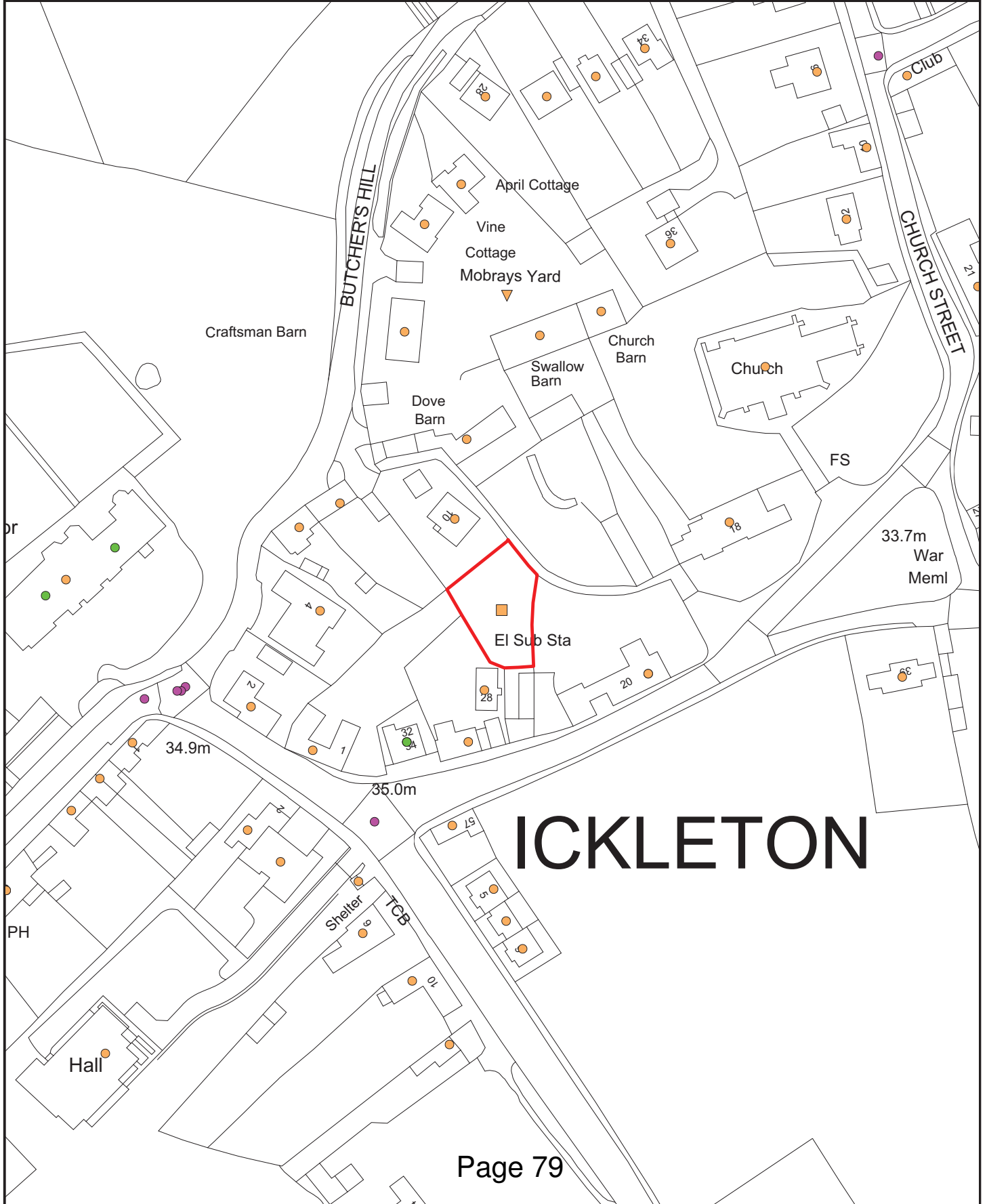
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Agenda Item 12

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/0589/14/VC
Parish(es):	Foxton
Proposal:	Variation of condition 2 of application S/2608/12/FL for amended design
Site address:	14 Fowlmere Road, Foxton, Cambridge, Cambridgeshire, CB22 6RT
Applicant(s):	Mr Graham Ward
Recommendation:	Approve with conditions
Key material considerations:	Impact upon the Setting of the Adjacent Listed Building, Residential Amenity Impact and Other Matters
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Lydia Pravin
Application brought to Committee because:	The officer recommendation is contrary to the views of the Parish Council
Date by which decision due:	12 May 2014

Planning History

1. **S/2608/12/FL** – Construction of two dwellings following demolition of existing two dwellings – approved with conditions at Planning Committee
2. **S/0745/12/FL** – Construction of 1 no.2 bed dwelling and 1 no. 3 bed dwelling following demolition of existing – refused

Planning Policies

3. National Planning Policy Framework
4. *South Cambridgeshire LDF Core Strategy DPD, 2007*
ST/6 Group Villages (Foxton)

5. *Adopted Local Development Framework, Development Control Policies*

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
HG/1 Housing Density
NE/1 Energy Efficiency
NE/6 Biodiversity
NE/10 Foul Drainage – Alternative Drainage Systems
NE/15 Noise Pollution
CH/4 Development Within the Curtilage or Setting of a Listed Building
TR/2 Car and Cycle Parking Standards

6. *Draft Local Plan*

S/3 Presumption in Favour of Sustainable Development
S/10 Group Villages
HQ/1 Design Principles
CC/1 Mitigation and Adaption to Climate Change
CC/4 Sustainable Design and Construction
CC/7 Water Quality
CC/8 Sustainable Drainage Systems
NH/4 Biodiversity
NH/14 Heritage Assets
H/7 Housing Density
SC/11 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

7. *Supplementary Planning Document(s)*

District Design Guide SPD – adopted March 2010
Listed Buildings SPD – adopted July 2009

Consultations

8. **Foxton Parish Council** - Recommend refusal.

The Council are of the opinion that the original scheme was carefully designed to take account of the neighbouring listed building and the existing cottage design. This proposal would fundamentally change the appearance of this building both at the front and at the rear.

9. The Council's **Conservation Officer** has no objections to the proposed development stating there are some instances of dormers in traditional buildings like those shown on drawing number PL02. There is no objection to the loss of the brise-soleil but is aware of the need to mitigate against the overlooking issue. Although no materials are indicated on the drawing, these are covered by condition 3 of the original consent.

10. The Council's **Environmental Health Officer** recommends conditions regarding the timing of the use of power-operated machinery and the use of pile driven foundations, and informatives regarding bonfires and burning of waste and the requirement of a Demolition Notice.

Representations

11. Owner/Occupier of 20 Fowlmere Road, Foxton, CB22 6RT raised the following objections:
- Overlooking issue due to the increased height of the proposed new first floor windows to their rear garden. The side elevation (south/east) window is a brise soleil construction to avoid overlooking and it is not clear this would be the case in the revised plans.
 - The alterations to the design will dominate the view from the street scene and therefore harm the setting of the Grade II listed dwelling

Planning Comments

12. The application site is located within Foxton village framework. The site is currently undergoing construction for a pair of semi-detached properties set back from the road frontage which has largely been completed, however, the window frames have not been inserted in the new dwellings and other work is still outstanding. This followed demolition of the existing two dwellings which also consisted of a pair of semi-detached properties set back from the road frontage. There will be double access to the front serving the parking areas of the new dwellings and they are set at a higher level than the road.
13. The dwellings have rear gardens which back onto the rear gardens of the two storey properties to the east side of St Laurence Road. The land slopes down northwards, giving a visible change of level between the site and adjacent properties. To the north the boundary is shared with no. 8 Fowlmere Road's garage which is set back from the street scene and the dwelling itself is situated adjacent to the footpath on the corner. On the north west side the boundary is also shared with the rear garden of 5 Barons Lane, a two storey property set on lower ground than the application site.
14. To the south of the site is the grade II listed building of 20 Fowlmere Road. This property is set approximately 11m from the site frontage, and sits with its gable facing the road. The shared boundary is a combination of a low brick wall with hedge above, a large brick wall and a 1.8m high panel fence to the rear of the site.
15. This application seeks permission for the variation of condition 2 of application S/2608/12/FL for an amended design. Essentially, this proposes to insert two dormer windows on the front elevation with a smaller window in between to serve the bathroom and three dormer windows on the rear elevation.
16. The key considerations in the determination of this application are the impact upon the setting of the adjacent listed building and the street scene; and the impact upon the amenity of the occupiers of the neighbouring properties. There is no objection to the principle for the replacement of the dwellings on the site, subject to the site specific issues discussed below.

Impact upon the Setting of the Adjacent Listed Building

17. The neighbouring property of 20 Fowlmere Road is a grade II listed building. The original dwellings at 14 Fowlmere Road consisted of a pair of semi-detached dwellings set deep into the plot, giving a spacious setting to the listed building. It

consisted of three simple double windows at first floor and ground floor level of the same design, size and location with two simple porches, one located in between two of the windows on the ground floor and one on the far side of the dwelling adjacent to the end of the property.

18. Planning application S/2608/12/FL, construction of two dwellings following demolition of existing two dwellings was recommended for refusal by the case officer and reported to the Planning Committee for determination at the request of the Local Member. The case officer recommended refusal due to the increased scale and proportions of the design and it was considered to cause serious harm to the setting of the Grade II listed building. However, the Planning Committee was satisfied there would be no significant harm to the setting of the listed building
19. That approval has altered the scale and proportions of the original pair of semi-detached dwellings. The proportions have been altered through larger windows and the porches at either end of the dwelling are significant in scale compared to the original porches on the front elevation. It was noted that Foxton Parish Council recommended approval for planning application S/2608/12/FL and felt it addressed the proportion issues of the previous refusal. The Parish considered the revised design was acceptable, however, it was noted the accommodation was somewhat restricted.
20. The existing consent S/2608/12/FL has moved the dwellings forward on the site from between 3.4m and 5.2m. The height has increased the existing from 3.7m and 6.3m to the eaves and roof ridge, to 4.3, and 7.8m and the replacement dwellings are more prominent in the setting of the listed building. However, the current planning application will not alter the location of the dwelling or increase its overall height.
21. The pair of semi-detached dwellings is still set back from the street. Number 8 Fowlmere Road to the north has a garage set back from the street, however, the dwelling itself is situated adjacent to the footpath on the corner. When coming from the north the first view from the street scene is of this cottage and then 20 Fowlmere Road due to its siting and prominent gable end and the same occurs when arriving from the south due to the road curving. The dormer windows on the rear elevation cannot be seen from the street scene.
22. When standing directly opposite the dwellings along the street scene the proposed changes will alter the proportions and design of the pair of semi-detached dwellings. They will, however, still be viewed as relatively simple, modest cottages and 20 Fowlmere Road will still be read as an important Grade II listed building situated significantly further forwards. The current dwellings are set back from the street scene and on balance the altered design will not significantly dominate the view from the street scene. Therefore the proposed development is not considered to cause significant harm to the Grade II listed dwelling sufficient to sustain a refusal of the application.

Residential Amenity Impact

23. To the northwest of the application site is the rear garden of 5 Barons Lane. This property is set on lower ground, with the garden itself rising towards the shared boundary, a fence approximately 1.5m in height. Officers recommended refusal of planning application S/2608/12/FL due to the increase in size of development, the

change in levels and its proximity to the shared boundary. However, the application was approved with conditions at Planning Committee.

24. The original property was situated close to the boundary and had a space of 6.3m to the two storey element, with a further 2.3m at ground floor level only. It measured 3.7m and 6.3m in height to the eaves and roof ridge respectively and the current consent measures 4.3, and 7.8m respectively. The change in levels enables a clear view from the rear garden of 5 Barons Lane. The increase in height of the proposed dormer windows will enable a clearer view.
25. The side window at first floor level on the north/west elevation is shown as being obscure glazed, and would therefore prevent such overlooking. A condition can also prevent any further first floor windows in the side elevation.
26. With regards to 20 Fowlmere Road, the applicant has confirmed the side window serving bedroom 2 would be fitted with a brise soleil which would prevent views into the rear garden of no. 20. A further condition can prevent any first floor windows in this elevation. The dormer windows proposed will be situated higher up within the roof and allow some views over the side/front garden of 20 Fowlmere Road but is insufficient to sustain a refusal of the application.
27. The proposed development altered the two storey bulk of the original properties which were between 7m and 9m from the shared boundaries with the properties along St Laurence Road. The existing consent has changed to 8m from the boundary and the current proposals with dormer windows are considered to have a neutral impact upon the occupiers of these properties.

Other Matters

28. Comments from the Local Highways Authority and the Council's Environmental Health Officer are noted, and the relevant conditions and informatives have been added.

Conclusion

29. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered on balance that there is no significant harm caused to the setting of the Grade II listed building and residential amenity sufficient to sustain a refusal of the application and planning permission should be granted in this instance.

Recommendation

30. Approve, subject to the following 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: PL02 Rev A date stamped amended 14 April 2014, PL03 date stamped 13 March 2014 and, P.1, P.7 and P.10 date stamped 21 December 2012.**

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

3. **The materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall either be as described in paragraph 10 of planning application S/2608/12/FL application form, or shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Where materials are approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details.**

(Reason - To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and CH/4 of the adopted Local Development Framework 2007.)

4. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the side or rear elevations of the dwellings 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.)

5. **Apart from any top hung vent, the proposed first floor window in the northwest side elevation of the dwelling (14 Fowlmere Road), hereby permitted, shall be fitted and permanently glazed with obscure glass.**

(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

6. **Bedroom 2 of 18 Fowlmere Road shall not be occupied until the brise soleil shown on approved plan PL02 Rev A date stamped amended 14 April 2014 is in place to the window to the room. The brise soleil shall thereafter be permanently retained on the window.**

(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

7. **During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.**

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

8. **The new access arrangement shall be constructed in a manner that would prevent water discharging onto the public highway.**

(Reason - To prevent surface water discharging to the public highway, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

9. **The access shall not be constructed from any loose bound materials within 6m of the public highway**

(Reason - To prevent displacement of materials onto the public highway that may affect public safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives:

1. Before the existing properties are demolished, a Demolition Notice will be required from the Council's Environmental Health 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.
2. Should driven pile foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
3. During demolition and construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
4. This development involves work to the public highway that will require the approval of Cambridgeshire County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. It is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
5. The applicant should be aware it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway, and therefore appropriate controls should be in place during construction.

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- National Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007
<http://www.scambs.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scambs.gov.uk/localplan>

Report Author: Lydia Pravin – Planning Officer
Telephone: (01954) 713417

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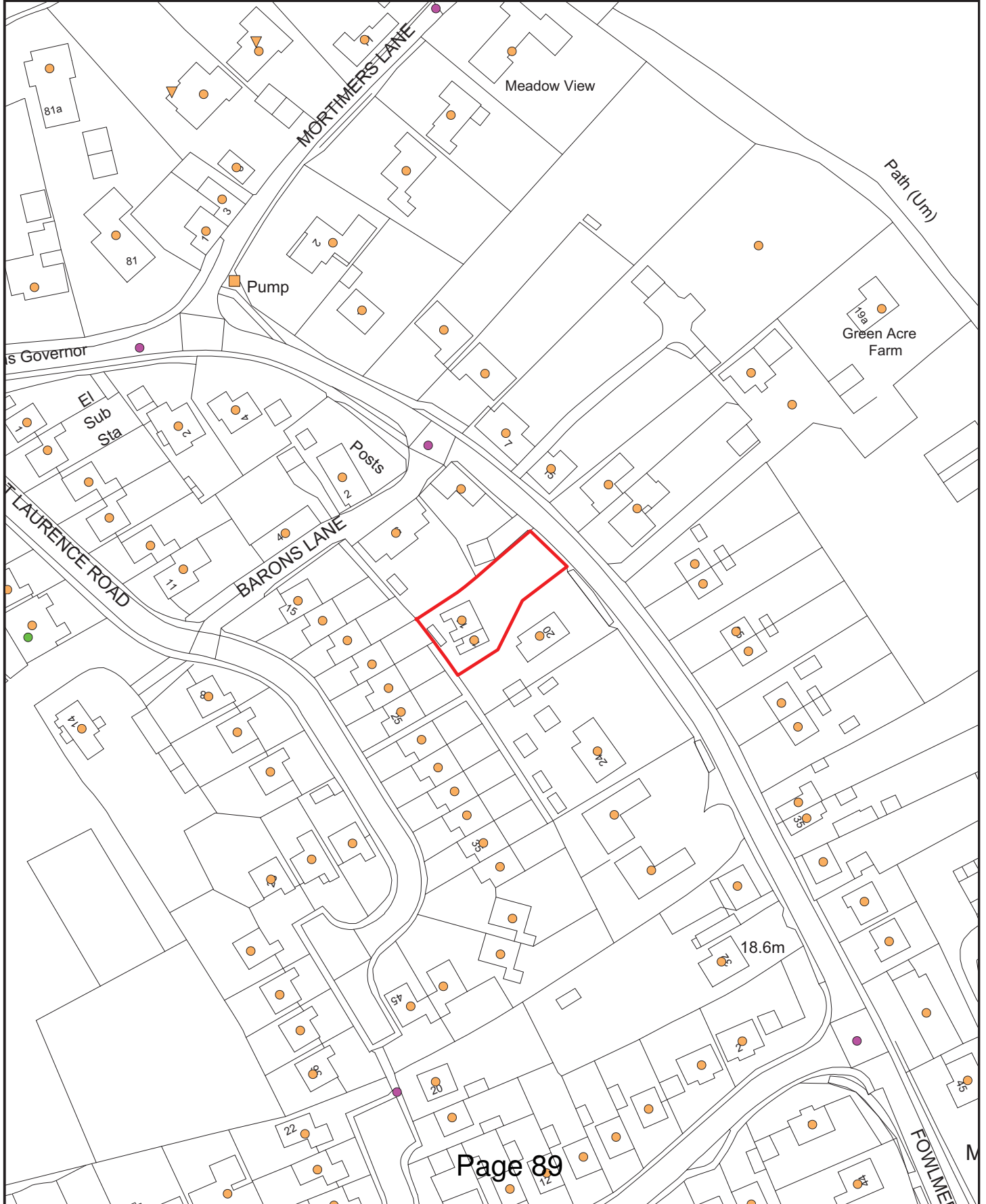
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Agenda Item 13

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/2616/13/FL
Parish(es):	Meldreth
Proposal:	Development of solar photovoltaic panels and ancillary structures including; field transformers, auxiliary transformer, inverter housing, communication room, district network operator building, switch room building, access tracks, security fencing and security cameras
Site address:	Bury Lane Fruit Farm, Melbourn Bypass, Meldreth, Roston, SG8 6DF
Applicant(s):	EW Pepper Ltd
Recommendation:	Approval
Key material considerations:	Principle of development; Impact upon the landscape character; Ecology; Flood Risk; Highway Issues; Impact upon Residential Amenity; Archaeology; Landscaping; Loss of Agricultural Land; Crime and Disorder Act 1998 and Other Considerations
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Andrew Fillmore
Application brought to Committee because:	The application was deferred at the committee meeting of March 2014 to allow an amended proposal covering a smaller area to be submitted and reconsidered.
Date by which decision due:	19 March 2014

Planning History

1. No relevant planning history.

Planning Policies

2. *National*
3. National Planning Policy Framework
4. DCLG Publication: Planning Practice Guide for Renewable and Low Carbon Energy
5. Written Ministerial Statement by the Secretary of State for the Department of Communities and Local Government 'Local Planning and Renewable Energy Developments'
6. *Adopted Local Development Framework, Development Control Policies*

DP/1 Sustainable Development
 DP/2 Design of New Development
 DP/3 Development Criteria
 NE/2 Renewable Energy
 NE/4 Landscape Character Areas
 NE/6 Biodiversity
 NE/11 Flood Risk
 CH/1 Historic Landscapes
 CH/3 Historic Buildings
 NE/17 Protecting High Quality Agricultural Land
 CH/4 Development within the curtilage or setting of a listed building
 TR/3 Mitigating Travel Impact

7. *Draft Local Plan*

S/3 Presumption in Favour of Sustainable Development
 CC/1 Mitigation and Adaptation to Climate Change
 CC/2 Renewable and Low Carbon Energy Generation
 CC/8 Sustainable Drainage Systems
 CC/9 Managing Flood Risk
 NH/2 Protecting and Enhancing Landscape Character
 NH/4 Biodiversity
 TI/2 Planning for Sustainable Transport
 TI/3 Parking Provision

8. *Supplementary Planning Document(s)*

Listed Buildings SPD – adopted July 2009
 District Design Guide SPD – adopted 2010

Consultations

9. **Meldreth Parish Council** – Recommend approval. The Parish Council would like to reiterate their concerns that solar farms should be taken as a whole across the DISTRICT and not seen solely as individual development. The Parish Council would also like to see any landscaping plans.
10. **Cllr van de Ven** – the layout meets exactly the terms suggested by Meldreth Parish Council at the March SCDC planning committee and I am pleased that the applicant has modified the scheme so precisely. I fully support the new layout.

On the landscape scheme, I would question the length of time that new planting will take to screen the site as intended. I assume this is a point that officers will be seeking to address, though I understand there may be aspects relating to the advantageous long term resilience of certain plants over short term benefits of others.

The question that I don't think residents feel has been satisfactory addressed is the absence of an overall strategic plan for solar parks in our district. If it is not possible for the council to develop and impose a strategic approach then it would be helpful for that to be explained and communicated. Conversely, if such a strategy is possible, it would be important to know how it will be developed and applied – certainly this would be helpful not only for Meldreth but for other parishes too.

11. **Environment Agency** – No further comment to add.
12. **English Heritage** – English Heritage considers that this development would cause some harm to the significance of designated heritage assets in the vicinity, in particular the setting of Grinnell Hill scheduled monument. This harm may be reduced by additional sensitive landscape planting along the eastern edge of the solar farm, to screen the panels from views from Grinnell Hill.
13. **Local Highway Authority** – Request the applicant provide a Traffic Management Plan prior to the issue of the decision notice as the highways authority has concerns with regards to how the applicant is going to be able to ensure that the HGV's delivering the required equipment for the solar farm will not interfere with other users of Bury Lane fruit Farm and the free flow of traffic onto the A10.

The applicant has provided information in relation to traffic movements to and from the development, but has not given any great deal in connection with how the construction traffic is managed.

The highway authority is concerned that the applicant may not be able to develop an acceptable traffic management plan that can address the problems outlined and this may create an un-implementable planning permission. This could result in a situation where the developer is in the process of negotiating a traffic management plan, while undertaking the works. From past experience SCDC is reluctant to enforce under these circumstances, and this could leave the Highways Authority in a difficult position of being unable to act under its powers while a situation that it believes to be unduly hazardous has been created.

14. **Network rail** – No objections to the proposed amendments. The previous consultation response remains applicable.
15. **Environmental Health** – The application contains the potential to import quantities of soil onto the site. Recommend a condition requiring a chain of evidence be provided for all imported material.

Representations

16. Six letters of representation have been received to the amended scheme opposing the application for the following reasons;
 - the removal of the south field does not mitigate the effect of the panels on the views from Chiswick End

- the application should be considered in the in the context of other similar proposals
- visual impact – the panels should be hidden from general view and there is nowhere in this immediate area where this could be the case
- sheep grazing is not the usual management strategy for solar arrays and normally they spray weed killer
- the development will result in the loss of productive farmland
- impact on view from footpath to the north of the site and recommend the northern field is removed
- an overall planning framework is necessary

Planning Comments

17. The site includes 45 hectares of agricultural land comprising three fields located to the west of the A10 and Cambridge-London railway line outside the villages of Melbourn and Meldreth. This Grade 2 agricultural land is currently used for crop planting.
18. The land slopes gradually, with the north of the site set circa 10m lower than the southern end. Vegetation can be found around the perimeter.
19. Two public footpaths can be found in the locality. Harcamlow Way (Byeway/Long Distance Route) runs parallel with the southern edge of the site, with a public footpath to the north.
20. Vehicular access is proposed via the existing arrangements serving Bury Lane Fruit Farm during the construction phase (18 weeks), with the temporary storage compound positioned to the rear of the shop. Post construction the maintenance vehicles will access the site from a track directly off the A10 approximately 350m south of the fruit farm entrance.
21. Following the planning committee meeting of 5 March 2014 an amended scheme has been received with the size of the solar array reduced through the removal of the panels and most of the supporting apparatus from the 'southern' field. This equates to reduction of 17 410 panels from the 94 000 originally proposed.
22. The southern field is to be either retained as arable land or changed to grassland/wildflowers, with the planting of a hedge separating this land from the development site. After decommissioning the application site would be returned to agricultural use.

Impact upon the landscape character

23. As noted in the officer report to the March committee meeting one of the key viewpoints of the site is from Harcamlow Way which runs along the southern boundary and offers 'short' views of the development proposal. The removal of panels from the field adjoining this footpath results in a notable reduction in the impact on the landscape.
24. When viewed from Harcamlow Way the panels will be located at least 350m away and separated by two layers of planting. This landscaping includes strengthening the vegetation adjacent the footpath and introducing a native hedgerow separating the southern field from the development area.

25. It is considered the reduction in the overall size of the array, and importantly setting the development back from a public footpath, results in a notable and important enhancement of the scheme.
26. A number of representations, including from the Parish Council, have been received expressing concern over the cumulative impact of the development when taking into account other solar array schemes.
27. Within South Cambridgeshire solar array developments have been constructed at Bourn (S/1611/12/FL), Chittering (S/1542/12/FL and S/2198/10) and Haslingfield (S/0154/11), with a further consented scheme at Chittering (S/1516/13/FL) and a live application at Wilbraham (S/2763/13/FL). A number of smaller schemes have also been given consent.
28. None of these developments are visible within the context of the application site, and as such there is no cumulative impact on the landscape character.
29. A further planning application at Bourn (S/2205/10) was refused consent with a scheme in Thriplow withdrawn (S/2080/13/FL). Additionally the Council has received Screening Opinions (request to the local authority as to whether a planning application is required to be accompanied by an Environmental Impact Assessment) for a further eight potential solar array sites (Royston Road-Melbourn, Vine Farm-Shingay-Cum-Wendy, Valley Farm-Croydon, Manor Farm-Impington, Chinderley Hall-Dry Drayton, Lang lane-Gamlingay, Highfield Farm-Bassingbourn and at Cottenham). These Screening Opinion applications are not firm proposals to develop the sites and as such no weight can be attributed to these when considering the cumulative landscape impact arising from this proposal. It is noted the Screening Opinion (S/1517/13/E1) at land between Railway and Sewage Disposal Works, Royston Road, Melbourn is closely related to the application site, however an assessment of the cumulative landscape impact would be a consideration of the 'second' application should one be forthcoming.

Highway Issues

30. The site is to be accessed off the A10 which is classified as a Primary Road in the county's hierarchy connecting the M11 with the A505. Access is proposed via the existing Bury Lane shop access during construction, with a further track access to the south proposed for maintenance.
31. The construction period is expected to last 18 weeks with deliveries to the temporary construction compound on land behind the farm shop. This area is suitable for parking, loading, unloading, storage, manoeuvring of construction vehicles and staff parking. The layout and operation of this construction compound and its relationship with the existing farm shop carpark will be managed by temporary route signage, fencing and bollards.
32. Throughout the 18 week period approximately 315 HGV deliveries are expected, with the most intense period lasting 7 weeks when there will be a maximum of 7-8 deliveries per day (14-16 movements), with 2 HGV deliveries per day for the remaining 11 weeks. Additionally it is expected 30-40 staff will be working on site. Following construction between 2 and 4 vehicles per month for maintenance are expected.

33. On-site construction is expected to be undertaken between the hours of 07:00-18:30 Monday to Friday and 07:00-13:00 Saturday with deliveries proposed between 06:00-09:00 to avoid conflict with the opening hours of the shop.
34. The highway authority object to the development requesting a Traffic Management Plan be provided prior to determination of the application as concerns are raised with regards to how the applicant is going to ensure that the HGV deliveries do not interfere with other users of Bury Lane Fruit Farm and the free flow of traffic onto the A10.
35. Specifically the highway authority is concerned that the applicant may not be able to develop an acceptable traffic management plan that can address the problems outlined and this may create an un-implementable planning permission which could result in a situation where the developer is in the process of negotiating a traffic management plan, while undertaking the works.
36. Circular 11/95 relates to the use of conditions in planning permissions and advises conditions can be appended to enable development proposals to proceed where it would otherwise have been necessary to refuse permission. Officers are of the view that given the most intense period of the construction phase is to last 7 weeks and entail 7-8 movements per day that failure to agree a delivery management plan is improbable. Furthermore should the applicant commence work prior to agreeing this condition the authority has powers to take enforcement action.
37. This approach is in conformance with the thrust of the NPPF which advises Local Planning Authorities to adopt a positive approach to fostering sustainable development.

Other Material Considerations

38. Following a reduction in the size of the scheme both the Parish Council and District Councillor are supportive of the proposal, although both highlight the need to take into account the cumulative impact which is addressed in paragraphs 26-29.
39. A number of representations have been received from third parties opposing the application, with one of the concerns raised being the removal of the southern field has no landscape benefit when viewed from the north. The landscape impact when viewed from the north is considered acceptable given the vegetation planting and separation distance to the public footpath.

Conclusions

40. The development is of a kind that receives very considerable support in national and local planning policy and that, following the guidance in the National Planning Policy Framework there must be a strong presumption in favour of it.
41. The proposal would have an impact on the landscape, but the removal of solar panels from the southern field has a notable reduction in the impact when viewed from the south. The existing framework of hedges and trees, which would be supplemented, would make the proposal an acceptable feature of the landscape.
42. There is no outstanding amenity issue. Conditionally there are no outstanding highways, flood risk, nature conservation or historic environment issues.

43. With the conditions recommended below, it is concluded that on balance the benefits of the scheme in respect of renewable energy production, outweigh the harm over the temporary 'loss' of agriculture productivity.

Recommendation

44. Approval subject to the following 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. Approved plans.
3. No development shall be commenced until a schedule of materials for the inverters and substation and details of the precise colours of the solar panels, their supports, the inverters, substation and mesh fencing have been first submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details and all must be so maintained for the lifetime of the development.
(Reason: In the interests of visual amenity)
4. No development shall take place until full details of both hard and soft landscape works including 10 year maintenance plan have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first exportation of electricity from the site or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of ten years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
6. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the Local Planning Authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within ten years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with

others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and nature conservation.)

7. All solar panels, their supports, the inverter, the substation and any underground concrete to a depth of 1.5m must be removed from site within 6 months of the solar farm ceasing to be operational.
(Reason: The application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and policy NE/2.)
8. All works shall be carried out in accordance with the mitigation measures referred to in Section 5.2 Proposed Mitigation of the 'Ecological Appraisal' by the landscape partnership dated December 2013.
(Reason: To ensure the protection and enhancement of natural habitat on the application site, in the interests of nature conservation.)
9. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage including monitoring arrangements shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
10. No development shall commence until a Travel Plan for construction traffic has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.
(Reason – in the interests of highway safety in accordance with policy TR/3 of the adopted Local Development Framework 2007.)
11. The development, hereby permitted, shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the Local Planning Authority on or before 25 years of the date of this permission in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
(Reason - Approval of the proposal on a permanent basis would be contrary to Policy NE/2 of the adopted Local Development Framework 2007 and the land should be reinstated to facilitate future beneficial use.)
12. No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The programme of archaeological works will commence with a field evaluation of the application area. The significance of the archaeological evidence will be determined by the Local Authority's archaeological advisor using field observations made during a monitoring visit(s) and the reports of both non-intrusive and field surveys.

The programme of archaeological works shall be used to inform a mitigation strategy, with development not commencing until this mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in full accordance with the approved mitigation strategy.

The mitigation strategy shall be based on the following principles:

With regards to photovoltaic panels: PV panels will be surface mounted in any areas in which significant archaeological remains are present. In areas found not to contain archaeological remains, or where they are of low significance, the PV panels may be mounted on standard piles.

With regard to cable trenches and substation/associated groundworks: These areas will be subject to excavation in areas of significant archaeological remains as established through the evaluation. Cable trenches will not be permitted to be cut through areas of human remains: re-routing will be required.

(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

13. No development shall commence until a detailed scheme for the importation of soil onto the site has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.

(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.)

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007
<http://www.scamb.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scamb.gov.uk/localplan>

Report Author: Andrew Fillmore – Senior Planning Officer
Telephone: (01954) 713180

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Cambridgeshire
District Council**

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Agenda Item 14



Report To: Planning Committee

7 May 2014

Lead Officer: Legal and Democratic Services Manager

Public Speaking Protocol – Review of arrangements at Planning Committee meetings

Purpose

1. To conduct a review of the public speaking protocol and, specifically, to consider the order in which speakers should speak.

Recommendations

2. It is recommended that the Planning Committee endorses the draft protocol attached at Appendix A (incorporating Option (b) in paragraph 8 below), and adopts it for use with immediate effect, subject to officers being given delegated power to make any minor typographical changes.

Reasons for Recommendations

3. The protocol needs to be reviewed at regular intervals in order to remain effective, relevant and understandable.

Background

4. At its meeting on 24 May 2007, Council resolved that public speaking at Planning Committee be introduced, and that the Planning Committee be authorised to review and amend the scheme at its discretion, Part 4 of the Constitution being amended accordingly.
5. Planning Committee last reviewed the protocol in May 2013.

Considerations

6. Public speaking at Planning Committee meetings, which includes contributions from local Members not on the Committee and members of parish councils, has been well received generally, and has allowed applicants, their agents, and objectors to take a greater part in the planning application process.
7. During the past few years, public speaking has operated well, but unforeseen circumstances have arisen from time to time, which have been dealt with under the Committee Chairman's general discretionary powers. During the past 12 months, one comment has been that applicants have no opportunity to respond to Parish Council and local Member objections.

Options

8. (a) To leave the order for speaking as it is, namely

- (1) Objector
- (2) Supporter (usually the applicant or planning agent)
- (3) Parish Council representative (but not the Clerk)
- (4) Local District Councilors

(b) To leave the order for speaking as it is, but to amend the Protocol as follows:

“...The Planning Committee welcomes public speaking and participation from outside of the Committee’s membership. Other than Members of the Planning Committee and the Council’s officers, there are four main categories of other people able to speak at meetings of the Committee: -

- (1) Objector
- (2) Supporter (usually the applicant or planning agent)
- (3) Parish Council representative (but not the Clerk)
- (4) Local District Councillors

subject to the Chairman having the discretion to invite back the applicant to address objections, in no more than two minutes, from the Parish Council and local Councillors...”

(c) To amend the order for speaking as follows

- (1) Objector
- (2) Parish Council representative (but not the Clerk)
- (3) Local District Councillors
- (4) Supporter (usually the applicant or planning agent)

Implications

9. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

Equality and Diversity

10. The protocol is available electronically and in hard copy. Provision has been made for the document to be provided in alternative formats. Democratic Services Officers can advise verbally about the protocol’s main requirements.

Consultation responses (including from the Youth Council)

12. External consultation was not deemed appropriate.

Effect on Strategic Aims

13. The introduction of, and subsequent agreement of improvements to, the public speaking scheme, enables effective engagement by residents and parish councils with the decision-making process.

Background Papers

None

Report Author: Ian Senior – Democratic Services Officer
Telephone: (01954) 713028



Public Speaking at meetings of the Planning Committee

April ~~2013~~2014

DRAFT

What is the Planning Committee?

The Council's Planning Committee consists of 13 District Councillors and is responsible for the determination of the larger, more complex or sensitive planning applications submitted to the Council. It also deals with other matters such as some public rights of way, the protection of important hedgerows, tree preservation and the administration and enforcement of building regulation regimes for existing or proposed buildings. A complete list of matters decided by the Planning Committee can be found by looking at the Council's Constitution (insert link).

When and where do Planning Committee meetings take place?

The Planning Committee meets in the Council Chamber at South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA at 10.00am on a Wednesday, which is usually the first Wednesday each month. Further details, including contacts, directions, and variations to dates are available on the Council's website (www.scambs.gov.uk and follow the links from 'Your Council') or by phoning Democratic Services on 03450 450 500.

Can anyone attend Planning Committee meetings?

Meetings of the Planning Committee are open to the public, so anyone is able to attend. A range of people with differing interests in specific applications observe these meetings, whether they are applicants or an applicant's agent, objectors, neighbours or other residents, local District Councillors or members of Parish Councils. Despite being a public meeting, in some very occasional cases the law does allow the committee to consider some matters in private. For example, an application may contain information of a personal or commercially sensitive nature that the Council would not be able to publicise. In every case, however, the public interest in excluding the press and public from the meeting room must outweigh the public interest in having the information disclosed.

Can anyone speak at Planning Committee meetings?

~~The Planning Committee welcomes public speaking and participation from outside of the Committee's membership. Other than Members of the Planning Committee and the Council's officers, there are four main categories of other people able to speak at meetings of the Committee:-~~

- ~~(1) Objector~~
- ~~(2) Supporter (usually the applicant or planning agent)~~
- ~~(3) Parish Council representative (but not the Clerk)~~
- ~~(4) Local District Councillor(s).~~

The Planning Committee welcomes public speaking and participation from outside of the Committee's membership. Other than Members of the Planning Committee and the Council's officers, there are four main categories of other people able to speak at meetings of the Committee: -

- (1) Objector
- (2) Supporter (usually the applicant or planning agent)
- (3) Parish Council representative (but not the Clerk)
- (4) Local District Councillors

subject to the Chairman having the discretion to invite back the applicant to address objections, in no more than two minutes, from the Parish Council and local Councillors

Parish Councils and local Members speak as part of the planning process, regardless of whether they support or oppose an application. Objectors and Supporters speak as part of the specific application and, except in exceptional circumstances identified by the Committee Chairman prior to the meeting, number one in favour and one against. Where more than one objector or supporter exists, they are encouraged to agree between themselves on a presentation that covers all their concerns.

In exceptional circumstances, the Committee Chairman may opt to make special arrangements such as where a neighbouring parish is perceived as being significantly affected by a proposal, or for a Portfolio Holder to speak.

What can people say and for how long can they speak?

Each speech is limited to three minutes. Speakers are advised to restrict themselves to material planning considerations such as:

- Design, appearance, layout, scale and landscaping
- Environmental health issues such as noise, smells and general disturbance
- Highway safety and traffic issues
- Impact on trees, listed buildings, biodiversity, conservation areas and other designated sites.
- Loss of an important view from **public** land that compromises the local character
- Planning law and previous decisions including appeals
- National Planning Policy Framework and Planning Policy Guidance
- South Cambridgeshire Local Development Framework
- Visual and residential amenity

Committee members will **not** be able to take into account issues such as:

- boundary and area disputes
- perceived morals or motives of a developer
- the effect on the value of property
- loss of a **private** view over adjoining land (unless there is a parallel loss of an important view from public land)
- matters not covered by planning, highway or environmental health law
- covenants and private rights of access
- suspected future development,
- processing of the application,
- the retrospective nature of a planning application

Speakers should be careful not to say anything derogatory or inflammatory, which could expose them to the risk of legal action. After the objector and supporter have spoken, Committee members may ask speakers to clarify matters relating to their presentation. If those registered to speak are not present in the meeting room by the time the relevant item is considered, the Committee won't be able to wait, and will determine the application – officers will be able to say whether a particular item is at the beginning, middle or end of the agenda, but cannot give an accurate idea of when it will be considered.

Committee members will have read the written reports prepared for them, so speakers should try to avoid repeating points that are already explained in that material.

Can public speakers give Committee members written information or photographs relating to an application or objection?

Yes, but **not** at the meeting itself. Councillors will be given lots of information to read and digest before the meeting, so need to be given as much time as possible to read or view the information.

Please send such information, preferably by e-mail, to Democratic Services (ian.senior@scambsgov.uk), who will circulate the information for you. In practical terms, such information will not be distributed earlier than seven days or later than two days before the meeting. Please do not supply information directly to members of the Planning Committee.

Projection equipment operated by Council officers is available in the Council Chamber.

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How are applications considered?

The appropriate planning officer will introduce the item. Committee members will then hear any speakers' presentations. The order of speaking will be as stated above. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made and seconded by members of the Committee. Should the Committee propose to follow a course of action different to officer recommendation, Councillors must give sound planning reasons for doing so.

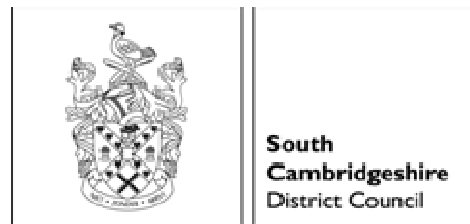
The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

Further information is available from Democratic Services, South Cambridgeshire District Council, South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA – Telephone 03450 450 500.
democratic.services@scambs.gov.uk

Updated: 8 May 2013

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Agenda Item 15



REPORT TO: Planning Committee
LEAD OFFICER: Planning and New Communities Director

7 May 2014

Enforcement Report

Purpose

1. To inform Members about planning enforcement cases, as at 22 April 2014 Summaries of recent enforcement notices are also reported, for information.

Enforcement Cases Received and Closed

2.

Period	Cases Received	Cases Closed
1 st Qtr. (Jan – March) 2014	118	99
2 nd Qtr. (April – June) 2014	*	*
3 rd Qtr. (July – Sept) 2014	*	*
4 th Qtr. (Oct – Dec) 2014	*	*
January 2014	42	29
February 2014	33	23
March 2014	43	47
2014 YTD	118	99
1st Qtr. (Jan – March) 2013	109	133
2nd Qtr. (April – June) 2013	147	157
3rd Qtr. (July – Sept) 2013	145	155
4 th Qtr. (Oct – Dec) 2012	110	127
2013 YTD	511	572

Enforcement Cases on hand:

3. Target 150
4. Actual 87

Notices Served

5.

Type of Notice	Period	Year to date
	March 2014	2014
Enforcement	2	7
Stop Notice	0	0
Temporary Stop Notice	0	0
Breach of Condition	0	0
S215 – Amenity Notice	0	1
Planning Contravention Notice	2	2
Injunctions	0	0
High Hedge Remedial Notice	0	0

Notices issued since the last Committee Report

6.

Ref. no.	Village	Address	Notice issued
PLAENF.784	Cottenham	The Maltings Mill Field	Enforcement
PLAENF. 1110	Wimpole	146 Cambridge Road	Enforcement

7. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.
8. Full details of enforcement cases can be found on the Councils Web-site

Updates on items that are of particular note

9. Updates are as follows:
 - a. **Stapleford: Breach of Enforcement Notice on land adjacent to Hill Trees, Babraham Road.**
Work still in progress regarding legal action relating to the current breach of enforcement. Additional concern noted since the March report regarding the stationing of a mobile home on the nursery land section and the importation of

brick rubble to form a track to link the upper field to the main residence. Assessment to the Planning Contravention response and the site inspection 10th May 2013 has confirmed the breach of planning control relating to the engineering operation to the new track, and breaches relating to the planning enforcement notices. A report to the planning committee was prepared and submitted. The Committee authorised officers to apply to the Court for an Injunction under Section 187B of the Town and Country Planning Act 1990. Members agreed the reasons for the application as being the desire to protect and enhance the character and amenity of the immediate countryside and the setting of Cambridge, Stapleford and Great Shelford in view of the site's prominent location, and the need to address highway safety issues arising from access to the site directly from the A1307

The Injunction statement has now been considered by Counsel with further information being requested in order that the Injunction application can be submitted. Information is currently being collated in order to prepare a further report to submit to the Planning Committee.

Report prepared and forms part of the May Planning Committee Agenda

b. Q8, Foxton

Planning application in preparation - No further update available at this time

c. 1-6 Pine Lane – Smithy Fen

Previously the subject of a planning consent resulting from an appeal decision 14th October 2003 under reference APP/W0530/C/03/1113679 The planning permission is no longer valid as the owners have failed to comply with their planning permission relating to conditions. Additionally a further permission granted at appeal for plots 4 & 5 Pine Lane 30th August 2012 under reference APP/W0530/A/12/2170121 has also lapsed due to planning conditions contained in the appeal decision not being complied with/met. A planning application for plots 4/5 has been submitted but not validated. An application for the remaining plots in Pine Lane, 1, 2, 3 & 6 is in the process of being submitted.

Valid planning applications relating to plots 1-6 inclusive have not been received as requested therefore a file has been submitted to legal requesting the issue of a planning enforcement notice. Notices have now been issued and are effective from 21st March 2014

Planning enforcement notice issued relating to plots 1 to 5 inclusive. Plot no6 is currently empty and not in breach of planning control. Planning application covering plots 1 to 5 inclusive subsequently submitted and validated. Planning Reference no S/0638/14 refers

d. Portelet High Street, Croydon

Complaint received regarding a statutory noise nuisance following a change of use at the property to a dog breeding business. Investigations so far have revealed that there is a change of use at Portelet but a statutory noise nuisance has not been substantiated. Retrospective planning application for the change of use has been submitted –

Planning application now validated reference number S/2529/13/FL
Determination date 5th May 2014. Officer recommendation differs to that of the local Parish Council, application now referred to Planning Committee

e. Buckingway Business Park, Swavesey

Complaint received regarding the stationing of buses belonging to Sun Fun Travel on land adjacent to the business park without the benefit of planning. Retrospective planning application submitted – Outstanding items submitted, application now validated - Case officer progressing.

f. Co-Op School lane Cambourne

Unauthorised sign removed, no further action required, remove from active listing.

g. Land North West of Cambridge Road, Wimpole

Without planning permission, the change of use of the affected land for the stationing and residential occupation of a mobile home

Planning application submitted and validated. Planning enforcement notice issued, effective 30th April 2014 unless an appeal is made against it beforehand.

Summary

10. As previously reported Year to date 2013 revealed that the overall number of cases investigated by the team totalled 511 cases which was an 11.8% increase when compared to the same period in 2012. January, February and March 2014 has continued the trend and shows overall that there was an 8.25% increase in new cases when compared to the same period in 2013
11. In addition to the above work officers are also involved in the Tasking and Coordination group which deals with cases that affect more than one department within the organisation, including Environment Health, Planning, Housing, Anti-Social behaviour Officers, Vulnerable Adults and Safeguarding Children Teams.

Effect on Strategic Aims

12. This report is helping the Council to deliver an effective enforcement service for Members, Parishes and members of the Public including businesses

Aim 1 - We will listen to and engage with residents, parishes and businesses to ensure we deliver first class services and value for money

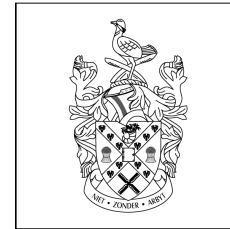
Aim 3 - We will make sure that South Cambridgeshire continues to offer an outstanding quality of life for our residents

Background Papers:

The following background papers were used in the preparation of this report: None

Report Author: Charles Swain – Principal Planning Enforcement Officer
Telephone: (01954) 713206

Agenda Item 16



South
Cambridgeshire
District Council

REPORT TO: Planning Committee
LEAD OFFICER: Planning and new Communities Director

7 May 2014

Appeals against Planning Decisions and Enforcement Action

Purpose

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as 15 April 2014. Summaries of recent decisions of importance are also reported, for information.

Decisions Notified By The Secretary of State

2.	Ref.no	Details	Decision	Decision Date
	PLAENF.592	Mr J Calladine 4 Scotland Drove Park, Rose & Crown Swavesey Prefabricated Building	Withdrawn	04/04/14
	S/1424/13/FL	Mr & Mrs G Kirbyshire Hay Street Steeple Morden	Dismissed	14/04/14

Appeals received

3.	Ref. no.	Details	Decision	Received
	S/0072/14/FL	Mr J Paxman South Farm Shingay – cum-Wendy Alterations to horse barn to form Ancillary function area.Ammendment to approved scheme	Non-Determination	31/03/14

Local Inquiry and Informal Hearing dates offered or confirmed in the next few months.

4.

Ref. no.	Name	Address	Hearing
Plaenf.592	Mr J Calladine	4 Scotland Drove Park Rose & Crown Road Swavesey	Hearing-Withdrawn
S/0691/13/FL	Mr A Hartwig	Ryders Farm 35 Middlewatch Swavesey	Hearing 20/08/14 Offered
S/0645/13/FL	Manor Oak Homes	Cody Road Waterbeach	Inquiry to resume on 2 May 2014
S/1359/13/OL	Persimmon Homes East Midlands	Bannold Road Waterbeach	Inquiry 13/05/14
S/1237/13/FL	Ms D Beaver	Haden Way Willingahm	Hearing Confirmed 24/06/14

Summaries of Appeals

5. None

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

Contact Officer: Nigel Blazeby – Development Control Manager

Report Author: Sara James- Appeals Admin
Telephone: (01954) 713201

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By virtue of paragraph(s) 1, 2, 5, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 13

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 October 2013

AUTHOR/S: Planning and New Communities Director

PROPOSED APPLICATION FOR INJUNCTION TO REQUIRE THE REMOVAL OF UNAUTHORISED STORED VEHICLES, INCLUDING MOBILE HOMES, OTHER ITEMS AND MATERIALS NOT REQUIRED FOR THE PURPOSES OF AGRICULTURE AND TO PREVENT FUTURE UNAUTHORISED USE FOR STORAGE OF SAME TOGETHER WITH CESSATION OF USE OF LAND FOR THE UNAUTHORISED SALE AND REPAIR OF VEHICLES AND PREVENTION OF FUTURE USE OF SAME AT HILL TREES, BABRAHAM ROAD, STAPLEFORD - MR FLEET COOKE

Purpose

1. To seek authorisation from the Planning Committee to apply to the court for an injunction to secure the cessation of uses on the land for the storage of vehicles, including mobile homes, and other items and materials that are not required for agriculture or in connection with the residential use, within its curtilage, and removal of the existing vehicles, including mobile homes, and other items and materials currently stationed on the land, that are not required for agriculture or in association with the residential use, within its curtilage, and for the cessation of the use of the land outside the residential curtilage for the sale and repair of motor vehicles and to prohibit any sales or repair of motor vehicles from within the residential curtilage that are not consistent with a residential use.

Recommendations

2. That the Planning Committee authorise officers to apply to the court for an injunction under powers at Section 187B of the Town and Country Planning Act 1990.

Reasons for Recommendations

3. The site lies within the Cambridge Green Belt and within an area of undeveloped open countryside which is of significant visual quality. It lies close to the southern edge of Cambridge and the general area contributes strongly to the setting of the city and the nearby villages of Stapleford and Great Shelford. The site is being used in a haphazard manner for the sale of motor vehicles and the storage of vehicles, including mobile homes, and a range of other items such as an old Nissen Hut and various other materials. The appearance of the site has been described locally as an 'eyesore'. It harms the quality of its surroundings and thereby the setting of Cambridge and the nearby villages of Stapleford and Great Shelford. In addition there are highway safety concerns in relation to the sale of vehicles from the site as customers are accessing directly from the A1307. The site sits in a highly visible part of the countryside lying as it does alongside the A1307 exacerbating the harm as it is seen by hundreds of passing motorists entering or leaving Cambridge each day.
4. Past actions to address the breaches of planning permission have had only limited success and it is considered that pursuing the matter further through the serving of further Enforcement Notices will only cause further delay and cost.

Background

5. The site lies just south of Cambridge off the A1307 to the north east of the villages of Stapleford and Great Shelford. To the north lies the Gog Magog golf course and to the south east Wandlebury Country Park.
6. A map of the site and a series of aerial photographs showing how the site has changed over time is attached as Appendix 1. It has been divided up into three distinct planning units as identified by a Planning Inspector in his planning appeal decision letter dated 2 November 2005 at paragraph 5 (see attached at Appendix 7)
7. The westernmost part of the overall site, Area A, comprises a residential unit and its curtilage. The building is a former public house granted planning permission for residential use in 1972. The house is not currently believed to be regularly occupied. A mobile home is situated within this part of the site which may be in use in connection with the residential use and if so would not therefore be considered to be unauthorised development.
8. The central portion of the site, Area B, has been used in the past for the growing of flowers, a permitted agricultural use. No planning permission has been granted on the site so it benefits from the base use of agriculture only.
9. The eastern portion of the site, Area C, has similarly not been granted planning permission for any uses. Like Area B it therefore benefits from the base use of agriculture only. It has been considered separately from Area B in the past due to it historically having been in separate ownership.

Extant Enforcement Notices

Areas A and B

10. The extant Enforcement Notice (for Areas A and B) ref PLAENF.3837 is attached as Appendix 10
11. The Enforcement Notice alleges that Area A, forming the residential property and its curtilage, and Area B, forming an agricultural use, became a mixed use of residential and the sale and repair of motor vehicles. At the time of serving the notice it is understood there was no substantive storage of vehicles taking place other than in connection with the sales and repair business and the notice addressed only the breach that was evident. The notice took effect on 15 March 2010 and required the use of the land for motor vehicles sales and repair to cease.

Area C

12. The extant Enforcement Notice ref. E499 is attached as Appendix 5.
13. The Enforcement Notice alleges a change of use of land from agriculture to the storage of motor vehicles, caravans/mobile homes, container, trailers, timber, bricks, scrap metal and other items not associated with or requisite for agriculture. The notice took effect on 31 March 2005 and required the removal from the site of all motor vehicles, caravans/mobile homes, container, trailers, timber, bricks, scrap metal and other items not associated with or requisite for agriculture.

Current breaches of extant Enforcement Notices

Area A

14. There is no evidence to suggest any unauthorised sales or repair of motor vehicles is currently taking place.

Area B

15. It is apparent that vehicles are being stored in this area. It is unclear whether these are for sale or repair.

Area C

16. Vehicles in various states of repair including those clearly un-roadworthy which are claimed to be for sale by Mr Cooke in his response to the Planning Contravention Notice ref PCN02/2013 issued 15 April 2013 (PCN) (Attached as Appendix 13) are present on the land. Mr Cooke has also indicated, in the response to the PCN, that he is storing vehicles on the land. This is in breach of the Enforcement Notice. There is also storage of a caravan, a container, a trailer, timber, bricks, scrap metal and other items such as an old Nissan hut currently stored in broken up sections being stored on the land in breach of the Enforcement Notice.

Additional breaches of planning control not covered by the Enforcement Notices

Area A

17. None identified provided the mobile home that lies within the residential curtilage is being used for purposes in association with the residential use of the dwelling. In his response to the PCN, Mr Cooke stated that he had a mobile home that is for "security around the house" but it is unclear what he means by this. These matters continue to be investigated, however, the most recent visit to the site on 6 September 2013 was not able to establish how the mobile home was being used. The situation will continue to be investigated.

Area B

18. Storage of a mobile home, motor vehicles including cars, lorries, vans, construction vehicles, trailers, storage of fuel storage tanks, disused chest freezers, a low level Nissan hut and the construction of a roadway running east west across the site running perpendicular to the existing access.

Area C

19. Sale of motor vehicles as stated by Mr Cooke in his response to the PCN. Attached as Appendix 13 are a collection of photographs taken 6 September 2013 showing vehicles for sale within this area. In addition to this use a new roadway has been constructed within the site running perpendicular to the existing access onto the A1307 and curling back and round within the site. It does not appear that this is in connection with any known agricultural use taking place within the site. It is not known if vehicle repairs are currently taking place.
20. It appears that broadly speaking on the land where enforcement action against storage was taken (Area C) there are currently sales taking place and on the land where enforcement action against sales was taken (Area B) there is storage taking place.
21. None of the above identified breaches are considered to be associated with the permitted use of the land (Areas B and C) as agriculture.

22. Attached at Appendix 3 is a collection of aerial photographs of the whole site taken 10 May 2013
23. Attached at Appendix 4 is a collection of photographs taken from within the site taken at various times showing the range of vehicles, items and materials stored and for sale.
24. None of the items shown in the photographs are believed to be in use in connection with any substantive agricultural operation taking place within or in the vicinity of the site.
25. Members will be shown an up-to-date set of photographs with explanation given verbally at the meeting.

Content of Injunction

26. It is proposed that if Members are minded to grant authorisation to seek an injunction the requirement set out in that injunction will be as follows:

“All vehicles, including mobile homes, items and materials that are stationed on the land that are not used in association with any agricultural operation, including those listed within Enforcement Notice ref. E499, within Areas B and C, shown on the attached plan, shall be removed from the site within one month from the coming into effect of the injunction. Any new items, of the same description, shall not be brought onto the site, again within Areas B and C at any time in the future such that the land shall remain open and undeveloped save for development required for agriculture. In addition, the sale and repair of all vehicles from within these areas shall cease and no new sales or repairs of vehicles shall take place at any time in the future. Within Area A there shall be no storage of vehicles, including mobile homes, items or materials that are not used in connection with the permitted residential use of the existing dwelling and neither shall sales or repair of vehicles take place that are not commensurate with a residential use (approximately 1 vehicle per month).”
27. The injunction would not seek to prevent any small scale ancillary sales of motor vehicles that could take place within any residential curtilage as an ancillary use to the residential occupation of Area A and neither would it seek to remove or prohibit the stationing of a mobile home that is used in connection with the residential use. In other words the injunction would not seek to restrict the normal rights householders enjoy to station a caravan within their garden or sell cars at a scale and nature commensurate with a residential use.

Detailed Planning History

Area A

- 10/06/1948 – Permission granted to develop land for chalk working. Ref. C/48/6
- 25/03/1955 – Permission granted for alterations and additions. Ref. C/55/58
- 11/08/1955 – Permission granted for erection of power plant. Ref. C/55/351
- 02/12/1968 – Permission granted for filling and landscaping of discussed chalk pit on land rear of Hill Trees Public House Ref. C/68/502
- 18/12/1969 – Permission refused for alterations plus 60 seat restaurant. Ref. C/69/676
- 25/02/1972 – Permission granted for change of use from Public House to flats. Ref. C/0969/71

Area B

03/05/1985 – Permission refused for one dwelling. Ref. S/0436/85

Area C

15/09/2006 – Permission refused for Nissen hut and mobile home. Ref. S/1469/06

29/01/2008 – Appeal dismissed against refusal ref. S/1469/06 for Nissen hut and mobile home.

Detailed Enforcement History

28. 23 February 2005 – Enforcement Notice issued ref E499 in relation to Area C alleging an unauthorised material change of use of land from agriculture to the storage of motor vehicles, caravans/mobile homes, container, trailers, timber, bricks, scrap metal and other items not associated with or requisite for agriculture. The notice required the removal from site of all motor vehicles, caravans/mobile homes, container, trailers, timber, bricks, scrap metal and other items not associated with or requisite for agriculture (copy attached as Appendix 5).
29. 28 February 2005 – Stop Notice ref. E499A issued prohibiting those served with a copy from carrying out or continuing on the land (Area C) the following activities: “Using the land for the storage of motor vehicles, caravans/mobile homes, container, trailer, timber, bricks, scrap metal and other items not associated with or requisite for agriculture” (copy attached as Appendix 6)
30. 29/03/05 – Appeal submitted in respect of Enforcement Notice ref. E499
31. 2 November 2005 Appeal against ref. E499 dismissed and Enforcement Notice upheld (Copy attached as Appendix 7)
32. As a result of Mr Cooke not subsequently complying with the Enforcement Notice a prosecution file was raised and Mr Cooke attended the Cambridge Crown Court on 11 December 2007. He faced two charges of failing to comply with planning Enforcement Notices. The first related to another parcel of land at Riverside Stables, Bourn Bridge Road, Babraham Road, Stapleford where an Enforcement Notice had been served in January 1999 and the second was in relation to Enforcement Notice ref. E499 (detailed above). Mr Cooke pleaded guilty to the first notice but no evidence was offered against him on the second charge (re E499) following advice officers received from Counsel in relation to technical difficulties with the case. However, the notice ref. E499 remains in force and the outcome of this prosecution does not compromise the notice.
33. 2 April 2008 – Direct action was authorised by the Planning Committee in respect of the land at Area C. There were no significant breaches occurring on the remainder of the whole site at this time. The report and minutes are attached as Appendix 8.
34. 7 May 2008 – Direct action was taken and the unauthorised items, namely a caravan and a small vehicle were removed.
35. Following the direct action the site was closely monitored and during 2009 further breaches of planning control were identified. A series of correspondence with Mr Cooke followed in an attempt to remedy the breaches through negotiation.
36. 26 August 2009 – A Planning Contravention Notice ref. PCN21/2009 was issued in relation to sales of vehicles on Area A. A copy of the notice and its response is attached as Appendix 9

37. 3 February 2010 – Enforcement Notice was issued ref. PLAENF.3837 in relation to Areas A and B. It alleged “Without planning permission, the change in use of residential accommodation to a mixed use of residential and motor vehicles sale and repair.” The notice required the cessation of “the use of the land for motor vehicles sales and repair”. A copy of the notice is attached as Appendix 10
38. 18/03/10 – Appeal submitted in respect of Enforcement Notice ref. PLAENF.3837. The fees were not paid so the appeal proceeded into the matter of whether the site was immune from enforcement action through the passage of time only and not on the planning merits.
39. 4 November 2010 – Appeal against PLAENF.3837 dismissed and the Enforcement Notice upheld. The Inspector found there was no lawful use by the virtue of time. A copy of the appeal decision is attached as Appendix 11. The Inspector did however, correct the notice by rewording the allegation as follows: “Without planning permission, the material change of use of the land from use as residential accommodation and for purposes incidental thereto to a mixed use comprising residential accommodation, purposes incidental thereto and the sale and repair of motor vehicles”
40. Following the appeal Mr Cooke ceased to advertise vehicles for sale and repair and in the absence of any evidence that sales were still taking place it was considered he had complied with the Enforcement Notice.
41. Throughout 2011 there continued to be breaches in relation to unauthorised storage within the site.
42. 15 February 2012 – Authority to employ direct action to clear the site of all unauthorised development contained within the two Enforcement Notices was granted by Planning Sub-Committee. A copy of the report and minutes are attached as Appendix 12. The action was challenged in the High Court ,however, and the Council conceded before the challenge was heard recognising that, in very broad terms, the land covered by the Enforcement Notice for storage was being used for sales and the land covered by the notice for sales was being used for storage and it would therefore not be possible to clear the site in the manner authorised by the Planning Sub-Committee.
43. 15 April 2013 – A Planning Contravention Notice ref. PCN02/2013 was issued and on 1 May 2013 a response was received. A copy of both is attached as Appendix 13
44. In recent months the level of activity on Areas B and C of the site has increased to its current level.

Land Registry Details

45. Areas A and B are believed to be comprised in an unregistered title owned by Mrs Freda Cook (no relation to Mr Fleet Cooke) now recently deceased and therefore forming part of her estate, which awaits administration. There is currently a caution registered, however, in favour of Fleet Stother Cooke protecting interests in the land that he asserts. (Copy attached as Appendix 14)
46. Area C is a registered with possessory title vested in Fleet Stother Cooke. (Copy attached as Appendix 14)

Relevant Planning Policies

47. The site lies outside any village framework and within the Cambridge Green Belt
48. Local Development Framework 2007(LDF) Policy GB/1 contains a presumption against inappropriate development in the Green Belt, as defined within PPG2, which has since been superseded by the National Planning Policy Framework 2012 (NPPF).
49. LDF Policy GB/2 states that any development considered appropriate within the Green Belt must be located and designed so that it does not have an adverse effect on the rural character and openness of the Green Belt.
50. NPPF Paragraph 87 states that “Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”.
51. NPPF Paragraph 88 states that “...local authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”
52. NPPF Paragraph 89 lists the types of buildings that may be appropriate and paragraph 90 lists other uses of land which may also be appropriate:
 - mineral extraction;
 - engineering operations;
 - local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a community Right to Build Order.
53. LDF Policy ST/1 paragraph 2.1 states “The Cambridge Green Belt serves a number of purposes... The Green Belt keeps land open and free from development over a long period, which extends beyond the plan period, in order to give assurance that its boundaries will endure.
54. LDF Policy ST/1 paragraph 2.2 states “The Cambridge Green Belt is relatively small in extent. It’s purposes are defined as:
 - To preserve the unique character of Cambridge as a compact, dynamic city with a thriving historic centre;
 - To maintain and enhance the quality of its setting;
 - To prevent communities in the environs of Cambridge from merging into one another and with the city.”
55. LDF Policy ST/1 paragraph 2.3 states “In defining the Green Belt and the policies which should be applied to it, regard will be given to the special character of Cambridge and it’s setting, which include:

- Key views of Cambridge from the surrounding countryside;
 - A soft green edge to the city;
 - A distinctive urban edge;
 - Green corridors penetrating into the city;
 - Designated sites and other features contributing positively to the character of the landscape setting;
 - The distribution, physical separation, setting, scale and character of Green Belt villages;
 - A landscape which retains a strong rural character.
56. LDF Policy DP/2 states (in part) that all development must be of high quality design and, as appropriate to the scale and nature of the development, should preserve or enhance the character of the area and conserve or enhance important environmental assets of the site.
57. LDF Policy DP/3 states (in part) that planning permission will not be granted where the proposed development would have an unacceptable adverse impact on the countryside and landscape character area. It also resists development that that would have an unacceptable adverse impact from traffic generated.
58. LDF Policy DP/7 states that, outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted.
59. LDF Policy NE/4 states that development will only be permitted where it respects and retains or enhances the local character and distinctiveness of the individual Landscape Character Areas in which it is located.
60. Proposed Submission Local Plan 2013 (PSLP) Policy S/4 states that the Government attaches great importance to Green Belts, and this is set out in the NPPF. It restates the fundamental aim of Green Belt policy, including to preserve the setting and special character of historic towns such as Cambridge and restates the purposes and factors that define its special character as set out in LDF Policy ST/1.
61. PSLP Policy S/7 restates LDF Policy DP/7 in relation to developments appropriate outside of village frameworks.
62. PSLP Policy HQ/1 states (in part) that all new development must be of high quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.

Considerations

Local representations

63. The site has been the subject of much local concern for some years. Attached at Appendix 2 are copies of statements from the District Councillor, Mr Nightingale and from Stapleford Parish Council along with copies of correspondence from both

Stapleford Parish Council and Great Shelford Parish Council, Cllr Nightingale and local residents. Cllr Nightingale's statement also contains a letter from The Rt Hon Andrew Lansley CBE MP expressing the local concern raised with him and requesting that the Council continue to pursue all avenues available to seek a satisfactory resolution to the local concerns raised.

64. The main areas of concern are the visual impact of the site on its surroundings, its impact on the setting of Cambridge, the time it is taking to secure the restoration of the land to its former green and open condition and highway safety concerns in relation to access from the A1307 for the motor sales business.

Planning land use

65. The authorised use of the site is essentially in two parts. Area A contains a building that is authorised for residential use with the remainder of the land within Area A forming its residential curtilage. Areas B and C have not been granted any planning permissions and hence the authorised use of this land is for agriculture only. Hence Areas B and C are not previously developed, or 'brownfield', land for the purposes of planning considerations.

Planning issues

66. The key issues for consideration are:
- The principle of the development in the Green Belt
 - The visual impact on the surroundings
 - Highway safety
 - Sustainability

Principle

67. The use for the sale and open storage of vehicles is inappropriate in the Green Belt. It is not recognised by either local or national policy as appropriate. Areas B and C are not previously developed land so there can be no suggestion of a consideration of re-use. As a result, this development in the Green Belt is harmful by definition. Mr Cooke has not put forward any very special circumstances that could be measured against this. For this reason alone the development should not be allowed to remain.

Visual Impact

68. There is clear and strong local opinion that this site is an eyesore. The area around the site is gently undulating open countryside of considerable visual quality that forms an important part of the setting of Cambridge especially as the land is so close to the southern edge of the city. The development does not respect this landscape character and is therefore contrary to LDF Policy NE/4. The site also forms an important part of the open and rural character of the surroundings of the nearby villages of Stapleford and Great Shelford. The site in its present form harms the openness of this land and hence the openness of the Green Belt. It directly conflicts with the stated purpose of the Green Belt in LDF Policy ST/1 – "To maintain and enhance the quality of its [Cambridge City] setting". The Green Belt was defined in this location having regard to its important function as part of the setting of Cambridge.
69. The site is covered with vehicles in various states of repair and a host of other items and materials all referred to elsewhere in this report. It is clear that much of this has the appearance of having been dumped on the land which adds significantly to the poor appearance of the site and its detrimental impact on its surroundings.

Highway safety

70. The Local Highway Authority comments:

“The A1307 in this location is a main arterial route within Cambridgeshire and is subject to the national speed limit of 60mph. The carriageway is straight which encourage the majority of motorists to travel at or near to this speed. The site is located at reasonable distance from the roundabout, to the north, that this feature will have little or no effect on the speeds of vehicles passing the site. The most recent data collected in 2012 shows that this length of the A1307 carries about 12,798 motor vehicles a day of which 386 are either HCV’s or PSV.

The Highway Authority has concerns relating to the creation and or use of random and irregular accesses off the main arterial routes within the County. Clearly given the rural nature of the area there are many field accesses, however these are very lightly used and the drivers accessing the same are usually well aware of the local conditions/hazards. For agricultural needs most vehicles are easily identifiable (e.g. tractors), slow moving and most motorists expect them to turn into accesses that may not be readily apparent under normal driving conditions. The same cannot be said for this site.

The use of the site as a car sales area represents a significant intensification of use of the access well above that usual for agricultural use.

The present access is of insufficient width to enable two domestic motor vehicles to pass each other which has the potential to create a situation where motor vehicle attempts to reverse out onto the A1307.

The signing to the site is inadequate and would require motorists to slow significantly and or brake to read the same, which would be an unexpected manoeuvre representing an unnecessary hazard within the adopted public highway.

Taking the above into consideration the present use of the site represents a detriment to highway safety”.

71. The use increases the volume of traffic entering and leaving the site which has an adverse effect on the safety and free flow of traffic on the adjoining public highway contrary to LDF Policy DP/3 which resists development that has an unacceptable adverse impact from traffic generated.

Sustainability

72. The storage and sale of motor vehicles is not a use that needs to be located in the countryside. It is therefore contrary to LDF Policy DP/7. Anyone visiting the site will be making a special journey by car. There is no public transport access and neither can the site realistically be reached by foot or cycle. It cannot therefore be demonstrated that the use for motor sales is sustainable.

Previously identified harm

73. The two previous Enforcement Notices served in relation to the site are attached as Appendices 5 and 10. The harm identified above is wholly consistent with the given reasons for the serving of both notices and with the Inspectors decision into the planning merits of the first appeal.

74. Although not a planning matter, as a matter of context, Mr Cooke was, in May 2012 ordered by Cambridge Magistrates Court to pay in excess of £1000 in relation to non-payment of fixed penalty notices for the sale of cars from outside his property along the roadside.

Prospect of success of any future planning application

75. Officers are satisfied, for the reasons given above in relation to the harm that is caused by the unauthorised uses, including the in principle objection, that should any planning application be submitted for these developments that there would be no prospect of any grant of planning permission.

Justification for further action/other remedies

76. The site as a whole is being used for the sale and storage of motor vehicles and other items and materials without the benefit of planning permission. Previous attempts to serve Enforcement Notices have led to direct action but this has not remedied the breaches. In addition the notices alleged only the unauthorised activities that they were able to i.e. those that were taking place at the time - storage on Area C and sales and repair on Areas A and B but it would appear that Mr Cooke has decided to reverse the activities in an attempt to be outside the scope of both Enforcement Notices. Notwithstanding this, however, it remains the case that none of the storage or sales activities (listed above) are taking place with the benefit of planning permission.

77. It is the view of officers that it is now necessary to take action across the whole of the site and against all of the unauthorised activities. Clearly one option would be to serve a further Enforcement Notice against the current breaches of planning control across the whole site. However, it is clear that Mr Cooke has a history of breaching planning controls on this and other sites (see reference to Riverside Stables, Bourn Bridge Road, Babraham Road, Stapleford above) and it is not considered that there is any realistic prospect of Mr Cooke complying with such action. Therefore to seek to resolve this matter through the normal planning enforcement route would put further pressure on the limited resources of the Council and would likely result in significant further delays. In addition officers consider there may be yet further breaches that may occur generating increased harm and it cannot be guaranteed that these would fall within the scope of any Enforcement Notice we may serve resulting in yet further delays in returning the site to its former green and open condition. Officers therefore consider it necessary to apply to the courts for an injunction to bring the matters to resolution in a timely and effective manner.

Health and Safety

78. There are no known health and safety concerns in relation to Mr Cooke clearing the site. Repeated visits to the site show vehicles and materials have been moved onto and within the site. Mr Cooke has experience of moving the materials found within the site and nothing suggests to officers that either his health or his safety will be compromised if he is required to clear the site.

Reasonableness

79. For similar reasons to those given above officers believe that Mr Cooke would be able to comply with any requirement to clear the site and therefore if the courts order that the site should be cleared it is considered that this should be possible for Mr Cooke to achieve and therefore such action is not deemed unreasonable.

Personal circumstances of Mr Fleet Cooke

80. If the court was to grant the injunction this would result in Mr Cooke's business on the site needing to cease which will no doubt have an impact on his livelihood and wellbeing. However, the scale of the current business of motor sales from the site appears small and Mr Cooke tends to deal in low value vehicles such that the profit he receives will be low. It is not therefore apparent that this business currently provides Mr Cooke with his sole income. Mr Cooke is known to operate on land elsewhere such that he is not without assets. It is concluded therefore that the consequences of clearing the site and the unauthorised uses ceasing would not have such a significant impact on Mr Cooke's wellbeing that such considerations would outweigh the need to remedy the harm identified above.

Human Rights considerations

81. The statutory framework of the Town and Country Planning Act 1990, including Part VII that contains the Section 187B power to seek injunctions for planning enforcement purposes, has been held by the Courts to be compliant with Human Rights principles to the extent that proportionate actions against individuals may sometimes be necessary in the wider public interest. The action contemplated here is considered to both be proportionate and indicated in the wider public interest given the planning harm being caused as is described in this report.

Expediency

82. For the reasons given above officers consider it is necessary, proportionate and expedient to enforce against each of the matters that remain extant within the Enforcement Notices referred to as well as to seek to remedy the other breaches of planning control identified above that are not covered within the said notices. As detailed above officers believe that Mr Cooke has a track record of non-compliance and it is not believed that any action other than an injunction will secure a remedy without significant further delay and cost whilst ultimately futile appeals and statutory challenges are exhausted. In addition Mr Cooke has shown in the past, on this site and at least one other, that he is prepared to implement development without first gaining consent. He appears to have escalated his operations within the site recently with the construction of a roadway and the inclusion of sales signs within vehicles. Officers believe there is a risk of yet further breaches for which action through the normal planning enforcement route would take time and resources to pursue. It is therefore concluded that it is necessary, proportionate and expedient to seek an injunction in this case.

Options

83. The following options are for consideration
- (a) To take no further formal action
 - (b) To address the breaches through the serving of further Enforcement Notices
 - (c) To seek an injunction

Implications

84. Option A – The harm identified would continue and likely increase
85. Option B – This may resolve the current harm but not before significant further delays and costs are incurred and any new harm arising from any further breaches may exacerbate this yet further

86. Option C – The court can grant an injunction to address the harm now and for the future.

Financial	None significant – officer time in seeking the injunction
Legal	The remedy of an injunction pursuant to Section 187B of the Town and Country Planning Act 1990 is a discretionary one that will depend on the Court being satisfied on the evidence that an injunction is warranted and appropriate. As the litigation will be commenced in the High Court, there is the need for Counsel to be engaged to advise and advocate; and also the potential for legal costs to further accrue in the event the proceedings are defended or any order obtained is appealed to the Court of Appeal.
Staffing	There are no direct staffing implications arising from this report.
Risk Management	No significant risks identified. Should the courts not grant an injunction, alternative planning enforcement powers remain available although these may be subject to appeal and statutory challenge.
Equality and Diversity	The action may impact on Mr Cooke’s business activities and therefore on his income. He has recently been supporting an elderly person not related to him, Mrs Cook, but who has recently died. Mr Cooke clearly has assets and access to benefits should these assets not be sufficient to meet his needs.
Equality Impact Assessment completed	No There are no significant implications arising from this report
Climate Change	No impact

Consultations

87. Consultation with the Local District Councillor and the Parish Council
See Appendix 2 for statements from the District Councillor, Mr Nightingale and from Stapleford Parish Council

Consultation with Children and Young People

88. None

Effect on Strategic Aims

89. **Aim 1:** “We will listen to and engage with residents, parishes and businesses to ensure that we deliver first class services and value for money”.

Aim 2: “We will work with partners to create and sustain opportunities for employment, enterprise and world leading innovation.”

Aim 3: “We will make sure that South Cambridgeshire continues to offer an outstanding and sustainable quality of life for our residents.” The Council has a duty to secure sustainable development. This lies at the heart of the draft Local Plan and covers all three aspects of sustainability – economic, social and environment. The Plan has a focus on sustaining and enhancing the qualities of South Cambridgeshire that in national surveys consistently identify the District as one of the best places to live in the UK.

90. Whilst Aim 2 does not apply, the recommendation is fully consistent with Aims 1 and 3.

Conclusions / Summary

91. Conventional planning enforcement has failed over a prolonged period of time to address what is a flagrant and prolonged defiance of planning control and nothing short of an injunction is considered likely now to be effective. Officers consider there is no alternative as it is evident breaches will continue unless addressed. Officers also consider there is no hardship that would outweigh continued and persistent disobedience of planning control. Officers have considered all of the circumstances and nonetheless resolved that it is necessary, expedient and proportionate to seek the injunction proposed in the public interest, including an injunction (i) on a permanent basis, and (ii) against breaches of planning control not subject to Enforcement Notices and also apprehended future further breaches of planning control.

List of Appendices

Appendix 1 - Map of site showing Areas A, B and C and aerial photographs showing the change in the site over time.

Appendix 2 - Statements from District Councillor Mr Nightingale and from Stapleford Parish Council and copies correspondence from Cllr Nightingale, Stapleford and Great Shelford Parish Councils and local residents.

Appendix 3 – Aerial Photographs taken of the site 10 May 2013

Appendix 4 - Photographs from within the site taken on various dates

Appendix 5 - Enforcement Notice ref. E499 dated 23 February 2005

Appendix 6 - Stop Notice ref. E499A dated 28 February 2005

Appendix 7 - Planning Appeal Decision Letter ref. APP/W0530/C/05/2001784 dated 2 November 2005

Appendix 8 - Report and Minutes Planning Committee dated 2 April 2008

Appendix 9 - Planning Contravention Notice ref. PCN21/2009 and response dated 26 August 2009 and 28 September 2009 respectively

Appendix 10 - Enforcement Notice ref. PLAENF.3837 dated 3 February 2010

Appendix 11 – Planning Appeal Decision Letter ref. APP/W0530/C/10/2124575 dated 4 November 2010

Appendix 12 – Planning Sub-Committee Report and Minutes – 15 February 2012

Appendix 13 - Planning Contravention Notice ref. PCN02/2013 and response dated 15 April 2013 and 1 May 2013 respectively

Appendix 14 – Land Registry Documents in relation to Areas A and B and Area C

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

Enforcement notices ref E499 and PLAENF 3837

Stop Notice ref. E499A

Planning Appeal decision notices ref. APP/W0530/C/05/2001784 and APP/W0530/C/10/2124575

Planning Contravention Notices ref. PCN21/2009, PCN02/2013 and responses

Report and Minutes of Planning Committee 2 April 2008

Report and Minutes of Planning Sub-Committee 15 February 2012

Site photographs

National Planning Policy Framework

South Cambridgeshire District Council Local Development Framework 2007

South Cambridgeshire District Council Proposed Submission Local Plan 2013

Statement of Councillor Mr Nightingale

Statement of Stapleford Parish Council

Land registry entries in relation to the site

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