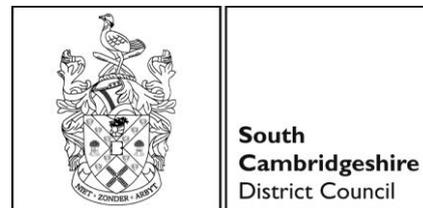


South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

t: 03450 450 500

f: 01954 713149

www.scambs.gov.uk



3 July 2018

To: Chairman – Councillor John Batchelor
Vice-Chairman – Councillor Pippa Heylings
All Members of the Planning Committee - Councillors Dr. Martin Cahn,
Grenville Chamberlain, Peter Fane, Bill Handley, Brian Milnes, Judith Rippeth,
Deborah Roberts, Peter Topping and Nick Wright

Quorum: 3

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, 11 JULY 2018 at 10.30 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
Beverly Agass
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 October 2016) 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. **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.

3. Minutes of Previous Meeting

7 - 12

To authorise the Chairman to sign the Minutes of the meeting held on 6 June 2018 as a correct record.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

To view plans, drawings and other documents submitted with the application, follow the link called 'Application file' and select the tab 'Plans and Docs'.

4. S/0971/18/OL - Meldreth (Land south of Whitecroft Road)

13 - 36

Outline planning permission for residential development (nine dwellings) with some matters reserved except for access

5. S/1178/18/FL - Arrington (Mill Lane)

37 - 52

Demolition, Conversion and Development to facilitate Holiday Let Accommodation

6. S/1373/18/FL - Hinxton (Land adjacent Pettetts Barn, High Street)

53 - 68

Single storey detached dwelling with basement, detached garage and parking.

MONITORING REPORTS

7. Enforcement Report

69 - 78

8. Appeals against Planning Decisions and Enforcement Action

79 - 88

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.

OUR VALUES

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

- Working Together
- Integrity
- Dynamism
- Innovation

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.

Public seating in meeting rooms is limited. For further details contact Democratic Services on 03450 450 500 or e-mail democratic.services@scambs.gov.uk

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.

Access for People with Disabilities

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."

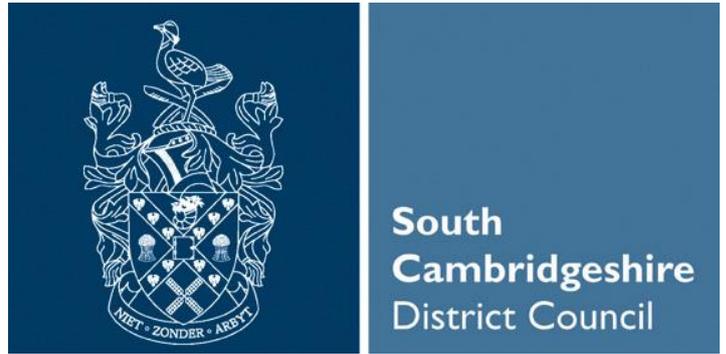
If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

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'.

This page is left blank intentionally.

Agenda Annex



Public Speaking at meetings of the Planning Committee

October 2016

1. What is the Planning Committee?

- 1.1 South Cambridgeshire District Council's Planning Committee is a Regulatory Committee consisting of elected Councillors. It is responsible for the following:
- determination of larger, more complex or sensitive planning applications, including those that, formerly would have gone to the Northstowe Joint Development Control Committee, submitted to the Council by other organisations or by members of the public
 - any planning application submitted to the Council by one of its officers or elected Councillors;
 - Tree Preservation Orders and the protection of important hedgerows;
 - Responding on behalf of South Cambridgeshire District Council, as Order Making Authority, to Cambridgeshire County Council about Public Rights of Way within the District;
 - Monitoring the progress and outcome of Appeals and Enforcement Action;
 - Authorizing Direct Enforcement Action
 - Procedural matters relating to the planning process.

2. When and where do Planning Committee meetings take place?

- 2.1 The Planning Committee meets in the Council Chamber at South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA at 10.30am on a Wednesday, which is usually the first Wednesday each month. Further details, including contacts, directions, and variations to dates / venue are available on the Council's website by visiting www.scambs.gov.uk and follow the links from 'The Council', or by phoning Democratic Services on 03450 450 500.

3. Can anyone attend Planning Committee meetings?

- 3.1 Meetings of the Planning Committee are open to the public, so anyone can 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.
- 3.2 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.

4. Can anyone speak at Planning Committee meetings?

- 4.1 The Planning Committee welcomes public speaking and participation from outside of the Committee's membership. All registrations to speak must be made direct to Democratic Services. 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: -
- (a) 1 x Community Objector or objector's agent
 - (b) (i) 1 x Applicant (or applicant's agent)
 - (ii) 1 x Community Supporter **if** (and only if) the officer recommendation is Refusal or the applicant or agent forego their right to speak
 - (c) 1 x Parish Council representative (elected or co-opted Councillor, agent or Parish Clerk)
 - (d) Local District Councillor(s) or another Councillor appointed by them

- 4.2 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. Where more than one objector or supporter exists, they must agree between themselves on a presentation that covers all their concerns. Where the officer recommendation is Approval, a Community Supporter will only be allowed to address the Committee if the applicant or applicant's agent forego their right to speak.
- 4.3 The same person is not allowed to address the committee in more than one of the speaker Categories. Where speakers have competing interests, such as community objector and Parish Council representative, they should choose their dominant interest prior to registering to speak, and delegate the other role to another representative if need be.
- 4.4 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 (member of the Council's Cabinet) to speak.
- 4.5 It is impossible to say at what time each application on the agenda will be discussed. Public speakers should therefore be prepared to address the Committee at any time after the beginning of the meeting.

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

- 5.1 Each speech is limited to three minutes. This applies even when the applicant (or applicant's agent) and a Community supporter both address the Committee, as detailed above – the objector can still only speak for three minutes. The Chairman operates a system of lights that indicate when one minute remains and when the allotted time of three minutes has been used up. Speakers address the Committee from a clearly marked table, and must speak into the microphone provided. They should restrict themselves to material planning considerations such as:
- Design, appearance, layout, scale and landscaping
 - Visual and residential amenity
 - Flooding and drainage
 - 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 and the emerging Local Plan
- 5.2 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
- 5.3 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.

- 5.4 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.

6. Can members of the public give Committee members written information or photographs relating to an application or objection?

- 6.1 Yes. The absolute deadline for submitting such material to the Democratic Services Officer is 1.00pm on the Friday before the meeting (such deadline being brought forward by 24 hours for each Bank Holiday between the day of agenda publication and day of the meeting).
- 6.2 Please send such information, preferably by e-mail, to Democratic Services (ian.senior@scams.gov.uk), who will circulate the information for you among all interested parties (applicant, objectors, Parish Council, officers). In the interests of natural justice, such information will not be distributed earlier than five working days (not including Saturdays, Sundays or Public holidays) before the meeting **Please do not supply information directly to members of the Planning Committee because of the need to identify substitute members, key Council officers and other interested parties.**
- 6.3 Projection equipment, operated by Council officers, is available in the Council Chamber for the display of a limited number of photographs only. How are applications considered?

7. How are applications considered?

- 7.1 The appropriate planning officer will introduce the item. Committee members will then hear any speakers' presentations, and might ask those speakers questions of clarification. 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@scams.gov.uk

Updated: 18 October 2016

Guidance for Public Speakers

- 1. Please turn on the microphone by pressing the long thin button at the bottom of the unit. This will amplify your voice for those in the Chamber, and carry sound up into the viewing gallery above.**
- 2. Please speak directly into the microphone.**
- 3. You are allowed to speak for up to three minutes. The passage of time is indicated by the 'traffic light' system on the table in front of you. The light will turn to amber after two minutes, and red after three minutes. When the light turns red, the Chairman will ask you to sum up.**
- 4. At the end of your speech, please remain in your chair. Committee members may wish to clarify aspects of what you have said.**
- 5. Please turn your microphone off so other people can use theirs: remember to turn it back on when you reply to questions.**
- 6. When questioning is over, or there is none, please return to the public gallery, making sure that your microphone is off (if there is a light on the microphone stem, the microphone is still on).**

This page is left blank intentionally.

Agenda Item 3

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 6 June 2018 at 10.30 a.m.

PRESENT: Councillor John Batchelor – Chairman

Councillors:	Dr. Martin Cahn	Peter Fane
	Bill Handley	Brian Milnes
	Judith Rippeth	Deborah Roberts
	Nick Wright	Anna Bradnam (substitute)
	Sue Ellington (substitute)	Heather Williams (substitute)

Officers in attendance for all or part of the meeting:

Alistair Funge (Planning Enforcement Officer), Jane Green (Head of New Communities / Interim Head of Development Control), John Koch (Planning Team Leader (West)), Karen Pell-Coggins (Principal Planning Officer), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer), Alison Twyford (Senior Planning Officer), Luke Waddington (Planning Officer) and Rebecca Whitney (Senior Planning Officer)

Councillors Dr. Tumi Hawkins and Aidan Van de Weyer were in attendance, by invitation.

1 (a) Apologies

Councillors Grenville Chamberlain, Pippa Heylings and Peter Topping sent Apologies for Absence. Their substitutes were Councillors Heather Williams, Anna Bradnam and Sue Ellington respectively.

In the absence of Councillor Heylings, the Chairman, with Committee affirmation, appointed Councillor Anna Bradnam as Vice Chairman for the meeting.

1 (b) Acknowledgement of previous Committee

Councillor Nick Wright recognised the contribution made by those serving both as ordinary and substitute members of Planning Committee during 2017-18, especially in the context of the challenges posed by the Council's inability to demonstrate a five-year housing land supply.

The Committee noted Councillor Wright's comment.

2 (a) Declarations of Interest

Councillor John Batchelor declared a Non-disclosable Pecuniary Interest in Minute 6 (S/0793/18/FL - Linton (1 Horseheath Road)). Councillor Batchelor's son, Councillor Henry Batchelor, has a business relationship with the applicant. Councillor John Batchelor had never met said applicant. In view of the legal advice he had received, Councillor John Batchelor would withdraw from the Chamber, take no part in the debate, and would not vote.

Councillor Peter Fane declared a non-pecuniary interest in Minute 8 (S/1041/18/FL - Great Shelford (22 Cambridge Road)). Although no longer a Great Shelford Parish Councillor, Councillor Fane had attended a Parish Council meeting in that capacity and taken part in the discussion there. He was considering the matter afresh.

2 (b) Recorded voting

Councillor John Batchelor proposed that all substantive votes be recorded. Councillor Nick Wright seconded the proposal.

Councillor Deborah Roberts supported the proposal, but reminded Members that the Planning Committee was non-political and that any political pressure must be resisted.

Upon a show of hands, the Committee **agreed unanimously** that, with immediate effect, all substantive votes at Planning Committee should be recorded by name and / or number and name.

3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 24 April 2018.

4. FIVE-YEAR HOUSING LAND SUPPLY - UPDATE

The Committee considered a report updating the position in respect of five-year housing land supply. The report stated that, subject to the five applications referred to therein, South Cambridgeshire District Council was now able to demonstrate that it had 5.0 years supply.

The Committee

1. **noted** the Five Year Housing Land Supply Update, published on 21 May 2018 (link contained at Appendix 1 to the report from the Joint Director for Planning and Economic Development), as a material planning consideration in determining planning applications and in planning appeals;
2. noted that no change be made to the previous decisions of Planning Committee in respect of the planning applications listed below to grant planning permission subject to the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, which remain appropriate in light of this material change in circumstances for the reasons set out in paragraph 12-17 of the report from the Joint Director for Planning and Economic Development , subject to recommendation (3); namely:
 - S/0746/15/OL: Lion Works, Station Road West, Whittlesford Bridge [60 dwellings];
 - S/3064/16/OL: south of 279 St Neots Road, Hardwick [153 dwellings];
 - S/1032/17/FL: rear of 46-56 The Moor, Melbourn [23 dwellings]; and
 - S/1524/16/OL: land west of Casa De Foseta, St Neots Road, Hardwick [6 Dwellings]
3. **Noted** that no change be made to the previous decision of Planning Committee in respect of Planning Reference S/3052/16/FL (land at Meldreth Road, Shepreth [25 dwellings]) to grant planning permission subject to completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, which remains appropriate in light of this material change in circumstances for the reasons set out in paragraph 12-25 of the report from the Joint Director for Planning and Economic Development, and, in addition, agreed **unanimously**

to delete the requirement for a contribution towards the village mobile library service, to ensure that Community Infrastructure pooling restrictions are complied with.

5. **S/3787/17/FL - BARRINGTON (7 BACK LANE)**

Members visited the site on 4 June 2018.

The Team Leader (West) updated the Committee on the question of the ridge heights of the proposed dwellings and, in anticipation of approval, said that Condition (i) would be amended so as to refer to obscured glass rather than obscured glazing.

Anne Day (objector), James Snell (applicant's agent), Councillor Richard Gibson (Barrington Parish Council) and Councillor Aidan Van de Weyer (local Member) addressed the meeting. As a result of questions of clarification asked of the public speakers, Members established that

- The Green Charity's permission was needed in order to widen the road and it took the view that such road widening was physically impossible. The Charity did not have the resources to defend such a view in the courts.
- The agent considered the design of the proposed houses, and the materials to be used, to be reasonable as both were consistent with house designs elsewhere in Barrington
- The agent considered there to be no adverse impact on neighbours
- The agent denied that the proposed houses were of three storeys: roof space was being used to accommodate extra living space.
- The agent said that the Green would be reinstated to a higher standard than it was in before. Use during construction of the proposed buildings would be governed by a Construction Traffic Management Plan.
- Local concern focussed on the size and scale of the proposed buildings.

During the ensuing debate, Members expressed concern about the size and bulk of the proposed buildings, impact on the access track, and the question as to whether the proposal would either preserve or enhance the Conservation Area.

By ten votes to nil with Councillor John Batchelor abstaining, the Committee **refused** the application contrary to the recommendation in the report from the Joint Director for Planning and Economic Development. Those Members voting agreed the reason for refusal as by reason of their size, scale and siting, the two proposed two-storey dwellings would neither preserve nor enhance the character and appearance of the conservation area and the setting of surrounding listed buildings. The new dwellings would be visible and their presence harmful in views across the historic and attractive Barrington Green and between a number of listed buildings, the gaps between which formed an integral part of their setting and overall contribution to the conservation area.

6. **S/0793/18/FL - LINTON (1 HORSEHEATH ROAD)**

Members visited the site on 4 June 2018.

The case officer reported that the applicant had submitted an additional plan in support of the application.

Kate Kell (objector), Cath Slater (applicant's agent), and Councillor Enid Bald (Linton Parish Council) addressed the Committee).

Members raised concerns about neighbour amenity, sustainable drainage and tree protection. The case officer referred them to the relevant sections of the report saying that those concerns had been addressed satisfactorily.

The Senior Planning Lawyer prompted a short discussion relating to Permitted Development Rights and the need to protect the Council's interest as Local Planning Authority.

By ten votes to nil (Councillor John Batchelor having withdrawn from the Chamber) the Committee **approved** the application, subject to the Conditions and Informatives set out in the report from the Joint Director for Planning and Economic Development, and to the following: by seven votes to three, Members agreed to remove Permitted Development Rights, and gave officers delegated authority to finalise appropriate wording. Councillor Deborah Roberts' proposal to remove PDRs was seconded by Councillor Heather Williams. Councillors Bradnam, Cahn, Handley, Milnes, Rippeth, Roberts and Williams supported the proposal and Councillors Ellington, Fane and Wright opposed it.

7. S/4095/17/OL - ORWELL (MEADOWCROFT WAY)

Members visited the site on 4 June 2018.

Councillor Aidan Van de Weyer (local Member) told the Committee that he supported the application.

It was reported that South Cambridgeshire District Council currently had in excess of 800 names of people from all over the country on its Right to Build Register.

By ten votes to nil, the Committee **approved** the application subject to the Conditions and Informatives set out in the report from the Joint Director for Planning and Economic Development. Councillor Nick Wright did not vote because his son's name appeared on the Register maintained as part of the Right to Build Vanguard.

8. S/1041/18/FL - GREAT SHELFORD (22 CAMBRIDGE ROAD)

Members visited the site on 4 June 2018.

The Committee unanimously **approved** the application subject to the conditions set out in the report from the Joint Director for Planning and Economic Development, and an additional Condition restricting permitted working hours on the development of the site to between 8.00am and 6pm Monday to Friday and between 8.00am and 1.00pm Saturday. Working on Sundays and Bank Holidays would be prohibited.

9. S/1442/18/FL - FOXTON (40 ILLINGWORTH WAY)

Members visited the site on 4 June 2018.

Councillor Deborah Roberts (local Member) said that she did not object to the application.

The Committee unanimously **approved** the application subject to the Conditions set out in the report from the Joint Director for Planning and Economic Development.

10. ENFORCEMENT REPORT

The Committee **received and noted** an Update on enforcement action.

11. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee considered a report on Appeals against planning decisions and enforcement action.

The Meeting ended at 1.05 p.m.

This page is left blank intentionally.

Agenda Item 4

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 11 July 2018
AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/0971/18/OL

Parish: Meldreth Parish Council

Proposal: Outline planning permission for residential development (nine dwellings) with all matters reserved except for access

Site Address: Land to the south of Whitecroft Road, Meldreth, Royston, SG8 6ND

Applicant: Mr N and Mr W Elbourn

Recommendation: Approval

Key Material Considerations: Principle of Development
Character and Design
Highway Matters
Impact to Heritage Assets
Trees
Ecology and Biodiversity
Residential Amenity
Flooding

Committee Site Visit: 10 July 2018

Departure Application: Yes – Advertised 21 March 2018

Presenting Officer: Aaron Sands, Senior Planning Officer

Application Brought to Committee Because: The application is a departure from the adopted local plan and objections have been received from the Parish Council.

Date by Which Decision Due: 09 Apr 2018 – Extension agreed to 16 July 2018

Executive Summary

1. This application proposes up to 9no. dwellings outside the adopted Development Framework. The application is made in outline with only matters of access for determination at this stage, served from an existing access on to Whitecroft Road.
2. As the site sits outside the Development Framework, officers consider it is clearly contrary to adopted policies DP/7 and emerging policy S/7. That said,

the site is surrounded by built development and brownfield land such that it is a contained site. Officers consider this is a material consideration that outweighs this conflict with the development plan, in light of the reasons for the inclusion of those policies it conflicts with.

3. Officers note a number of local objections to the proposal, particularly in respect of ecology, impacts to protected trees and highway safety. Relevant consultees have raised no objections on these grounds, and on balance officers consider there is sufficient comfort that the site could be developed without resulting in an adverse impact in respect of these matters.

Planning History

4. None Relevant

Site Description

5. The site comprises what appears to be a former Christmas tree site that was never harvested, and has subsequently led to a proliferation of tall, densely packed pine trees that fill the site. An existing access to the site is available direct to Whitecroft Road that appears to serve a small number of dwellings as well as provide access for this business itself.
6. The site is surrounded by residential properties, except along its south eastern boundary which is shared with what appears to be active orchard and farm shop. There are two tree preservation orders (TPO) that run to the south west of the entrance to the site, and further within the entrance of the site, covering 2no. ash and 1no. poplar trees and 3no. ash trees respectively.

Proposal

7. This application proposes the erection of up to 9no. dwellings. It is in outline form with all matters reserved with the exception of access, which would be served from the existing access into the site with alterations to improve that access.

Relevant Planning Policy

8. National Policy

National Planning Policy Framework 2012 (NPPF)
National Planning Practice Guidance (NPPG)

9. Core Strategy Policies (DPD) 2007

ST/2 Housing Provision
ST/6 Group Villages

10. 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/5 Cumulative Development

DP/6 Construction Methods
DP/7 Development Frameworks
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
NE/1 Energy Efficiency
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
NE/10 Foul Drainage - Alternative Drainage Systems
NE/11 Flood Risk
NE/12 Water Conservation
NE/14 Lighting Proposals
NE/17 Protecting High Quality Agricultural Land
CH/4 Development within the Curtilage or Setting of a Listed Building
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
TR/3 Mitigating Travel Impact
TR/4 Non-motorised Modes

11. Submission Local Plan 2014

S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/7 Development Frameworks
S10 Group Villages
CC/1 Climate Change Mitigation
CC/4 Sustainable Design and Construction
CC/6 Construction Methods
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
HQ/1 Design Principles
NH/2 Protecting and Enhancing Landscape Character
NH/4 Biodiversity
NH/14 Heritage Assets
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
SC/10 Lighting Proposals
SC/12 Contaminated Land
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/10 Broadband

12. Supplementary Planning Documents (SPD)

Open Space in New Developments - adopted 15 January 2009
Trees & Development Sites - adopted 15 January 2009
Biodiversity - adopted 2 July 2009
Listed Buildings - adopted 2 July 2009
Affordable Housing - adopted 2 March 2010

Consultations

13. **Parish Council** – Objection. The site lies outside the village Development Framework, there are traffic and junction risks which include significant risks, the traffic survey does not demonstrate the density and composition of traffic, there will be additional traffic entering Whitecroft road at a critical location and this is especially the case for fast moving traffic. There is also no reference to the removal of the Ash tree which has a TPO in order to widen the access. Speedwatch data has also been provided.
14. **Ecology Officer** – No objection subject to conditions requiring a Construction Environmental Management Plan to ensure the works are carried out in a suitable manner, and the requirement for an Ecological Design Strategy to be submitted to set out compensation and enhancement measures.
15. **Landscape Officer** – No objection subject to conditions requiring details of hard and soft landscaping to be submitted. Comments provided by way of advice in advance of any detailed application.
16. **Local Highway Authority** – No objection subject to conditions regarding the form of construction of the access, details of the long term maintenance strategy for streets within the development and the submission of a traffic management plan. The Highway Authority has indicated that it would not be seeking to adopt any part of the development and has requested an informative to that effect.
17. **Lead Local Flood Authority** – No comments
18. **Contaminated Land Officer** – No objection subject to a condition requiring a land contamination assessment.
19. **SCDC Drainage Consultant** – No objections subject to a condition requiring details of surface water drainage to be submitted.
20. **Environment Agency** – No objection in principle subject to satisfactory forms of drainage being implemented.
21. **Environmental Health** – No objections subject to conditions in respect of construction hours and burning of waste materials (*officer note; burning of waste materials is covered by other legislation and is therefore not a necessary condition*)
22. **Historic Buildings Officer** – Objection based on the indicative layout/building heights. It may be possible to address the concern raised through an amendment or condition. This layout would fail to preserve the setting of the listed building and cause less than substantial harm to its significance.
23. **Tree Officer** – There is a statutory protection to trees at the entrance and along the access to the site and their removal will be considered unacceptable. No objections to the proposal subject to conditions requiring an Arboricultural Method Statement Tree Protection Strategy to be submitted

and a plan showing the location of any proposed trees which will benefit from 3D cellular systems or structural soils and a method statement.

Representations

24. 18 no. objections received incorporating the following the summarised points;
- Whitecroft Road is an extremely dangerous thoroughfare as the busiest road in the village with vehicles regularly exceeding the speed limit.
 - The junction between Whitecroft road and Elin Way is a particularly difficult stretch due to reduced visibility on the bend and this site would lead to increase vehicles at this particular point.
 - The footpaths here are inadequate and this would create further issues for children who walk to and from school along this route.
 - Chiswick End has had a number of houses built in recent years and there are other developments currently planned that has and will increase the flow of traffic and result in compounding traffic impacts.
 - An access of 5m plus 2m of footpaths would pass unacceptably close to the houses at the entrance to the proposed development
 - The proposal would impact privacy, light and safety of neighbouring properties and result in additional noise from passing vehicles.
 - This application would require felling of trees with preservation orders.
 - It is important for the village to retain woodland areas for the purposes of protected species and there is an expectation of additional planting to compensate for the loss of habitat
 - SCDC looks for at least 40% of new housing to be affordable but there is a discrepancy between the application and the plans.
 - Roads and services would not be able to cope with additional development in conjunction with other developments that have been approved.
 - This development would result in the loss of habitat that promotes biodiversity.
 - Chiswick End has been a hamlet in its own right for hundreds of years, distinct from Meldreth, and this development would obliterate that distinction.
 - There have been flood events in recent years that affected Chiswick End and there is a history of poor drainage in the area that may be exacerbated by this proposal.
 - Increase in light pollution to neighbouring property from passing vehicles
 - Insufficient space to fit a footpath into the site.
 - The application site is located outside the Development Framework and does not accord with policy DP/7.
 - The proposal would result in the loss of a right of way.
 - Loss of green space that provides a countryside setting for residents surrounding the site.
 - Uncertainty that appropriate ecological mitigation can be provided.
 - The proposal brings very limited benefits that would not outweigh the environmental harm.
 - The site has a historic land-fill use and there are contamination risks.
 - The traffic survey is inadequate as it does not give any indication of density of traffic.
 - The site was discounted as part of the housing allocations due to impacts of noise and the loss of trees.
 - Impacts to a registered disabled occupant.

25. The following points have been raised that are either not material considerations or relate to matters that have been reserved and are therefore not for consideration at this stage. Officer notes are *italicised* adjacent the points for explanation;

- The village is being developed in a haphazard manner which is taking place in fields outside the Development Framework rather than in a planned and coherent fashion. *The Local Planning Authority cannot prevent applications being submitted and must determine them in accordance with the development plan.*
- Insufficient parking has been indicated on the plans. *The plans provided are indicative and layout is not for a matter for determination at this stage. It is noted that there would appear to be sufficient parking to accord with the adopted standards, however.*
- Concerns in respect of the scale of dwellings on the indicative plans and the potential for overlooking. *The layout plans submitted are indicative at present and therefore it is not possible to determine that there would be an impact from the buildings.*
- If approved, the developer may seek to increase the number and density in subsequent reserved matters applications. *Any increase would be a materially different scheme and would require a new planning application.*
- Breach of covenants and legal rights of access. *This is a civil matter and cannot be considered as part of this application.*
- Historic restrictions on planning permissions. *Historic restrictions are not determinative or preventative of future applications. They would only require a planning application to be submitted to make any changes to the restricted elements. This application would effectively supersede any previous permission in so far as it relates to what has been determined within this application.*
- Inaccuracy of boundary line outside the ownership of the applicants. *This matter has been raised with the developer who has provided their land registry plans that indicate the land does fall within their ownership.*
- Disruption from works. *Matters that arise from building works are not a material consideration that would enable an application to be refused. Appropriate mitigation would be imposed as necessary or is covered by other legislation.*
- The transport statement indicates the access would serve 50 dwellings. *This appears to be a misinterpretation, as the transport statement only indicates an indicative threshold of 50 dwellings that could be served by an access of this form, and is not an indication of number of dwellings.*

Planning Assessment

26. The key considerations in this application are;

- Principle of Development
- Character and Design
- Highway Matters
- Impact to Heritage Assets
- Trees
- Ecology and Biodiversity
- Residential Amenity
- Flooding
- Other Matters

Principle of Development

27. As of 21 May 2018, the Local Planning Authority considers that it is able to demonstrate a five year supply of housing land. This means that paras 49 and 14 of the NPPF are not engaged in rendering policies for the supply of housing out of date and creating a tilted balance in favour of additional housing,. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must therefore be determined in accordance with the development plan, unless material considerations indicate otherwise, as reinforced by the presumption in favour of sustainable development expressed in para 14 of the NPPF.
28. Policies ST/6 and S/10, which categorise Meldreth as a Group Village, state that residential development and redevelopment up to an indicative scheme size of 8 dwellings will be permitted within the village frameworks. That policy is explicit in that it is indicative, and is not, therefore, a specific cap on development. Officers consider that this proposal, given the scale of the site itself and the low density, being only 1no unit above the indicative threshold, accords with the general aim of the policy which that seek to limit the level of housing that might come forward in Group Villages to ensure services are not subject to a significant level of additional development in a short space of time.
29. Nonetheless, as the application proposes up to 9no. dwellings located on the edge of, but just outside, the development framework, approval of the proposed development would also be contrary to policies ST/6 and S/10.
30. Adopted Policy DP/7 and its emerging counterpart S/7 state that proposals outside the framework will only be supported in relation to certain specific forms of development, none of which would include this proposal. This application is therefore also contrary policies DP/7 and S/7.
31. In considering DP/7 and S/7, the supporting text to those policies notes that their purpose is twofold. Firstly, it seeks to prevent gradual encroachment and erosion of the countryside, and secondly, to prevent incremental unsustainable growth on the edges of villages.
32. This site is bordered on three sides by the development framework, and the fourth side, along the south eastern border, appears to be an active farm shop and orchard business which includes a number of reasonably large buildings and much of which is previously developed (brownfield) land. In itself, the site is not inherently unsustainable in terms of location, particularly noting that it is so well related to the Framework that defines that area, but the concern is that there would be a proliferation of unsustainable growth. However, in considering this site, and in terms of what it might lead to, the site is effectively surrounded by development or brownfield land where there is a significant opportunity, in light of the introduction of the Brownfield Land Register, for redevelopment.
33. While this site would sit outside of the Framework itself, officers do not consider that it could lead to additional incremental growth in its surroundings, as the borders of the site are such that there would not be further areas that that growth to be directed.

34. In considering the second underlying protection afforded by DP/7 and S/7, in terms of encroachment into the countryside, again, as the site is self contained there would be no further encroachment that could be made. Officers have provided comments in respect of character below, as well as the loss of trees, which are relevant and should be read in conjunction with this paragraph. The proposal is low density, and likely to involve more spacious properties, particularly noting the shape of the site that would impose limits as to where residential properties could be located and appropriate restrictions in terms of heights could be imposed, particularly noting the concerns raised in respect of the impact to listed buildings and neighbouring properties to further reduce any intrusion that might be visually identifiable in relation to the countryside.
35. In considering the Section 38(6) balance, therefore, officers consider that this proposal does not accord with the development but by virtue of the site itself, presents material considerations that outweigh the conflict with the development plan.
36. Policy HG/1 and emerging policy H/7 set a threshold of 30 dwellings per hectare (dph) for new developments, to ensure an appropriate use of land. This application proposes approximately 10dph. The policies note that there may be local circumstances that warrant lower densities of development to that proposed. In this instance, officers consider that a higher density would result in impacts to residential amenity that would not be possible to mitigate, and, noting that the comments of the Historic Buildings officer, there would be an insufficient ability to ensure no adverse impacts to heritage assets. These matters are expanded upon elsewhere in this report. It is also noted that the surrounding development, particularly along Chiswick End, is of a much lower density than 30dph. On the whole it is therefore considered the local circumstances are such that a lower density is acceptable, and in accordance with policies HG/1 and H/7.
37. Comments have been made that this site was discounted as a housing allocation following the call for sites as part of the emerging local plan. It is noted that the allocation was put forward on a basis of 30 dwellings and, notwithstanding that process, an allocation or discounting of a proposed site does not preclude consideration of an application and it may be that any proposal is either found unacceptable or acceptable even in light of that. While the site was considered unsuitable, this was principally due to insufficient information to determine that noise impacts could be made acceptable at that stage, and the landscape impacts on respect of the trees. Both of these matters are considered further below, but are considered to be acceptable.

Character and Landscape

38. The site is a former Christmas tree farm that has not been harvested for a significant length of time and the pine trees have become heavily overgrown and densely packed. The site does provide a contribution from the woodland in terms of a more rural backdrop for properties, particularly along Chiswick End where the ground level of the site is higher and makes the trees more visually prominent. That said, with the exception of those trees covered by a TPO there is no protection in place that otherwise prevents their felling in planning terms (notwithstanding any license required by the Forestry Commission).

39. It was acknowledged within the Strategic Housing Land Availability Assessment (SHLAA) that the trees provide a contribution to the character of the area in providing a transition to surrounding arable areas, though it has been noted above that the site is otherwise surrounded by built form or brownfield land such that there is limited adjoining fields. It was noted that impacts in terms of townscape and landscape impacts could be mitigated through a low density scheme.
40. The proposed development of the site would reflect more of the lower density areas of the site, particularly along Chiswick End, and while it is in outline form at the moment, the indicative plans provide some detail as to how the site could be theoretically developed. While officers note that that specific layout or scale of the buildings indicated here would not be acceptable at reserved matters stage there appears to be an abundance of room within the site that would facilitate appropriate distances from listed buildings or neighbouring properties and scale could readily be modified, and considered for its impacts under subsequent applications.
41. This development would not be the only example of penetrative development along Whitecroft Road, with the Melrose developed to the south east and a small number of dwellings in between that, as well as those buildings serving the adjoining orchard and farm shop. As such, this proposal would not be considered to be inappropriate development that undermines any particular urban form.
42. On the whole, while the loss of the trees is regrettable, their removal falls outside the control of the LPA. This is considered to be the point of harm that would occur in character and landscape terms, and mitigation through a low density development and appropriate landscaping scheme, which would fall to be determined at reserved matters stage, is considered to be possible.
43. While the final location of lighting columns or any other forms of lighting would fall under matters of layout, officers consider it appropriate to impose a condition that requires details of any lighting within the site to be submitted and agreed, in order to ensure that lighting is primarily directed downwards and at a level that is sufficiently low that it would not result in an adverse impact from light pollution that would adversely impact the character of the area.
44. The proposal is therefore considered to be acceptable in terms of character and landscape impacts and would accord with policies DP/2, NE/4, HQ/1 and NH/2, as well as the adopted District Design Guide SPD and Landscape in New Developments SPD.

Highway Matters

45. The application proposes to utilise the existing access, which serves a small group of properties as well as the Christmas tree farm. No objections have been raised by the highway authority in respect of the access itself, and it is noted that they are not intending to adopt the access if implemented as shown on the indicative plans. Notwithstanding that the Highway Authority may not choose to adopt a highway, this is not determinative, in itself, that the access could not be safe and able to adequately serve both the proposed development and the existing group of properties.

46. It is noted that there are a number of accesses and junctions in close proximity to the site entrance. A number of respondents have raised this, as well as existing issues along the road. In terms of those existing issues, this application should be considered for its material impacts on those issues and whether it would be materially harmful. It was noted at the time of the officer's visit that the visibility from the access where it adjoins Whitecroft Road was of a reasonably good level, and it appears that it would be possible to achieve and likely exceed the 43m visibility splays that would normally be sought for a road of this designation. Visibility of the access to and from the surroundings, as well as the nearby junctions was clear, such that their proximity was not considered to be harmful to vehicles using this development.
47. Officers note that the access has been shown as having a 5m width with 2m footpaths either side at the entrance of the site and this appears capable of being accommodated within the application site, noting that the land within the ownership of the applicant appears to extend across 13m at the access point. Within the site the layout is not a matter to be considered at this stage, which includes the overall road and footpath layout.
48. The access is considered to be sufficiently safe and capable of being accommodated without detriment to the highway network, and is not considered to result in adverse impacts over and above existing traffic issues. The proposal would therefore accord with policies DP/1, TR/1, HQ/1 and TI/2.
49. It is considered that the conditions recommended by the Highway Authority are necessary to make the development acceptable and in order to ensure that the development is constructed and maintained in a manner that would not be detrimental to highway safety.

Impact to Heritage Assets

50. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Authority to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest which it possesses in considering applications for planning permission.
51. The application site is bordered by a listed building to the northwest, no. 23 Chiswick End. Other listed buildings are in the nearby surroundings, but it is considered that these are at a sufficient distance, or that there is sufficient intervening development such that they would not be harmed by development of this site, noting the matters that are reserved.
52. With regard to no.23, that property is currently set against a backdrop of trees. There does not appear to be a particular historic or functional or social connection between these sites, and it is therefore an assessment on its aesthetics, having regard to the advice of Historic England in assessing the setting of Listed Buildings. The historic buildings officer has raised no objections in principle to the development of the site, but has objected to the indicative layout. Those objections relate to the scale of the buildings and their position closest to the listed building, which is indicated as a two storey dwelling. Properties along Chiswick End are one-and-a-half or low two storey buildings, with a small number of single storey dwellings. The two storey

dwelling indicated on plot 4 would be considered to fail to be subservient to the listed building and negatively impact views of that asset.

53. Notwithstanding those comments, these matters are not for consideration at present and would fall to the reserved matter of scale. The test at this stage as to whether the LPA is satisfied that an acceptable scheme could be accommodated. Those buildings closest to the designated heritage assets could be much reduced in scale or be single storey and there is ample room to relocate buildings within the site officers consider that there is an acceptable scheme that could come forward in terms of impacts to the listed buildings adjacent and surrounding the application site.
54. Comments have been made as to the historic form of Chiswick End and that it is physically distinct as a separate hamlet from Meldreth. Officers note that the area around the junction with Whitecroft Road has been developed such that there is no particular distinction between Chiswick End and the wider Meldreth. There are a number of penetrative developments in the surroundings such that this form of proposal would not be out of character with the prevailing form of development. On the whole, officers do not consider that Chiswick End is regarded as a separate hamlet any more and this proposal would not harm the historic character.
55. The proposals are therefore considered to be acceptable in terms of heritage assets and would accord with policies CH/1 and CH/4, the policies of the NPPF and emerging policy NH/14. Officers are satisfied that a reserved matters application could be submitted that would not result in harm to heritage assets.

Trees

56. Noting the historic use of the site, it has been home to a significant number of well established trees. Those pine trees that were intended to be farmed are not covered by any protection in planning terms such that they could be prevented from being felled. Notwithstanding that, these trees are of limited individual amenity value, predominantly as a backdrop behind surrounding buildings. Their densely packed nature means they are not ideal specimens to protect as their long term retention may be hampered by limited growth room.
57. There are two TPOs around the front of the site. One of these (TPO 7/66) sites to the southeast of the entrance where it adjoins Whitecroft Road. The trees here are the most visually prominent in the street scene, but are set at a sufficient distance from the site that it is not considered their retention would be prejudiced by the development.
58. Just within the site are a small group of ash trees also covered by a TPO (TPO 7/78/SC). These are visually prominent along the existing access into the site, and, while set back such that some of the overall field of view is limited, are a notable feature, set at an elevated position such that they remain important features contributing to the character of the area. It is noted that the application is not supported by a tree survey, and that these trees have not been shown on any indicative plans. Notwithstanding that, any indicative plans are not for consideration at this stage and so no weight **need** be afforded to them. No permission is granted for the removal of trees through this application, which would be determined under matters of

landscaping at reserved matters stage and officers would not be supportive of their removal. The test, therefore, is whether the LPA is satisfied that there is sufficient capacity for the retention of these trees.

59. Officers note that the red line of the application denotes an approximate 10m width at the area closest to the access point. A road to adoptable standard would require 9m in width overall, including a 5m road and 2no. 2m footpaths either side. Officers consider it is unlikely to be possible to accommodate that level of access within the site and retain the trees, but a footpath or road at a lesser width would be possible without prejudicing the retention of these trees. Appropriate mitigation may be possible to incorporate into the site, such as no dig foundations for the road if it did result in a harmful loss of root area, potentially couple with a shared space at the entrance of the site. Such measures are a matter that would be determined at detail stage under matters of layout and landscaping, but it is considered, on the whole, that there would not be an unacceptable loss of protected trees, and those trees that are unprotected are not appropriate for retention.
60. The Tree Officer has raised no objections to the principle of development and has recommended that an Arboricultural Impact Assessment and Tree Protection Plan are conditioned, as would be necessary to ensure the safety of the trees during the construction process. It is considered that the proposal is capable of being designed in a manner that would retain those trees within this site that are appropriate for retention. A landscaping scheme would be expected to also make provision for additional planting, notwithstanding that there may be other trees that are suitable for retention already in situ.
61. It is therefore considered the proposal would accord with policies DP/2 and HQ/1 and the adopted SPD with regards to Trees in Development Sites.

Ecology and Biodiversity

62. The application has been accompanied by a biodiversity assessment that indicates there is a potential risk to protected species on and using the site. The survey recommends further surveys are undertaken in respect of badgers and notes that this may be required prior to decision. The Ecology Officer has considered the proposal, and raises no objections to the proposal, either on the grounds of insufficient information or unacceptable harm to proposals. A condition is recommended to ensure construction works would not result in an unacceptable impact, and a further condition would seek a scheme of ecological enhancement, compensation and mitigation.
63. As noted above, the low density of the proposal provides some comfort that there is plentiful space within the site that this could be accommodated, such as through a greater level of development towards the front of the site, noting that the scale of the plots indicated on the indicative layout plan would appear capable of supporting two or three dwellings.
64. The LPA has been made aware that clearance of the site has been undertaken. In planning terms, there is not statutory protection that the LPA would be involved in enforcing. Any harm to protected species should be directed to the Wildlife Officer at the Police and the felling of trees not covered by a tree preservation order may be governed by the Forestry Commission.

Residential Amenity

65. Noting that this application does not include matters of scale, appearance, landscape or layout it is not possible to determine impacts from the physical built form of the development or potential associated residential paraphernalia, such as associated garage lighting, proximity of garden areas to each other or impacts from passing residents. Officers consider there is no reason that these matters cannot be dealt with in an appropriate manner at reserved matters stage.
66. In considering this proposal and noting the maximum threshold of 9no. dwellings, impacts of noise from the access can be considered, and officers consider this should be done on a 'worst case scenario' basis. In considering traffic movement, officers note that, at 9no. dwellings, total parking space requirements would be 18no. spaces, with some additional spaces for visitors. As this is a point of departure, rather than a point of destination in the same manner as a place of work, vehicles movements will be more sporadic, rather than in a single mass. The level of vehicle movements on the road at any one time, therefore, is unlikely to be materially increased by more than an additional car any one particular time. There would be some separation from the existing residences along the front of the site, and in light of the more intermittent level of movement that would be slower as it either approaches the junction or turns in from the junction, it is not considered that noise would be materially harmful to the amenity of surrounding residential properties.
67. One of the principle reasons the site was discounted from allocation was because of the potential impacts of noise from the neighbouring operational business to occupants. At the time of the officer's visit it was noted that noise was not high in the area. Operational times are likely to be mainly directed at times where there would be a reasonable expectation that occupants would be out at work, but there are likely to be some work that might occur out of standard working hours depending on the season. Notwithstanding that, officers note that, the other side of the orchard site to the south, there is residential development recently approved and historically amounts to approximately 6no. dwellings. These were not considered to suffer from a detrimental noise environment and, noting that no objection has been raised from the Environmental Health Officer, it is not considered residential units here would suffer from an unacceptable noise impact.
68. Subject to appropriate conditions, it is therefore considered that the proposal would not result in an adverse impact to residential amenity of neighbouring property. The proposal would therefore accord with policies DP/3 and HQ/1.
69. Noting the entrance to the site would be along an existing access and the works are of a scale that might have a reasonable length of works, it is considered a condition regarding construction hours is necessary to minimise impacts. Informatives have been recommended by the Environmental Health Officer to provide detail on other consents they may require in the event of noisy works or piling.

Flooding

70. The application site has been subject to a flood risk assessment. The site itself is not adjacent or covered by any Flood Zone or area of Surface Water Drainage Issues, but Flood Zones 2 and 3 sit to the north of the site running

roughly along the Chiswick End, which sits at a lower ground level. The overall level of development on this site is unlikely to result in significant levels of hardstanding, and appropriate conditions would be proposed to require the details of the surface and foul water drainage to be submitted to ensure measures are imposed to mitigate for any hardstanding that is necessary.

71. Subject to conditions that require the details of the drainage measures, officers do not consider that flooding would be materially impacted either on this site or in the nearby area. The proposal is therefore considered to accord with policies DP/2, NE/9, NE/10, NE/11, CC/8 and CC/9.

Other Matters

72. It is noted that the indicative layout plans indicate affordable housing and the application form does not. The developer has confirmed they are not intending to propose affordable housing in relation to this application. As per the Written Ministerial Statement (WMS) of November 2014, national policy indicates that contributions should not be sought on schemes of 10 units or less, which includes affordable housing. Emerging policy H/9 in its amended form accords with that WMS and as such it is not considered appropriate to seek contributions from this development.
73. The WMS also states that proposals may need to provide contributions where they proposed in excess of 1000m² of floor space. Noting that this application is in outline form it is not possible to determine the overall level of floor space. However, there is a likelihood that a scheme of 9 dwellings could result in a development in excess of the 1000m² threshold and it is therefore considered necessary to impose a condition that restricts the level of floor space that could come forward as a proposal on any reserved matters application to below that threshold.
74. Officers note the comments of the Land Contamination Officer and consider the recommended condition is necessary to ensure contamination is remediated and the potential for contamination is mitigated, particularly noting surrounding potential for flood risk. Officers have amended the condition to separate out the sections that trigger at different points for clarity.
75. Officers note the comments of the landscape officer in respect of conditions. Noting that landscaping is a matter to be considered under a subsequent application officers consider it appropriate to condition that the full details requested are submitted as part of that application. A further condition shall ensure implementation.

Conclusion

76. In conclusion, officers consider that the proposal is contrary to the adopted policies of the development plan, notably policies DP/7 & S/7, but also policies ST/6 and S/10, as the site sits outside the adopted Development Framework.
77. That said, officers consider that site specific circumstances, notably the contained nature of the site and its sustainable location in relation to the main part of the village are significant material considerations. These minimise and outweigh the conflict with those policies of the plan, having regard to the

reasons for their inclusion in the Development Plan and the harm those policies seek to prevent.

78. Noting that this application is in outline form with only the matter of access to be determined at this stage, all other matters for consideration have been considered to be acceptable as a matter of principle as set out above.

Recommendation

:

79. Approval subject to:

Conditions and Informatives

Planning conditions and Informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission

1. Approval of the details of the layout of the site, the scale and appearance of buildings and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and those details shall be submitted within 3 years of the date of this permission.
(Reason – In accordance with Section 92 of the Town and County Planning Act 1990 as the application is in outline form.)
2. The development hereby permitted shall be begun not later 2 years from the date of final approval of the reserved matters referred to in condition 1.
(Reason – In accordance with Section 92 of the Town and County Planning Act 1990 as the application is in outline form.)
3. In so far as it relates to matters of access and those matters of principle considered under this application, the development shall be carried out in accordance with the following plans and documents;
Location Plan
Indicative Site Layout – Drawing no. 492 (PL)10
Flood Risk Assessment dated Nov 2017 and associated appendices
Transport Statement – reference 406.07787.00001
(Reason – In the interests of clarity and to facilitate any further application under Section 73 of the Town and Country Planning Act 1990)
4. An application, or applications, for approval of reserved matters shall not result in development with a total floorspace of more than 1000 square metres (gross internal area), including all buildings for which planning permission has been given.
(Reason - The approved development is potentially of a scale which does not need to provide affordable housing. However, a limit on total floorspace is necessary to ensure that future development complies with Development Control Policy HG/3 of the adopted South Cambridgeshire Local Development Framework 2007 and H/9 of the Draft South Cambridgeshire Local Plan; the Written Ministerial Statement dated 28 November 2014; and the National Planning Practice Guidance.)
5. No construction works shall occur except between the hours of 08:00 am to 18:00 Mondays to Fridays (inclusive), 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank or Public Holidays.

(Reason – To ensure the works would not adversely impact neighbouring residential amenity during the process in accordance with policy DP/2)

6. The development hereby approved shall not commence until;
 - i. The site has been subject to a detailed desk study, including sit walkover and preliminary Conceptual Site Model has been submitted to and approved in writing by the Local Planning Authority.
 - ii. The site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment that has been submitted to and approved in writing by the Local Planning Authority.
 - iii. Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) has been submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved documents.
(Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007 and emerging Policy SC/12 of the Submission Local Plan 2014. This condition is required to be pre-commencement because any earthworks could result in adverse risk from existing contamination or potential impacts of other contamination.)

7. The works in the Remediation Method Statement approved in respect of condition 6(c) shall be completed and a Verification Report submitted to and approved in writing by the Local Planning Authority in accordance with the approved scheme within 6 months of the completion of those works.
(Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007 and emerging Policy SC/12 of the Submission Local Plan 2014)
8. If, during remediation and/or construction works, any contamination is identified that has not been previously considered in the Remediation Method Statement, then works shall cease until remediation proposals for this material has been submitted to and agreed in writing with the Local Planning Authority.
(Reason – To ensure measures are in place to adequately deal with any contamination previously unidentified in accordance with policies DP/1 of the adopted Local Development Framework 2007 and policy SC/12 of the Submission Local Plan 2014.)
9. Accesses to the site and serving any properties within the site shall be constructed in such a manner that prevents surface water run-off onto the highway and shall be constructed from a bound material so as to prevent displacement of material onto the highway. The development shall be retained as such thereafter.

(Reason – In the interests of highway safety in accordance with policy DP/3 of the adopted Local Development Framework and policy HQ/1 of the Submission Local Plan 2014.)

10. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
- i. Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted highway)
 - ii. Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on the street.
 - iii. Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway.
 - iv. Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.

The agreed details must then be implemented on site and maintained for the duration of the development works.

(Reason - In the interest of highway safety in accordance with policy DP/3 of the Local Development Framework and policy HQ/1 of the Submission Local Plan 2014. This condition is required to be pre-commencement because any vehicular movement has the potential to result in harm to the safety of the highway network.)

11. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

(Reason – To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with policy DP/3 of the Local Development Framework and policy HQ/1 of the Submission Local Plan 2014.)

12. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matter of landscaping. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants, noting species, plant sizes and proposed numbers/densities and implementation programme.
- (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.)

13. 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.)

14. No development shall commence until a detailed Arboricultural Method Statement and Tree Protection Strategy shall be submitted to the Local Planning Authority as part of the reserved matters of landscape. Those documents shall include details of timing of events, protective fencing and ground protection measures. The tree protection measures shall be installed in accordance with the approved strategy prior to the commencement of works and shall remain in place throughout the construction period.
(Reason – To ensure those trees to be retained on site are protected during the construction works in accordance with policies DP/2 of the adopted Local Development Framework 2007 and policy HQ/1 of the Submission Local Plan 2014)

15. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;

- i. Risk assessment of potentially damaging construction activities.
- ii. Identification of “biodiversity protection zones”.
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iv. The location and timings of sensitive works to avoid harm to biodiversity features.
- v. The times during which construction when specialist ecologists need to be present on site to oversee works.
- vi. Responsible persons and lines of communication.
- vii. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- viii. Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

(Reason – To ensure the development and any works implementing the development are carried out in such a manner that would not adversely impact the protected species on the site in accordance with policy NE/6 of the adopted Local Development Framework 2007 and NH/4 of the submission Local Plan 2014.)

16. Prior to or concurrently with the submission of the first approval of reserved matters an Ecological Design Strategy (EDS) addressing habitat compensation and enhancement must be submitted and approved in writing by the local planning authority. The EDS shall include the following;

- i. Purpose and conservation objectives for the proposed works.
- ii. Review of site potential and constraints.
- iii. Detailed design(s) and/or working method(s) to achieve stated objectives.
- iv. Extent and location/area of proposed works on appropriate scale maps and plans.

- v. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- vi. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- vii. Persons responsible for implementing the works.
- viii. Details of initial aftercare and long term maintenance.
- ix. Details of monitoring and remedial measures.
- x. Details for disposal of any wastes arising from the works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

(Reason – To mitigate for the loss of habitat within the site and promote ecological enhancement in accordance with policies NE/6 of the adopted Local Development Framework 2007 and NH/4 of the submission Local Plan 2014.)

17. No development shall commence until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out for the potential for disposing of surface water by means of Sustainable Drainage Systems in accordance with the principles set out in the National Planning Policy Framework associated Planning Policy Guidance and the non-statutory Technical Standards for Sustainable Drainage Systems. The systems should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event plus 40% allowance for climate change. The submitted details shall;

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- ii. provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the design capacity of the system.
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaken and any other arrangements to secure the operation of the scheme throughout its lifetime. This shall include details of land ownership, maintenance responsibilities, a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details.

(Reason – To ensure no adverse impacts to flood risk from surface waters either within the site or within the locality, noting the surrounding Flood Zones, in accordance with policies NE/9 and NE/11 of the adopted Local Development Framework 2007 and policies CC/8 and CC/9 of the Submission Local Plan 2014.)

18. No external lighting shall be installed unless the details have first been submitted to and approved in writing by the local planning authority. Lighting shall be installed in accordance with the approved scheme prior to occupation of any dwellings hereby approved and shall be retained thereafter in its approved form.

(Reason – To minimise impacts on the character and residential amenity of neighbouring properties in accordance with policies DP/2, DP/3 and NE/14 of the adopted Local Development Framework 2007 and policies HQ/1 and SC/10 of the Submission Local Plan 2014.)

19. No building hereby permitted shall be occupied until foul drainage works have been implemented in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

(Reason – To ensure adequate foul drainage measures in accordance with policies NE/9 and NE/10 of the adopted Local Development Framework 2007 and CC/7 and CC/8 of the Submission Local Plan 2014.)

Informatives

1. The Highway Authority has confirmed that they will not be seeking to adopt any part of this development as it is shown within the indicative layout and the details approved in respect of the matter of access.
2. This permission does not constitute permission or a license to a developer to carry out works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority in respect of those works.
3. Any oil storage tank should be sited on an impervious base and surrounded by oil tight bunded walls with a capacity of 110% of the storage tank, to enclose all filling, drawing and overflow pipes. The installation must comply with Control of Pollution Regulations 2001, and Control of Pollution (Oil Storage) Regulations 2001.
4. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
5. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring resident in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noise 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 the Environmental Health Service.
6. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations must be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
7. A number of comments have been received identifying legal rights of access in to the site. This is a civil matter and the applicant should ensure that appropriate legal agreements are in place with regards to such rights.

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 (adopted January 2007)

South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)

Planning File Ref: S/3787/17/FL

Contact Officer: Aaron Sands - Senior Planning Officer
Tel: 01954 713237

This page is left blank intentionally.



FOR INTERNAL USE ONLY

Scale - 1:2500

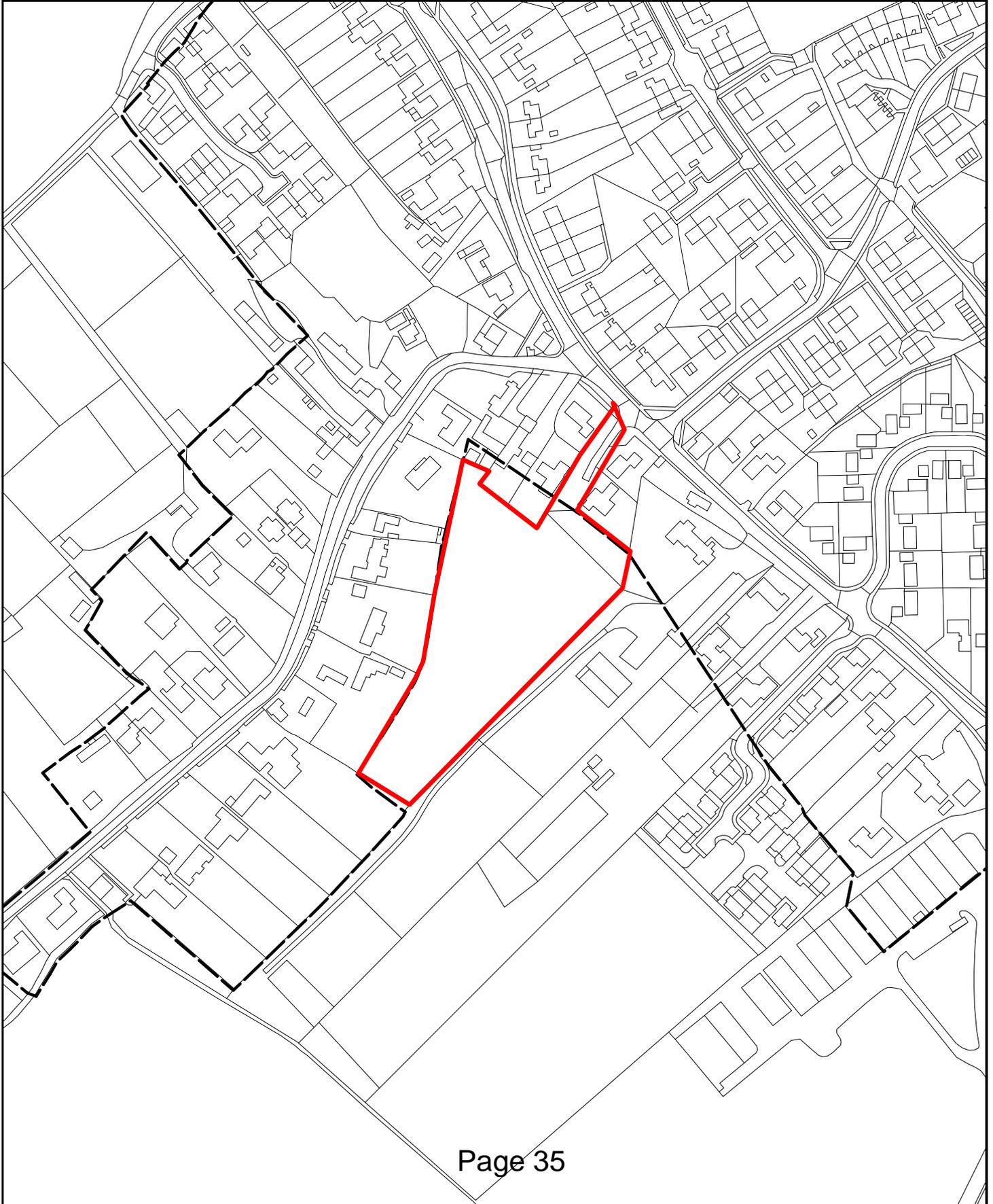
Time of plot: 10:35

Date of plot: 22/06/2018



**South
Cambridgeshire
District Council**

© Crown copyright [and database rights] (2015) OS (100022500)



This page is left blank intentionally.

Agenda Item 5

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

11 July 2018

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/1178/18/FL

Parish(es): Arrington

Proposal: Part Demolition of Existing Buildings and Erection of Four New Buildings to Comprise Holiday Let Accommodation and Conversion and Extension of Existing Buildings to Provide Gym, Office, Garage and Laundry Ancillary to Holiday Let Accommodation

Site address: 17 Mill Lane

Applicant(s): **NAME REDACTED**

Recommendation: Approval

Key material considerations: Principle of Development
Character and Appearance of the Countryside
Highway Safety
Neighbour Amenity
Biodiversity
Trees/ Landscaping

Committee Site Visit: 10 July 2018

Departure Application: No

Presenting Officer: Karen Pell-Coggins, Senior Planning Officer

Application brought to Committee because: Request from Local Member and Arrington Parish Council

Date by which decision due: 13 July 2018 (Extension of Time agreed)

Planning History

1. **Site**

S/0502/96/F - Extensions and Garage - Approved
S/1361/76/F - Erection of Bungalow - Approved
S/0816/76/O - Erection of Bungalow to Replace Existing Dwelling – Approved

Mill Lane

2. S/1427/06/F - Change of Use of Agricultural Buildings to Light Industrial (Class B1c) and Storage (Class B8) - Withdrawn
S/0328/05/F – Removal of Condition 1 of Planning Permission S/0288/89/F to Allow

use of Annexe as Separate Dwelling - Appeal Dismissed (countryside reasons)
S/0378/03/O - Dwelling - Appeal Dismissed (countryside reasons)

Environmental Impact Assessment

3. The application does not fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and would not exceed the criteria in section 10b of Schedule 2 of the regulations. The application does not therefore require the submission of an Environmental Impact Assessment.

National Guidance

4. National Planning Policy Framework 2012
National Planning Practice Guidance

Development Plan Policies

5. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**
ST/7 Infill Villages
6. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
ET/10 Tourist Facilities and Visitor Accommodation
NE/6 Biodiversity
NE/7 Sites of Biodiversity or Geological Importance
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
7. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
Biodiversity SPD - Adopted July 2009
Landscape in New Developments SPD - Adopted March 2010
Trees & Development Sites SPD - Adopted January 2009
District Design Guide SPD - Adopted March 2010
8. **Submission Local Plan 2014**
S/7 Development Frameworks
S/11 Infill Villages
HQ/1 Design Principles
E/20 Tourist Accommodation
NH/4 Biodiversity
NH/5 Sites of Biodiversity or Geological Importance
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

Consultation

9. **Arrington Parish Council** – Recommends refusal and has the following comments: -

The private road which had a right of way to existing properties, which would be the only access to the proposed development. The access from the busy A1198 is a single track unadopted farm track over half a mile long with very poor surfaces and a

lack of passing places. There is a dangerous corner by the old mill house with poor visibility leading to the farm yard where vehicles and pedestrians on the track may encounter large and heavy farm machinery. There have been a number of near misses recently at this location.

The proposed site can only be accessed by driving through the farm. The Farmer has a number plate recognition system installed and over a 24 hours period there had been 80 plus vehicle movements. In 2006, when an application for change of use was made permission was refused due to the traffic on the road and access from the A1198. There are no passing places for vehicles. Four holiday properties would substantially increase the traffic movements and make the road deteriorate further. There are no public footpaths so the road would be the only option for pedestrians.

A precedent had also been set by South Cambridgeshire District Council Planners who refused a planning application to use an existing annexe as a separate dwelling as it would be contrary to Policy SE8 in the Local Plan, Policy P1/2 in the Structure Plan, and advice in PPS7.

Formally requests that the application be considered by the planning committee.

10. **Ecology Officer** – Comments that the site is a series of agricultural buildings within an old farmyard complex. The site is surrounded by arable farmland with some wooded boundaries and hedges, and a drainage ditch runs across the front of the property and to the west of the property. The application site sits within the Impact Risk Zone for the Eversden and Wimpole Woods SSSI/SAC, which states that any non householder application outside or on the periphery of a settlement which effects semi-natural habitat, farmland, or rural buildings and structures will require a consultation to be sent to Natural England. This application appears to fill those criteria. There are no non-statutory protected sites in the vicinity that are likely to be affected by the application. Species records from the area appear to be limited, but do suggest a historic bat roost in the neighbouring property, and that water voles have been seen in the adjacent ditch in the past.

The applicant has submitted a Bat Survey – Preliminary Bat Roost Assessment (Arbtech, December 2017). The report has found no evidence of roosting bats in any of the structures to be affected by the development, and suggested that breeding birds may be a constraint during the breeding season. This is accepted. Informatives are recommended in relation to the removal of any buildings or vegetation in the bird breeding season.

Applications should look to maintain, enhance, restore or add to biodiversity. Opportunities should be taken to achieve a positive gain through the form and design of development. This should include the incorporation of bat and bird nesting boxes within the development, use of native planting mixes and wild grasses, the inclusion of green and brown roofs, the inclusion of green walls, or the inclusion of features such as log piles, insect hotels and hedgehog connectivity. Recommends a condition in relation to ecological enhancement.

11. **Trees and Landscapes Officer** – Has no objections and comments that no trees on or adjacent to the site would be significantly detrimentally affected by this proposal.
12. **Drainage Officer** – Has no objections subject to a condition in relation to surface and foul water disposal.

13. **Environmental Health Officer** – Requests conditions in relation to the hours of use of site machinery and construction related deliveries during works and the burning of waste. Also suggests informatives with regards to noise and disturbance to neighbours, during development, a demolition notice and pile driven foundations.
14. **Contaminated Land Officer** – Comments that the site comprises agricultural land/buildings including a piggery and the proposal is for a sensitive end use (residential). There was no evidence in the report of any site specific information. However, it did identify the need for an intrusive investigation which is agreed. Requires a condition in relation to a detailed investigation into contamination.
15. **Local Highways Authority** – Comments that as Mill Lane is a private road and its existing access affords suitable inter vehicle visibility splays and width at the junction with the adopted public highway, no significant adverse effect upon the public highway should result from this proposal.

The inter visibility splays for a 50 miles per hour road is 2.4 metres x 160 metres which in a northerly direction goes to the access of Home Farm and in a southerly direction to No. 69 Ermine Street both of which can be seen from the entrance to Mill Lane before the landscape falls away.

While the amount of traffic that a piggery would generate would probably be lower than the holiday lets, they could be year round and of a different nature e.g. Large tractors and trailers as opposed to single domestic vehicles. The number of movements advised is quite low and equates to one every seven minutes.

There would potentially be an increase in hazard due to the increase in traffic on to the A1198 but this is not seen as severe and the Local Highway Authority has no substantive grounds for requesting that the application is refused.

Applications for dwellings in the area were not refused on highway safety grounds and it is clear that a moderate increase in traffic without unduly increasing the hazard to the public highway is acceptable.

The traffic levels in relation to application S/1427/06/F included the existing and proposed uses and were not known. In addition, the speed limit at that time along the A1198 was 60 miles per hour.

16. **Natural England** – Has no comments.

Representations

Local Member

17. Has concerns in relation to highway issues, the change of use to one of a commercial nature and the effect to the landscape and countryside surrounding.

Letters

18. 9 letters of representation have been received that **object** to the application on the following grounds: -
 - i) Increase in traffic on to the A1198 with poor visibility and a sharply undulating road.
 - ii) Increase in traffic on a private, single track access that is used by a significant amount of traffic and large agricultural machinery with a blind bend, one passing space, no footpaths and through a farmyard. Possible blockages to access.

- Disturbance to homes, young children and animals.
- iii) Increased in delivery vehicles and general activity from premises.
- iv) Increase in damage to track.
- v) Poor accessibility to services for daily needs and reliance on cars.
- vi) Increase in traffic would increase sense of urbanisation and erode the rural character and appearance of the countryside.
- vii) New buildings would not blend into landscape.
- viii) Undermine business of the Hardwicke Arms hotel.
- ix) Set a precedent for future similar developments.
- x) Historically restricted to one dwelling per plot.

19. 7 letters of representation have been received that **support** the application on the following grounds: -
- i) Good asset to the area that would give a different accommodation option and would enhance tourism.
 - ii) Increase trade for local businesses and boost the economy.
 - iii) Removal of current buildings that create an eyesore.

Applicants

20. The applicants have submitted the following in support of the application: -
- i) Would be happy to resurface the road and install speed reducing measures between the farm and the site to improve condition of Mill Lane.
 - ii) A mirror has already been placed at the bend to improve visibility for traffic using Mill Lane.
 - iii) Mill Lane is used by residents walking dogs and they step on to the verge to avoid motor vehicles.
 - iv) All residents of the holiday lets will be made aware of the working farm and navigating the area by foot.
 - v) The road has a good line of sight in each direction along the road where approaching vehicles can be seen and wait to pass. Although there is only one passing place, there is adequate space at the corners to pass and next to the farm.
 - vi) Some local produce will be held on site alongside provision of services that may otherwise require residents of the holiday lets to make journeys.
 - vii) The public footpath has been recently cleared.

Site and Surroundings

21. The site is located outside the Arrington village framework and in the countryside. No. 17 Mill Lane is a single storey bungalow that has an access driveway to its south eastern side leading to a detached garage to the rear. Beyond the garage and garden, there is a range of agricultural and storage buildings together with agricultural land. Access to the site is off Ermine Way (A1198) via a single width private road. The site is situated within flood zone 1 (low risk).

Proposal

22. The proposal seeks permission for the replacement of the existing buildings on the eastern boundary of the site with four holiday let units, conversion of the existing large building along the western boundary to a gym, office and garage and extension of the existing small building on the eastern boundary to a laundry room to provide ancillary facilities for the holiday lets. The existing digger store on the eastern boundary would be partially retained. Seven parking spaces would be provided. One small tree would be removed.

Planning Assessment

23. The key issues to consider in the determination of this application relate to the principle of development and the impacts of the development upon the character and appearance of the countryside, highway safety, neighbour amenity, biodiversity and trees/landscaping.

Principle of Development

24. The existing buildings on the site subject of the application were formerly used for agricultural and storage purposes. They are not in a particularly good state of repair.
25. The change of use, conversion or appropriate replacement of existing buildings not requiring large extension outside village frameworks to overnight visitor accommodation is supported in policy terms under policy ET/10 in order to boost the rural economy.
26. The development would result in the replacement of existing buildings without large extensions and is therefore considered acceptable in principle due to the demand in the area for visitor accommodation in the area due to the proximity to Cambridge and its small scale.
27. The provision of tourist accommodation that may be potential competition to an existing village facility whilst regrettable is unfortunately not a planning consideration that can be taken into account in the determination of this application.
28. A condition would be attached to any consent to control the use and limit the occupation of the building to holiday lets/ bed and breakfast accommodation only for a maximum period of 28 days in any one stay to ensure that it could not be used for permanent residential purposes. A condition would also be attached to any consent to ensure that the gym, office and garage are only used ancillary to the holiday lets/ bed and breakfast accommodation and not for residential or commercial purposes.
29. The proposal would therefore accord with Policy ET/10 of the LDF.

Character and Appearance of the Countryside

30. The existing buildings are low in scale and simple in form and design with an agricultural character and appearance.
31. The scale of the holiday let units would be greater than the existing in terms of the height of the buildings. However, the overall footprint and volume of the buildings would be substantially lower than the existing buildings on the site that are proposed to be demolished and they would be low in scale. The development is not therefore considered to result in large extensions that would result in a visually intrusive development that would seriously harm the openness and rural character and appearance of the countryside.
32. The holiday lets would be modern and simple in form and design. Although they are not considered to directly reflect the agricultural nature of the existing buildings, they are considered satisfactory and would not result in unacceptable domestic character and appearance that would harm rural character and appearance of the countryside.
33. A condition would be attached to any consent to agree the use of appropriate materials.

34. The proposal is not considered to result in an increase on domestic activity around the site and an increased sense of urbanisation that would erode the rural character of the countryside due to the leisure use and limited increase in traffic. The development is materially different to a residential use and is considered appropriate in rural locations.
35. The proposal would therefore comply with Policies DP/2 and DP/3 of the LDF.

Highway Safety

36. Mill Lane is a single width partly unmade private road with some bends and no footpaths that is located off the A1198. The A1198 is a busy straight but undulating road with speed limit of 50 miles per hour where it passes Mill Lane.
37. The development would result in an increase in traffic generation to and from the site.
38. The development is estimated through the use of TRICS data to result in traffic generation of 14 movements in a 15 hour period that would equate to less than one per hour. In the am peak, the development would generate less than one car per hour and the evening peak, 4 movements in total. This would generate a low level of traffic that is likely to be seasonal.
39. However, this needs to be compared to the existing traffic generation. Although the buildings are not currently used for agricultural purposes, they could be repaired and revert to their lawful use without planning permission. This would generate a low level of traffic including agricultural vehicles throughout the year.
40. The existing access serves 9 dwellings including farms and generates 80 to 100 movements per day from the evidence submitted by local residents.
41. The development would not significantly increase traffic to and from the site given that the estimated traffic levels are very low when compared to existing traffic levels using the access. The development is not therefore considered to adversely affect the capacity and functioning of the public highway and be detrimental to highway safety.
42. The access width and vehicular visibility splays at the point where the private track meets the A1198 are acceptable as they accord with Local Highways Authority standards.
43. The increase in traffic is not considered to have an adverse impact upon vehicle and pedestrian users of the private road due to the limited increase in traffic levels and low speed of traffic using the road.
44. Although the road is narrow with no footpaths, has limited passing places and consists of two sharp bends, vehicles would see traffic approaching along the straight sections of the road at long distances and move to one side where possible and wait for it to pass before continuing their journey. At the bends, vehicles would be more cautious and be travelling at lower speeds. Pedestrians would be more aware of vehicles if they are using a road and would move on to the grass verge when traffic approaches.
45. The narrow width of the road and low increase in traffic is not considered to result in significant blockages that would restrict access for nearby residents. There is ample space on the site to accommodate all vehicles in connection with the use.

46. The road is used by agricultural machinery and it passes a farmyard. Vehicles and pedestrians using the road would be aware of potential large agricultural vehicles given the rural location and presence of farms along the private road.
47. The speed bumps and surface of the road particularly the unmade section would reduce speeds further.
48. Any impact on the surface of the road through its increased use in relation to its maintenance is a civil matter between the parties that own and use the track and is not a planning consideration that can be taken into account in the determination of this application.
49. Whilst the proposal is situated at significant distances from services and facilities and would result in sole reliance upon the motor vehicle, the number of trips would be limited due to the nature of the leisure use and the lack of need to travel for education and employment purposes. Basic shopping supplies would be available on site.
50. The village of Arrington and Wimpole Hall are within reasonable walking and cycling distance of the site for the occupiers of the holiday lets.
51. The proposal would therefore comply with Policies TR/1 and DP/3 of the LDF.
52. Seven parking spaces would be provided on the site for the holiday let units that is considered satisfactory.
53. The proposal would therefore comply with Policy TR/2 of the LDF.

Neighbour Amenity

54. The development is not considered to adversely affect the amenities of neighbours through an unacceptable increase in the level of noise and disturbance due to the low increase in the level of traffic generated and the distance from neighbouring dwellings.
55. The new buildings would be low in scale and set off the boundary from the nearest neighbours.
56. A condition would be attached to any consent to control the hours of operation of site machinery and construction related deliveries to protect neighbours from noise and disturbance during demolition and construction.
57. The proposal would therefore comply with Policy DP/3 of the LDF.

Biodiversity

58. The site is located within the risk impact zone of the Eversden and Wimpole Woods Site of Special Scientific Interest (local importance)/Special Area of Conservation (national importance).
59. The interest features of these designated sites are a mixture of ancient coppice woodland (Eversden Wood) and high forest woods likely to be of more recent origin (Wimpole Woods). A colony of barbastelle bats is associated with the trees in Wimpole Woods. These trees are used as a summer maternity roost where the female bats gather to give birth and rear their young. Most of the roost sites are within tree crevices. The bats also use the site as a foraging area. Some of the woodland is also used as a flight path when bats forage outside the site.

60. The development is not considered to adversely affect these sites of biodiversity importance due to the significant distance from the site and lack of bat roost features in the buildings.
61. The site comprises a number of agricultural and storage buildings. A bat survey has been submitted with the application. An assessment of the buildings has been carried out to determine if they are suitable for roosting bats.
62. The buildings are considered to have negligible potential to support bats and no evidence of bats has been found on site. There was also no evidence of breeding birds. The demolition of the existing buildings are not considered to result in the loss of any habitats for protected species. However, informatives would be attached to any consent to ensure that the buildings and vegetation are not removed during the bird breeding season.
63. A condition would be attached to any consent secure ecological enhancement measures to add to biodiversity.
64. The proposal would therefore comply with Policies NE/6 and NE/7 of the LDF.

Trees and Landscaping

65. The proposal would result in the removal of one tree. This is not considered to be significantly important to the visual amenity of the area and is considered acceptable.
66. A landscaping condition would be attached to any consent to agree compensatory planting on order to soften the impact of the development upon the countryside.
67. The proposal would therefore comply with Policy NE/6 of the LDF.

Other Matters

68. A condition would be attached to any consent to secure a detailed investigation and remediation of any contamination found on the site to protect the health of future occupiers and groundwater.
69. The conditions requested in relation to surface and foul water disposal are not considered necessary given that these matters are covered under building regulations.
70. Each application will be considered on its own merits and any consent given would not set a precedent for future developments.
71. The issue raised by the Parish Council in relation to the development not being in accordance with Policy SE/8 in the Local Plan, Policy P1/2 in the Structure Plan and advice in PPS7 are not relevant to this proposal as they refer to development of dwellings. These policies and guidance are also out of date.

Conclusion

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

Recommendation

73. Approval subject to the planning conditions and Informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission:

Conditions

- i) 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.)
- ii) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 01B, 02B, 04 and 10.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- iii) The building shall only be used for holiday accommodation/bed and breakfast accommodation for a maximum of 28 days in any one stay and shall not be used for permanent residential accommodation.
(Reason – The development is for tourist accommodation only in accordance with Policy ET/10 of the adopted Local Development Framework 2007.)
- iv) The gym, office and garage hereby approved shall only used ancillary to the use of the holiday accommodation/ bed and breakfast accommodation and shall not be used for other residential or commercial purposes.
(Reason – The development is for tourist accommodation only in accordance with Policy ET/10 of the adopted Local Development Framework 2007.)
- v) No development above foundation level shall commence 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.)
- vi) No development shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall 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.)
- vii) 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.)

viii) No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme 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.

(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

ix) No development approved by this permission shall be commenced, unless otherwise agreed, until:

a) The application site has been subject to a detailed desk study, including site walkover and preliminary Conceptual Site Model, to be submitted to and approved by the Local Planning Authority.

b) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.

c) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.

(Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

x) No development approved by this permission shall be commenced, unless otherwise agreed, until 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, in accordance with the approved scheme.

(Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

xi) If, during remediation and/or construction works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

(Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

xii) No site or plant machinery shall be operated and no construction related deliveries taken or dispatched from the site except between 0800 hours and 1800 hours

Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Bank Holidays.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

Informatives

i) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

ii) Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub, and buildings are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

iii) Works should proceed with caution and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0300 0603900, or the Cambridgeshire Bat Group www.cambsbatgroup.org.uk

iv) There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.

v) Before the existing property is demolished, a Demolition Notice will be required from the Building Control section of the council's planning department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working.

vi) 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 suppression 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 the Environmental Health Service.

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 Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File References S/1178/18/FL, S/1427/06/F, S/0328/05/F, S/0378/03/F

Report Author:

Karen Pell-Coggins
Telephone Number:

Senior Planning Officer
01954 713230

This page is left blank intentionally.



FOR INTERNAL USE ONLY

Scale - 1:10000

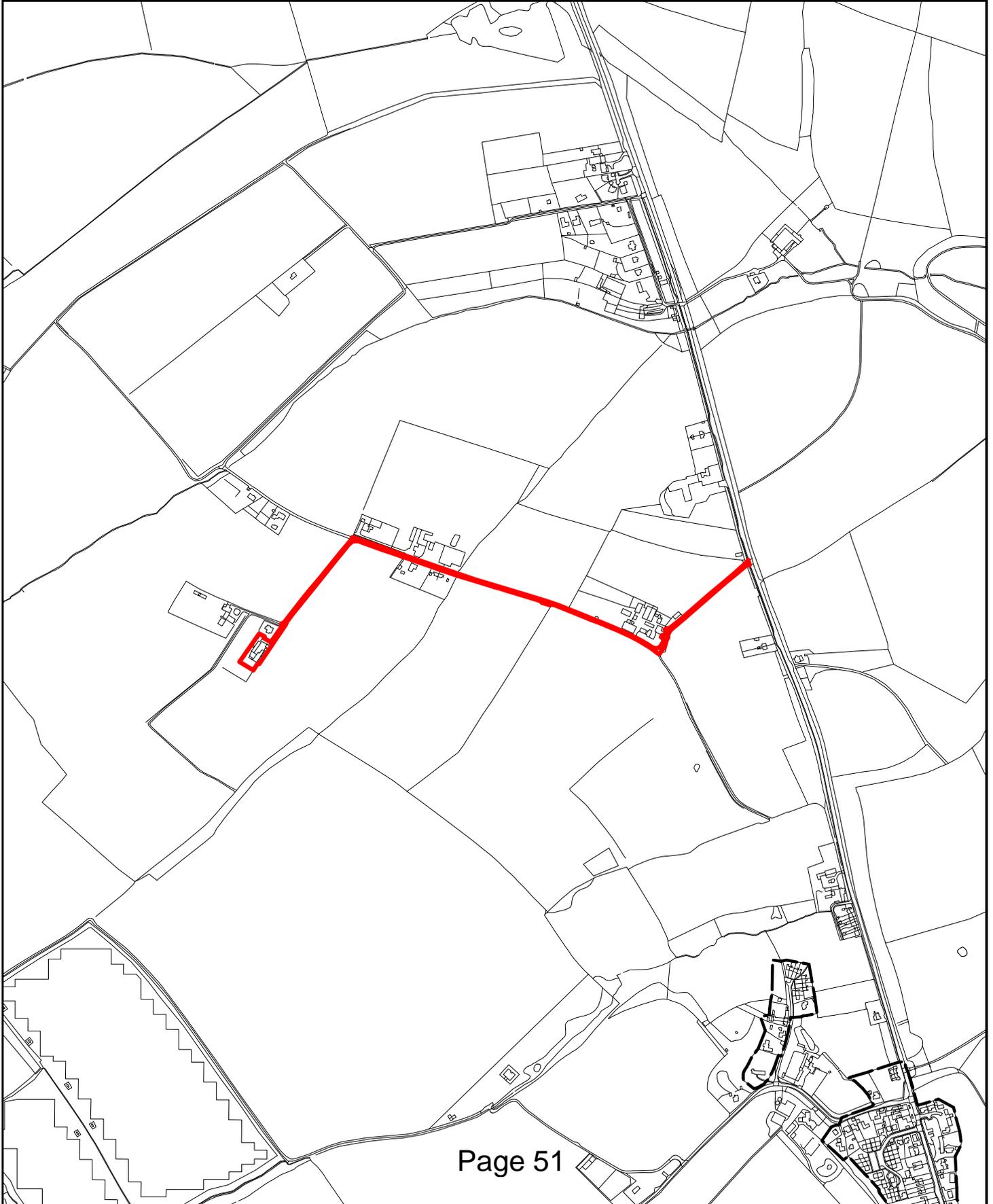
Time of plot: 10:41

Date of plot: 22/06/2018



**South
Cambridgeshire
District Council**

© Crown copyright [and database rights] (2015) OS (100022500)



This page is left blank intentionally.

Agenda Item 6

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

11 July 2018

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/1373/18/FL

Parish(es): Hinxton

Proposal: Single storey detached dwelling with basement, detached garage and parking

Site address: Land Adjacent to Pettetts Barn, High Street

Applicant(s): Mr and Mrs Fagg

Recommendation: Refusal

Key material considerations: Principle of Development
Character and Appearance of the Area
Heritage Assets
Important Countryside Frontage
Highway Safety
Neighbour Amenity
Biodiversity
Trees/ Landscaping

Committee Site Visit: Yes

Departure Application: Yes

Presenting Officer: Karen Pell-Coggins, Senior Planning Officer

Application brought to Committee because: Request from Local Member and Hinxton Parish Council

Date by which decision due: 13 July 2018 (Extension of Time agreed)

Planning History

1. S/0202/93/F - Change of Use from Agricultural to Garden/Paddock – Approved
Condition 1 removed permitted development rights for outbuildings, hard surfaces, walls, fences, gates and accesses in order to protect the open character of the area from inappropriate development.

Environmental Impact Assessment

2. The application does not fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and would not exceed the criteria in section 10b of Schedule 2 of the regulations. The application does not therefore require the submission of an Environmental Impact Assessment.

National Guidance

3. National Planning Policy Framework 2012
National Planning Practice Guidance

Development Plan Policies

4. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**
ST/2 Housing Provision
ST/7 Infill Villages
5. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/1 Density
CH/4 Development within the Setting of a Listed Building
CH/5 Conservation Areas
CH/7 Important Countryside Frontages
NE/6 Biodiversity
NE/7 Sites of Biodiversity or Geological Importance
NE/11 Flood Risk
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
District Design Guide SPD - Adopted March 2010
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
Open Space in New Developments SPD - Adopted January 2009
7. **Submission Local Plan 2014**
S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/7 Development Frameworks
S/11 Infill Villages
HQ/1 Design Principles
H/7 Density
NH/4 Biodiversity
NH/5 Sites of Biodiversity or Geological Importance
NH/13 Important Countryside Frontage
NH/14 Heritage Assets
CC/9 Managing Flood Risk
SC/6 Indoor Community Facilities
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
TI/2 Planning for Sustainable Travel

Consultation

8. **Hinxton Parish Council** – Has no recommendation but requests that the application is considered by the planning committee.
9. **Conservation Officer** – Comments that the proposed dwelling would encroach on and limit views out of the conservation area to the surrounding countryside on this corner site where the High Street and North end Road meet on a curve. There is some uncertainty over the extent to which these views would be limited, in particular it is not clear if, or to what extent, views would be retained through a corridor south of the building. The graphic representations do not show this view and the landscaping scheme shows a row of trees along the western boundary. It is not clear to the extent that the land would remain visually open.

The rural village character of Hinxton Conservation Area is strongly informed by the gentle curved High Street abutted by buildings (many of which are listed) with important gaps between buildings and open stretches of land which bring the countryside into the built environment of the village.

Due to the profile and positioning of the proposed dwelling, set well away from the High Street, it will not affect views south from any point on the High Street and will not become apparent when travelling north along the High Street until past No. 86 where views are less significant and primarily towards the 20th century buildings on North End Road.

The dwelling will have no or minimal impact when arriving in Hinxton both in views along North End Road and looking through gaps from North End Road towards the village. There will also be a minimal impact upon views from the east across the countryside towards the village.

The site does not encroach into agricultural land but is contained within fenced off land which has a more domestic character. Given the location and of the site and its character, views east over the site is considered to contribute less to the significance of the conservation area.

However, despite this lower level of contribution to the significance of the conservation area in terms of connecting the heart of the village to the countryside, the site's contribution is not neutral or negative and the loss of this open space will have an adverse effect on the character of the conservation area. The proposed dwelling and landscaping will encroach on views looking east across the corner site. It is considered that this will cause harm to the conservation area through encroachment on one of the open spaces which informs the special character of the conservation area. However, the harm overall is considered to be limited and localised and in terms of the NPPF, a low level of less than substantial harm.

Further comments that Pettetts Barn and Nos. 82-84 High Street are two listed buildings (grade II) and form part of a small cluster of buildings to the east side of the northern part of High Street. Their setting strongly contributes to their significance; this includes their position on a curve in the High Street, the open space to their north and south, and the immediate connection to the countryside to the east.

The dwelling would not affect key views north or south along the High Street towards

Nos. 82-84. Due to its low profile and positioning, it is unlikely to affect glimpsed views towards Hinxton and the listed buildings when travelling west along North End Road, and would have a minimal impact on views from the east across the countryside towards the listed buildings. Aside from the impact on views, the positioning of the dwelling (primarily right of a line extending from the rear building line of Pettetts Barn) retains the legibility of the listed buildings as a disconnected group on the High Street; further the proposed dwelling does not impede their direct connection to the countryside.

It is considered that the proposed dwelling preserves the significance of these listed buildings.

10. **Trees and Landscapes Officer** – Has no objections. Comments that a tree survey, arboricultural implications assessment, tree protection plan and arboricultural method statement has been submitted with the application that is sufficient. A number of trees have been identified for removal that is regrettable. Further planting has been identified. Requires a condition to submit a detailed landscape plan given that the planting is to mitigate the loss of the trees on site.
11. **Ecology Officer** – Has no objections. Comments that the development is unlikely to negatively affect the nearby River Cam County Wildlife Site. A preliminary ecological appraisal has been submitted with the application that has provided evidence that preventative mitigation will remove residual impacts to ecological receptors and no further surveys are required. Requires conditions to secure the mitigation scheme and features to enhance biodiversity.
12. **Drainage Officer** – Has no objections subject to conditions in relation to surface water and foul drainage.
13. **Environmental Health Officer** – Requests a condition in relation to hours of work and construction related deliveries and the burning of waste. Also suggests informatives with regards to disturbance to neighbours through noise and dust and pile driven foundations.
14. **Local Highways Authority** – Requires conditions in relation to pedestrian visibility splays, levels of the access to fall away from the public highway, construction of the driveway using bound material, sufficient space on site for parking and turning, the removal of permitted development rights for gates and the submission of a traffic management plan during works. Also requests an informative with regards to works to the public highway.
15. **Historic England** – Comments that the specialist advice of the Council's conservation team should be sought.

Representations

Local Member

16. Supports the application for the following reasons: -
 - i) The plan is for a single story building with some basement construction.
 - ii) Provided the screening is done properly with hedging and some trees there is adequate screening without being obtrusive to neighbours. This referred to by residents at No. 111 High Street.
 - iii) The village integrity can be maintained with such a lower impact development.
 - iv) The neighbours in North End Rd seem to be supportive.

Former Local Member

17. Comments that the proposal has been modified since the pre-application stage through the location of the footprint to the north east, a smaller ground floor footprint and a basement, a flat green roof and a monopitch timber barn on the boundary. The submitted photographs are significant when coming to a decision. The development would not be prominent when viewed from North End Road and the green roof would minimise the building's impact upon the surroundings. Long distance views to the east from the High Street are impacted by some extent by the flint wall on the western side of the site and the smaller footprint of the building would have less of an impact than the pre-application design. Supports the application with its innovative design and considers that the changes to the design since the pre-application advice result in a development that would not adversely affect the character and appearance of the area.

Letters

18. 3 letters of representation have been received that **object** to the application on the following grounds: -
- i) Tree line adjacent to the High Street would result in a loss of light to dwellings.
 - ii) Trees would be ineffective during winter time when not in leaf.
 - iii) Modern style of the house would not be in keeping with the predominantly traditional style of the village.
 - iv) Impact upon the character and appearance of the conservation area.
 - v) Precedent for ultra contemporary developments in the village.
 - vi) Overshadowing, overlooking and loss of privacy.
 - vii) Damage to fauna and established tree line would increase noise and disturbance as it currently provides a sound barrier from the A1301.
19. 11 letter of representation have been received that **support** the application for the following reasons:-
- i) Innovative, high quality and interesting development that will make sensitive use of this important corner site, add diversity and blend with the existing environment.
 - ii) Infill development to provide housing.
 - iii) Minimal and low key visual impact.
 - iv) Good plot sizes.
 - v) Materials should be in keeping with the local setting.
 - vi) Development would recognise the value of incremental change in a village context.
 - vii) Functional building that would not compete with older buildings.
 - viii) Driveway entrance would hopefully cause minimal disruption to houses opposite.
 - ix) Eco credentials.

Applicants Agent

20. The applicant's agent has raised the following points in support of the application: -
- i) The site is outside the development limits and technically in the countryside but the site cannot be said to be isolated in the meaning of paragraph 55 of the NPPF.
 - ii) The development is not speculative but downsizing to allow the applicants to remain in the village.
 - iii) The site is highly sustainable and well located with regard to village facilities.
 - iv) Considerable time and care has been taken to inform residents of the proposals.
 - v) The new dwellings will be subservient to existing buildings and not result in an overbearing impact. A section plan shows the relationship.
 - vi) The submitted images are accurate and give a true representation of the

development.

vii) There is only one instance where overshadowing would take place of houses in North End Road at 10am on 21 December. Shadow diagrams show this impact.

viii) The development has been designed to be inward looking and the nearest elevations would be 23 metres from houses in North End Road and 31 metres from houses in the High Street so would not result in overlooking.

ix) The trees along the western boundary would be small native trees to create privacy and prevent overlooking from the High Street. There is no right of view across the site.

x) Design is a subjective issue and many local residents support the proposal. It is considered in keeping with the area.

xi) Additional planting would be introduced to compensate for the trees lost and reduce noise from the main road.

xii) The area is considered to have changed significantly since the decision to change the use of the land and the area now has a residential character rather than a rural character.

Site and Surroundings

21. The site is located outside the Hinxtton village framework and in the countryside. The northern and western boundaries form important countryside frontages. It is situated partly within the conservation area and adjacent to a number of listed building including the grade II* The Oak House, High Street. The site currently comprises garden/paddock land to Pettets Barn and a number of trees. A historic red brick herringbone pattern wall aligns the High Street boundary. A post and wire fence and trees align North End Road. A hedge aligns the eastern boundary. A 1.8 metre high fence forms the southern boundary. The site is elevated above road level. It lies within flood zone 1 (low risk).
22. A row of modern dwellings are situated to the north along North End Road. Open arable land lies to the east. Pettets Barn and a number of older residential properties are situated to the south and east.

Proposal

23. The proposal seeks planning permission for the erection of a dwelling and garage. The dwelling would be situated on the northern part of the site. It would be single storey in height with a basement below ground level. The building would have two sections that would consist of a timber clad element with a timber monopitch roof design and brick element with a flat green roof design. The garage would be situated on the eastern part of the site and have materials to match the dwelling. A new access would be created from North End Road. A small copse of trees would be removed.

Planning Assessment

24. The key issues to consider in the determination of this application are the principle of the development and the impacts of the development upon the character and appearance of the countryside, heritage assets, trees, neighbour amenity and highway safety.

Principle of Development

25. The site is located outside the Hinxtton village framework and in the countryside where only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will permitted.

26. The erection of one dwelling is not supported in policy terms.
27. The proposal would therefore be contrary to Policy DP/7 of the LDF.
28. Hinxton is identified as an Infill Village where there are a low level services and facilities and residential developments with of up to two dwellings size are supported in policy terms in village frameworks that result in the subdivision of an existing residential curtilage.
29. Whilst the erection of one dwelling would accord with the scale allowed in such settlements, the location outside the village framework is not acceptable in principle.
30. The proposal is therefore contrary to Policy ST/7 of the LDF.
31. As of Monday 21 May 2018, South Cambridgeshire District Council considers that it can demonstrate a five-year housing land supply. This means the Council can demonstrate that there is enough land readily available to meet the number of homes that need to be built over that period.
32. The above policies are now considered to be up to date to which full weight can be attached as the Council now has a 5 year housing land supply.

Density

33. The site measures approximately 0.17 of a hectare in area. The erection of one dwelling would equate to a density of 6 dwellings per hectare. Whilst this would not meet the policy requirement of at least 30 dwellings per hectare for villages such as Hinxton, it is considered acceptable given the low density character and appearance of the area.
34. The proposal would therefore accord with Policy HG/1 of the LDF.

Character and Appearance of the Countryside

35. Whilst the boundaries of the site comprise features such as walls and landscaping, the majority of the site is open and undeveloped garden/ meadow land that has a rural character and appearance.
36. Planning policies states that developments should seek to preserve or enhance the character of the local area and not have an adverse impact upon village character, the countryside and landscape character.
37. The High Street in Hinxton comprises a linear pattern of development with a series of open spaces behind historic walls with open countryside beyond. This is considered a distinctive part of the character and appearance of the village.
38. Whilst the land is now garden/paddock, the open and rural character of the site was retained when planning permission was granted for change of use as permitted development rights were removed at that time for the erection of outbuildings. This was in order to protect the character and appearance of the countryside.
39. The development would lead to the loss of a copse of trees and garden/paddock land and the introduction of a dwelling that would have a considerable mass of built form that would extend across a large part of the site. Although it is noted that the building would be single storey in height from ground level, it would be clearly visible from

public views above the existing boundary wall that aligns the High Street.

40. This would substantially enclose the existing open gap between existing residential properties to the north and south and lead to a significant domestic use of the land that would result in a loss of openness and a visually intrusive development that would detract from the openness and rural character and appearance of the countryside.
41. Notwithstanding the above, the introduction of an access along the northern boundary of the site and garage would further domesticate the character of the site.
42. The applicant's agent has referenced an appeal decision for an infill development in the Green Belt. This site is not considered directly comparable to the appeal site as although it is a site in the countryside between existing development in the High Street and North End Road and would not accord with paragraph 55 in relation to isolated dwellings in the countryside, it is considered that the application site forms an important part of the character of the village which is a significant material consideration.
43. In any case, the appeal case would not set a precedent and each application should be determined upon its own merits.
44. The development is not considered to adversely affect the landscape character of the area given that the site is physically detached from the surrounding countryside through hedgerow along the eastern boundary.
45. The proposal is therefore contrary to Policy DP/3 of the LDF.

Important Countryside Frontages

46. The northern and western boundaries of the site are designated as important countryside frontages. These designations form an important part of the distinct village character of Hinxton as they provide important and undeveloped open spaces between groups of buildings that bring the countryside into the village.
47. Whilst it is acknowledged that the use of the land is garden/paddock, these designations were carried forward under the current LDF and remain in the emerging Local Plan. One representation has been received from the ex Local Member that supports the continuation of the designations in Hinxton. No objections have been received. Therefore, considerable weight can be attached to this policy.
48. The development is considered to conflict with the purposes of this designation as it compromises land that penetrates or sweeps into the built-up area providing a significant connection between the street scene and the surrounding rural area
49. Whilst the land is garden/paddock land and there is a hedge along the eastern boundary of the site adjacent to the surrounding arable land, the land is open and undeveloped and remains as countryside that is an important feature of the character of the village as discussed above.
50. The proposal is therefore contrary to Policy CH/7 of the LDF.

Heritage Assets

51. The site is located partly within the conservation area and within the setting of a number of listed buildings.

52. Planning policies state that development that affects heritage assets should be determined in accordance with national policy and legislative provisions.
53. Paragraph 132 of the NPPF states that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
54. Paragraph 134 of the NPPF states that where a development proposal 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.

Conservation Area

55. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard shall be paid to desirability of preserving or enhancing the character or appearance of conservation areas.
56. The development would encroach on and limit views out of the conservation area to the surrounding countryside on this corner site.
57. The rural character of the Hinxtton conservation area is strongly informed by the gently curved High Street abutted by buildings (many of which are listed) with important gaps between buildings and open stretches of land which bring the countryside into the built environment of the village.
58. The dwelling would not affect views south from any point on the High Street and will not become apparent when travelling north along the High Street until past No. 86 where views are less significant and towards the modern buildings on North End Road. The dwelling will have no or minimal impact when arriving in Hinxtton along North End Road and across agricultural land from the east.
59. The site does not encroach into agricultural land but is garden land with a more domestic character. Given the location of the site and its character, views over the site are considered to contribute less to the significance of the conservation area than other areas of open land along the High Street.
60. However, despite this lower level of contribution, it is not negative or neutral and the loss of this space will still have an adverse effect on the character of the conservation area. The dwelling will encroach on views looking east across the corner site from the High Street. It is considered that this will cause harm to the conservation area through encroachment on to one of the open spaces that informs the special character of the conservation area. The harm is considered to be limited and localised and is therefore defined as a low level of less than substantial harm in NPPF terms.
61. The site is surrounded by traditional buildings to the south and east and modern buildings to the north.
62. Planning policies state that all new development must be of high quality design and be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area.

63. The siting of the dwelling a significant distance back from the High Street, single storey scale, simple form and contemporary design and materials would create variety and interest within the street scene that would reflect existing barn features of the village and introduce a style of development appropriate to its time.
64. The harm to the conservation area needs to be weighed against the public benefits of the proposal. In this case, the provision of one dwelling that would give a low level of contribution to local services and employment during construction is of limited public benefit and is not considered to outweigh the low level of less than substantial harm to the special character of the conservation area. The development is considered to neither preserve nor enhance the special character and appearance of the conservation area.
65. The proposal is therefore contrary to Policy CH/5 of the LDF.

Listed Buildings

66. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to preserving or enhancing the character or appearance of a Listed Building.
67. The Oak House is a grade II listed building that it located on the western side of the High Street opposite The Old Byre.
68. The dwelling would not affect key views of the building from the High Street or glimpsed views of the listed building when travelling along North End Road. It would have a minimal impact upon views from the east across countryside to the village. The position of the building would retain the legibility of the listed building.
69. Pettetts Barn and Nos. 82-84 High Street are two grade II listed buildings that form part of a small cluster of buildings to the east side of the northern part of the High Street. Their setting strongly contributes to their significance; this includes their position on a curve on the High Street, the open space to their north and south and their immediate connection to the countryside to the east.
70. The dwelling would not affect key views of the buildings from the High Street or glimpsed views of the listed buildings when travelling along North End Road. It would have a minimal impact upon views from the east across countryside to the village. The position of the building would retain the legibility of the listed buildings as a disconnected group on the High Street and would not impede their connection with the countryside.
71. The proposal would therefore accord with Policy CH/4 of the LDF.

Highway Safety

72. North End Road is a straight road with a speed limit of 30 miles per hour.
73. Planning policies state that all development proposals should provide appropriate access from the highway network that does not compromise safety.
74. The development would not result in a significant increase in traffic generation. The new access on to North End Road is acceptable as its width and visibility splays would accord with Local Highways Authority standards. The development would not be detrimental to highway safety subject to conditions in relation to pedestrian visibility

splays, levels of the access to fall away from the public highway, construction of the driveway using bound material, sufficient space on site for parking and turning, the removal of permitted development rights for gates and the submission of a traffic management plan during works.

- 75. The proposal would therefore comply with Policies TR/1 and DP/3 of the LDF.
- 76. Two parking spaces and a turning area would be provided on site to ensure that vehicles can enter and exit the site in forward gear and park clear of the public highway.
- 77. The proposal would therefore accord with Policy TR/2 of the LDF.

Neighbour Amenity

- 78. The nearest residential properties to the site are along the High Street to the south and west and along North End Road to the north.
- 79. Planning policies states that development should not adversely affect neighbour amenity.
- 80. The development is not considered to result in an unduly overbearing mass, significant loss of light, severe loss of privacy or an unacceptable level of noise and disturbance that would adversely affect neighbours given the siting of the dwelling at least 25 metres from the nearest property and low single storey scale.
- 81. A section drawing towards the properties and shadow diagrams have been submitted that show the height of the building in relation to existing properties and the impact of the development upon sunlight to demonstrate the relationship which is considered satisfactory.
- 82. The landscaping details that comprise a number of trees along the western boundary are not considered acceptable and would be reserved by condition.
- 83. Conditions would be attached to any consent in relation to the hours of use of site machinery and construction related deliveries to minimise the impact of noise and disturbance to nearby residents.
- 84. The proposal would therefore accord with Policy DP/3 of the LDF.

Trees/ Landscaping

- 85. The site consists of a number of trees and landscaping. Planning policies seek to ensure that development would be sensitive to local features of landscape Importance.
- 86. The proposal would result in the loss of a small copse of trees to the north east of the site and landscaping along the northern boundary of the site to accommodate the development.
- 87. Whilst the loss of the trees is regrettable, it is not considered to have a significant unacceptable impact upon the visual amenity of the area given the low quality and immaturity of the trees to be removed. The most important category A Ash tree on the southern boundary and category B Elm tree on the northern boundary would be retained and protected.

88. New tree planting would compensate for the trees lost. However, the precise landscaping details would be reserved by condition to ensure the character and appearance of the area is retained.
89. The proposal would therefore comply with Policy NE/6 of the LDF.

Biodiversity

90. The site comprises grassland, trees and hedges. A Preliminary Ecological Appraisal has been submitted with the application.
91. Planning policies require developments to maintain, enhance, restore or add to biodiversity.
92. The report concludes that the site was unsuitable for roosting bats with negligible opportunities for roosting and low in ecological value for a significant quantity of foraging bats. No signs or evidence of badgers, hedgehogs or other protected or UK priority mammals were not found on or adjacent to the site. The site and adjacent habitats were low in suitability and potential for reptiles and due to the small scale of the development, the risk of presence and potential for impact is very low. The site is low in ecological value or potential for amphibians and ponds were not identified within 500m of the site. The risk of presence or potential for impact to amphibians of any species is very low. It is possible that occasional protected or UK priority birds might visit the site. However significant use by foraging or nesting protected or UK priority birds was highly unlikely, though nesting by common and widespread garden birds is possible in trees and shrubs on the site. The site is low in ecological value for invertebrates of conservation concern.
93. Recommendations such as reduced external lighting, removal of vegetation outside the main bird breeding season, the covering of excavations overnight are suggested to mitigate the impact of the development upon protected species and this would be a condition of any consent.
94. The proposed development was highly unlikely to impact negatively on botanically important habitats. However, the site does support a small population of bee orchids of local botanical interest.
95. Recommendations are suggested to protect/conservate this species in the form of transplantation to another area of the garden.
96. The development would not therefore result in the loss of any protected species subject to a condition to be attached to any consent to secure the recommendation of the ecologist.
97. Ecological enhancement in the form of bird and bat boxes is suggested and this would need to be a condition of any consent in order to add to biodiversity.
98. The proposal would therefore comply with Policy NE/6 of the LDF.
99. The River Cam County Wildlife Site is located 500 metres from the site. It is designated for its relatively unmodified banks.
100. The development would not adversely affect the interest features of this important site of biodiversity interest.

101. The proposal would therefore comply with Policy NE/7 of the LDF.

Developer Contributions

102. Planning policies state that planning permission will only be granted for proposals that have made suitable arrangements towards the provision of infrastructure necessary to make the scheme acceptable in planning terms.

103. Regulation 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development of the obligation is: -

- i) Necessary to make the development acceptable in planning terms;
- ii) directly related to the development; and,
- iii) fairly and reasonably related in scale and kind to the development.

104. The need for contributions towards open space and community facilities is not considered necessary in this case to make the development acceptable in planning terms given its small scale.

105. The Written Ministerial Statement (WMS) dated 28 November 2014 states due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought is a material consideration in relation to this matter.

106. The development is for one dwelling that has a gross floor space that would not exceed 1000 square metres. This would fall under the thresholds set out above.

107. Whilst the proposal would not therefore accord with Policies DP/4, SF/10 and SF/11 of the LDF and Policies SC/6, SC/7, SC/8 and TI/8 of the emerging Local Plan, it would accord with the WMS. This material consideration should be given significant weight due to compliance with national policy.

Other Matters

108. Surface water drainage and foul drainage are covered under building regulations and it is not therefore considered necessary to attach conditions to any consent in relation to these matters.

Conclusion

109. The development would result in harm to the special character and appearance of the conservation area, conflict with the important countryside frontage designation and adversely affect the character and appearance of the countryside. Whilst the harm to the conservation area is a low level of less than substantial harm, there are limited public benefits in the form of the provision of one dwelling along with a small contribution to local services and some employment during construction that would outweigh this harm. In addition, there is significant harm through the conflict with important countryside frontage designation and the character and appearance of the countryside.

110. 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

111. Refusal

Reasons

i) The site is located outside the Hinxton village framework and in the countryside. Residential developments are not considered acceptable as a matter of principle in such locations in order to protect the character and appearance of the countryside. The proposed development would result in the loss of an open and undeveloped site in the countryside, part of which is designated as an Important Countryside Frontage. The site is considered to form an essential part of the village character of Hinxton that comprises groups of buildings along the High Street separated by open spaces behind historic walls designated as important countryside frontages that bring the countryside into the village. Whilst the land is garden/paddock land, the development would encroach into this area and lead to a visually intrusive development when viewed from the High Street that would result in the loss of openness and rural character. The proposal is therefore contrary to Policies DP/3, DP/7 and CH/7 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on village character and the countryside.

iii) The proposed development would result in the loss of an open and undeveloped site in the countryside that makes a positive contribution to the character and appearance of the conservation area. Whilst the development would affect the less significant outer part of the conservation area away from the historic core of the village and lead to a low level of less than substantial harm to heritage assets, the limited public benefits of the proposal are not considered to outweigh this harm. The proposal is therefore contrary to Policy CH/5 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states development proposals in Conservation Areas will be determined in accordance with legislative provisions and national policy and guidance contained in specific Conservation Area Appraisals (where they exist) and the District Design Guide.

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 Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File References S/1373/18/FL and S/0202/93/F

Report Author:

Karen Pell-Coggins
Telephone Number:

Senior Planning Officer
01954 713230



FOR INTERNAL USE ONLY

Scale - 1:2500

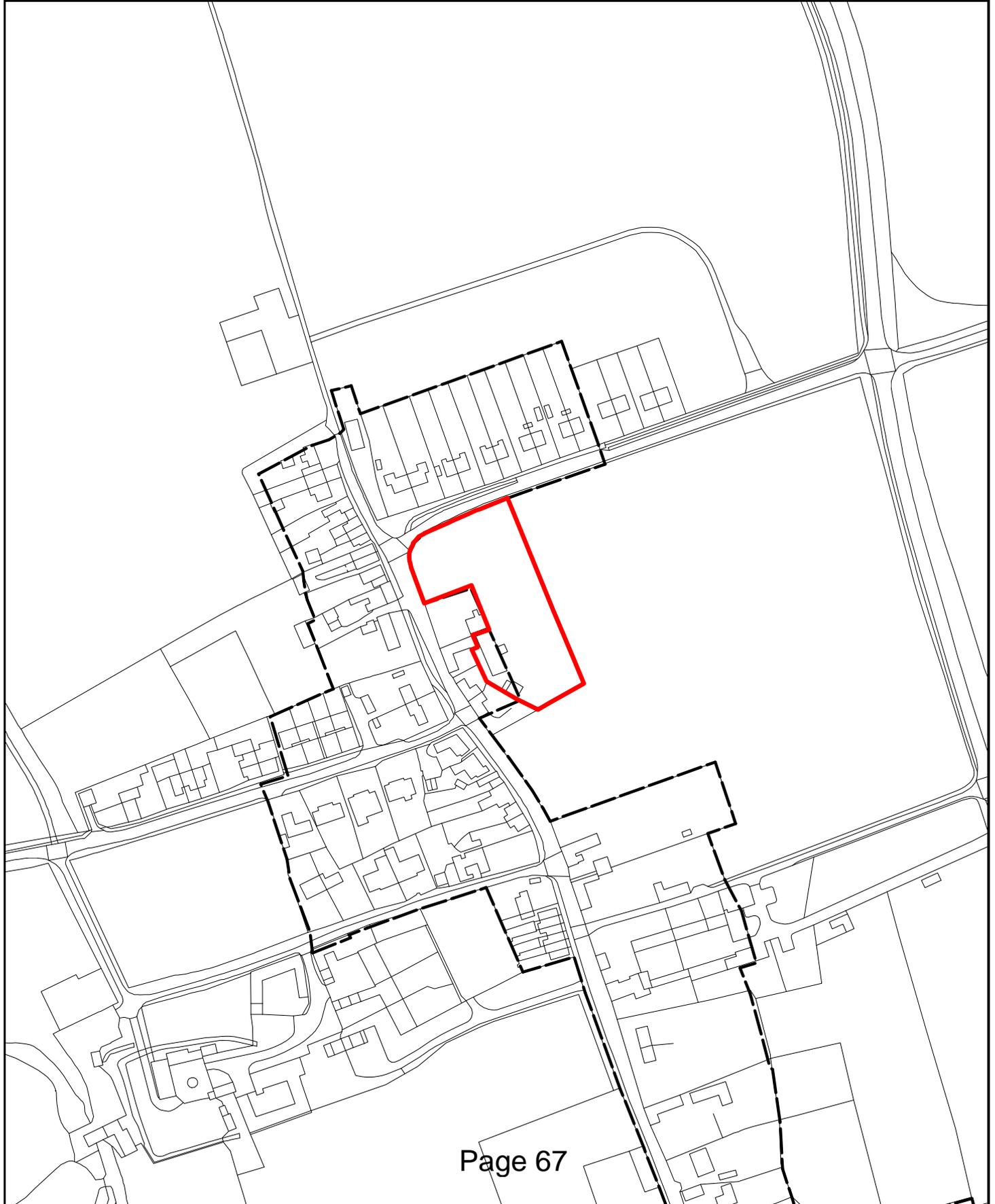
Time of plot: 10:45

Date of plot: 22/06/2018



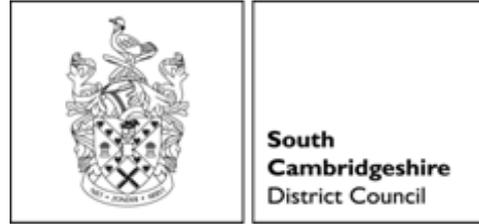
**South
Cambridgeshire
District Council**

© Crown copyright [and database rights] (2015) OS (100022500)



This page is left blank intentionally.

Agenda Item 7



REPORT TO: Planning Committee

11 July 2018

LEAD OFFICER: Joint Director of Planning & Economic Development

Enforcement Report

Purpose

1. To inform Members about planning enforcement cases, as at 26 June 2018. Summaries of recent enforcement notices are also reported, for information.

Executive Summary

2. There are currently 101 active cases (Target is maximum 150 open cases, Stretch target 100 open cases).
3. 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.
4. Statistical data is contained in Appendices 1, and 2 to this report.

Updates to significant cases

5. Updates are as follows:

(a) **Stapleford:**

Breach of Enforcement Notice on Land adjacent to Hill Trees, Babraham Road. Following continuing breaches of planning at this location an Injunction was approved by the High Court 17th November 2015, The compliance period to remove unauthorised vehicles and to cease unauthorised development represented by the commercial storage, car sales and non-consented operational works that have occurred there was by January 26th 2016. An inspection of the land on the 26th January 2016 revealed that the unauthorised motor vehicles, trailers, caravans etc. had along with the unauthorised track been removed from the land as required by the Injunction. The displaced vehicles have now been moved onto land at Little Abington owned by the occupier of Hill Trees and onto land adjacent to Hill Trees that belongs to Gonville and Caius College, Cambridge. Both parcels of land are the subject of extant enforcement notices. Currently advice has been sought through Counsel on the most effect route in dealing with this displacement and on balance it is felt that a High Court injunction, particularly given the recent

successful outcome at Hill Trees and related planning history, including various unsuccessful challenges, is made to remedy the identified breaches. Case file currently in preparation.

File prepared and instruction given to apply for a High Court Injunction. Preparation work including further detailed inspections of the lands in question, personal service etc. is currently being carried out along with a witness statement to facilitate the High Court Injunction application.

The family of the deceased owner of Hill Trees have informed the council that the various claims against the estate by the current occupier have been struck out including the Inheritance Claim. Although further appeals have been made it is their solicitor's view that the person responsible for the breach of control on the Land adjacent to Hill Trees has reached the end of the road and that they are shortly going to issue a notice for the unlawful occupation of Hill Trees to cease?

A further inspection of the land adjacent to Hill Trees carried out on the 13th July confirmed that the displaced vehicles are still occupying the site along with several additional vehicles. The meeting with Counsel which was originally booked for the 17th July has now taken place on the 26th July 2017. Following advice from Counsel additional preparation work required prior to the application for a High Court Injunction. Witness statements currently with Counsel, waiting further advice.

In addition to the above it was previously reported that the person involved in the above action appealed the planning decision (LDC) reference S/3569/16/LD in connection to a parcel of land known as unit C which is situated at Hill Trees and is currently covered by the existing High Court Injunction. Although the appeal was to be heard on the 5th December 2017 the appeal has now been withdrawn by the applicant. A claim for costs is currently in the process of being made.

Application Notice has been issued in this matter and that the Hearing application for the Injunction Order to prevent breaches of planning control was heard at the Royal Courts of Justice, Strand, London on the 5th March 2018 Mr Justice Edis after hearing the application approved the Injunction and that the unauthorised activity ceases no later than 3rd April 2018. The Injunction also covers the land at Little Abington. The defendant is to pay the claimants costs of £7000.00p

The defendant made an application to extend the compliance period by four weeks. This was heard by Mr Justice Bryan on the 23rd March who granted both an extension of compliance until 2nd May 2018 and awarded the Council its costs in this hearing.

A further application was made by the defendant to further extend the compliance period which was heard by Mrs Justice McGowan on the 20 April 2018. The application to extend due to the recent weather conditions was approved and again costs were awarded to the Council. The compliance period is now set at the 30th May 2018. The costs totalling £9,990.00p awarded to the Council are to be paid by 30th May 2018

The defendant has now made an application to the High Court for a stay of the Injunction and has also appealed the High Court decision.

The application was heard by the Rt. Hon. Lord Justice Flaux on the 21st May 2018 who having considered the application and the reasons for the Injunction said that the proposed appeal had no prospect of success and was wholly without merit and therefore refused the application.

The defendant complied with the removal of unauthorised vehicles and machinery by the 30th May deadline. It should be noted that eight vehicles were moved onto neighbouring land in order to comply with the Injunction. The owners of the two parcels of land are currently making arrangements to recover their land. It was also noted that the costs totalling £9,990.00p awarded by the court have so far not been paid by the defendant. The Councils Solicitors in this matter are currently pursuing payment.

(b) **Cottenham - Smithy Fen:**

Work continues on Setchel Drove, following the placement of a number of static caravans on four plots in breach of the current planning consent and High Court Injunction applicable to each plot. Formal letters have been issued to those reported owners and occupants on Setchel Drove, covering the breaches of planning control and breach of the High Court Injunction - Copies of the Injunction and Housing leaflets, covering those that may be threatened with homelessness or eviction has been issued – Given the complexity and number of departments within the organisation that may be involved in any future action the Councils Tasking & Coordination group are facilitating a joint approach with Planning, Environmental Health, Housing, Benefits & Council Tax, and Legal.

Following a full survey of the site , Including Needs assessments preparation was made for the issue of twenty two (22) Breach of Condition Notices covering five plots in Water Lane, one plot in Orchard Drive, four plots in Pine Lane, three plots in Park Lane, and nine plots in Setchel Drove, who have been found to breach their planning permission.

A compliance inspection carried out after the 31 July 2017 confirmed that 54% of the plots previously identified as being in breach of their planning permission in relation to planning conditions are now complying with them. Work is currently underway to identify the persons continuing to breach planning and to instigate prosecution proceedings against them. Investigation now complete and prosecution files relating to ten (10) plots, which are still in breach of the notice have been submitted to the council's legal team for summons. Cambridge Magistrates Court are now currently processing the application for Summons. All cases have now been heard and where breaches were identified Cambridge Magistrates levied fines totalling £72,566.57p – A further inspection and survey of the site is to be carried out on the 26th June 2018 and additional steps taken where breaches of planning control are identified.

(c) **Whaddon – 9A Bridge Street**

Without planning permission the erection of a six metre high pole for CCTV equipment. Enforcement Notice SCD-ENF-094/17/A was issued with a compliance date of 25th November 2017 to remove the pole and CCTV equipment. The notice has not been complied with and a file was submitted to the Councils Legal office to issue a Summons. The date of the summons was set for 10am 15th March 2018 however the accused did not attend and the Court issued a Warrant for his arrest. Case continues.

- (d) **Girton – 86 Cambridge Road**
Retrospective planning application S/2662/17/FL for the erection and installation of front entrance timber gates refused. Planning enforcement notice issued reference SCD-ENF 0466/17. During the course of the installation a significant TPO tree was severely damaged. Owner interviewed under caution - Prosecution file raised. Current listing for Cambridge Magistrates Court 22nd February 2018 cancelled due to owner being in Australia. Legal dealing. Planning Appeal submitted reference APP/W0530/D/17/3191399
The planning Inspectorate having considered the application dismissed the appeal. Formal application to remove the gates to be made.
- (e) **Gothic House 220 High Street Cottenham**
The property which is a grade 2 Listed building is unoccupied and in a serious state of disrepair which not only affects the fabric of the building but is also considered an immediate danger to the Public. A s215 Amenity Notice was issued in order to address the immediate concerns with a compliance date of 19 May 2018. Which due to circumstances was extended to 19th June 2018
An inspection carried out on the 21 June 2018 revealed that no works had commenced and the situation remains outstanding. A prosecution file has been raised and a date to attend Cambridge Magistrates Court will shortly be advised.
- (f) **73 High Street West Wrating**
Following reports that the amenity of the above property including the main building which was a Public House known as the Lamb Inn and had been closed for many years a s215 Notice was issued to address the unacceptable amenity issue. The compliance period given was to complete the works by no later than 19th June 2018 however the building caught fire during the early hours of Friday 8 June 2018 before works had commenced and the building was destroyed leaving only the outer walls standing. The site has been fenced off to prevent access to unauthorised persons. A review of next steps will be undertaken as soon as possible
- (g) **Car Wash – 11 Ermine Way, Arrington**
A multi-agency review is currently underway following reports that the operators of the above valeting operation are discharging carwash effluent and septic tank effluent which is affecting neighbouring properties.
Initial investigation has been carried out by the County Council who have discovered a pipe that appeared to connect a septic chamber to the highway drain. They have also identified works to the highway drain that will need to be carried out. Officers from the Environment agency are also investigating along with planning enforcement and Environmental health teams. Investigations continue at this time.

Investigation summary

- 6 Enforcement Investigations for May 2018 reflect a 25% decrease when compared to the same period in 2017. Forty two (42) cases in total for the May period versus fifty six (56) cases in 2017

The number of cases investigated year to date May 2018 totals 262 which when compared to the same period in 2017 (214 cases) represents a 22.4% increase.

A review of the 36 cases closed in May 2018 revealed that 16 cases were found not to be in breach of planning control, 6 complied, 1 was permitted development and 2 were not expedient to enforce. The remaining 11 cases were as a result of express consent already granted, consent on appeal and express consent granted – Time Limited and retrospective planning applications submitted..

Effect on Strategic Aims

- 7.. South Cambridgeshire District Council delivers value for money by engaging with residents, parishes and businesses. By providing an effective Enforcement service, the Council continues to provide its residents with an excellent quality of life.

Background Papers:

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

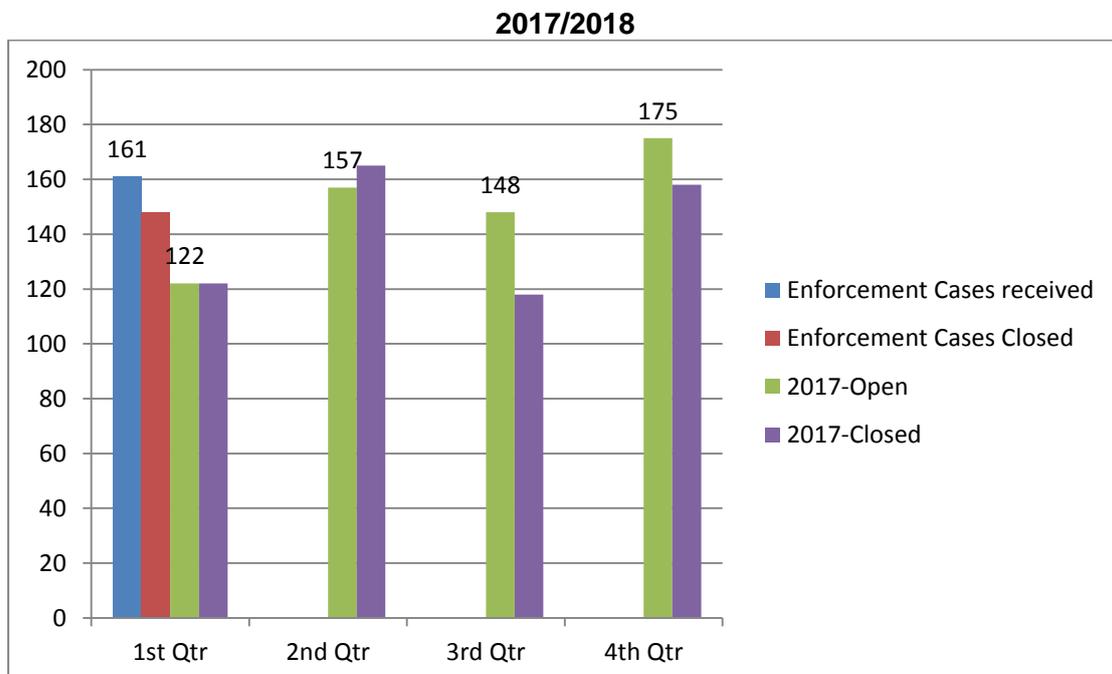
- **Appendices 1 and 2**

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

This page is left blank intentionally.

Enforcement Cases Received and Closed

Month – 2018	Received	Closed
April 2018	59	56
May 2018	42	36
June 2018	-	-
1 st Qtr. 2018	161	148
2 nd Qtr. 2018	-	-
3 rd Qtr. 2018	-	-
4 th Qtr. 2018	-	-
1 st Qtr. 2017	122	122
2 nd Qtr. 2017	157	165
3 rd Qtr. 2017	148	118
4 th Qtr. 2017	175	158
2018 - YTD	262	240
2017 - YTD	602	563
2016 - YTD	565	563
2015 - YTD	511	527
2014 -YTD	504	476



This page is left blank intentionally.

Notices Served and Issued

1. Notices Served

Type of Notice	Period	Calendar Year to date
	May 2018	2018
Enforcement	0	6
Stop Notice	0	0
Temporary Stop Notice	0	4
Breach of Condition	1	11
S215 – Amenity Notice	0	2
Planning Contravention Notice	2	3
Injunctions	0	1
High Hedge Remedial Notice	0	0

2. Notices served since the previous report

Ref. no.	Village	Address	Notice issued
SCD-ENF0120/18	Gamlingay	35 The Heath Everton Road	Breach of Condition Notice
Breach of Condition no2 Removal of Mobile Home + Hot Tub			

3. Case Information

Twenty one of the forty two cases opened during May were closed within the same period which represents a 50% closure rate.

A breakdown of the cases investigated during May is as follows

Appendix 2

Low priority - Development that may cause some harm but could be made acceptable by way of conditions e.g. Control on hours of use, parking etc.
One (1) case was investigated.

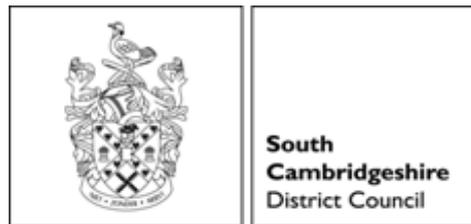
Medium Priority -Activities that cause harm (e.g. adverse affects on residential amenity and conservation areas, breaches of conditions)
Forty (40) cases were investigated.

High Priority (works which are irreversible or irreplaceable (e.g. damage to, or loss of, listed buildings and protected trees, where highways issues could endanger life)
One (1) case was investigated.

The enquiries received by enforcement during the May period are broken down by case category as follows.

Adverts	x 02
Amenity	x 00
Breach of Condition	x 11
Breach of Planning Control	x 04
Built in Accordance	x 02
Change of Use	x 07
Conservation	x 00
High Hedge	x 01
Condition	x 00
Listed Building	x 02
Other	x 06
Unauthorised Development	x 06
Permitted Development	x 01
Monitoring	x 00
<u>Total Cases reported</u>	<u>42</u>

Agenda Item 8



REPORT TO: Planning Committee

11 July 2018

LEAD OFFICER: Joint Director for Planning and Economic Development

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 of 3rd July 2018 Summaries of recent decisions of importance are also reported, for information.

Statistical data

2. Attached to this report are the following Appendices:
 - Appendix 1 - Decisions Notified by the Secretary of State
 - Appendix 2 – Appeals received
 - Appendix 3 - Local Inquiry and Informal Hearing dates scheduled

Contact Officer: Stephen Kelly Joint Director for Planning and Economic Development for Cambridge and South Cambridgeshire

Telephone Number:: 01954 713350

Report Author: Ian Papworth Technical Support Team Leader (Appeals)

Telephone Number: 01954 713406

This page is left blank intentionally.

Appendix 1

Decisions Notified By The Secretary of State

Reference	Address	Details	Decision	Date	Planning Decision
S/3408/17/FL	39, The Green Road, Sawston	Loft conversion with raised ridge line	Dismissed	25/05/2018	Refusal
S/3286/17/FL	30 Butchers Hill, Ickleton	Demolition of redundant garage and replacement with two storey extension	Dismissed	29/05/2018	Refusal
S/3022/17/FL	Land Adjacent to the Cygnus Business Park, Swavesey	Proposed development of disused pasture land to erect 2 4 x bed dwellings with associated access and landscaping.	Allowed	04/06/2018	Refusal
S/2114/17/FL	Shepreth Mill Caravan Park, Shepreth Mill, Dunsbridge Turnpike, Shepreth	Retrospective change of use from redundant trout hatchery to annex	Dismissed	04/06/2018	Refusal
S/2614/17/FL	52, High Street, Fen Ditton	Demolition of existing, rebuild new dwelling. Partial rebuild of existing garden wall at the front of property	Allowed	04/06/2018	Refusal
S/4189/17/FL	11, Park Avenue, Histon	Alterations and minor extension at first floor level, alterations and extension at roof level to provide master suite.	Allowed	04/06/2018	Refusal
S/0033/17/FL	Aerodrome Service Station, Royston Road (A505), Duxford, (Parish of Whittlesford)	Demolition of existing service station forecourt building, forecourt	Dismissed	12/06/2018	Refusal

Appendix 1

		canopy and pump islands and adjacent bungalow. Construction of new service station forecourt building, forecourt canopy and pump islands together with site changes to provide customer parking.			
S/1087/17/FL	The Willows, Huntingdon Road, Bar Hill	Extending existing building to create three 1-bed dwellings and associated parking	Dismissed	18/06/2018	Refusal
S/3181/17	The Willows, Huntingdon Road, Bar Hill	Proposed 2 one-bed flats and associated parking	Dismissed	18/06/2018	Refusal
S/290/17/FL	116 Station Road, Steeple Morden	Demolition of existing hotel buildings. Construction of 6 terraced houses with associated landscaping and parking	Dismissed	26/06/2018	Refusal
S/4068/17/FL	8 , The Lawns Close, Melbourn	Loft conversion with rear dormer and three roof lights to the front elevation.	Dismissed	28/06/2018	Refusal
S/2873/17/FL	Land to side of 14-24, Heath Road, Gamlingay	Proposed 3 No. dwellings with associated amenity and parking	Dismissed	29/06/2018	Refusal
S/1059/17/FL	Land adjacent to, 79 ,	Erection of two houses	Dismissed	02/07/2018	Refusal

Appendix 1

	Willingham Road, Over				
--	--------------------------	--	--	--	--

This page is left blank intentionally.

Appeals Received

Reference	Address	Details	Date Appeal lodged
S/1856/17/OL	Land at Fulbourn Old Drift, Cherry Hinton	Erection of up to three dwellings (one dwelling and two flats), with some matters reserved except for access and scale.	30/01/2018
S/3428/17/OL	12-14 Station Road, Steeple Morden	Outline planning permission for the construction of up to 12 dwellings with all matters reserved except access.	24/05/2018
S/4086/17/PA	45 North Road, Great Abington	Prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development	20/01/2018
S/0655/18/OL	77 Station Road, Over	Outline planning permission for Erection of a single dwelling with associated access and infrastructure, with some matters reserved except for access.	04/06/2018
S/0799/18/FL	23 Everton Road, The Heath, Gamlingay, Sandy, SG19 2JJ	Erection of 2 bedroom bungalow following demolition of 2 existing outbuildings	15/06/2018
S/0606/18/FL	Long Acre, Robins Lane, Lolworth, Cambridge, Cambridgeshire, CB23 8HH	Proposed erection of 3 bedroom dwelling with detached double garage including demolition and removal of agricultural shed	20/06/2018

Appendix 3

Local Inquiry and Informal Hearing dates scheduled

- **Local Inquiries**

Reference	Name	Address	Planning decision or Enforcement?	Date confirmed/proposed
S/2844/14/FL	Sawston Joinery Ltd	Langford Arch, London Road Pampisford	Planning Decision	27/11/2018
S/1213/16/OL	Mr Simon Dazeley, Hawstar Developments Ltd	Welding Alloys Ltd, The Way Fowlmere	Planning Decision	TBC

- **Informal Hearings**

Reference	Name	Address	Planning decision or Enforcement?	Date confirmed/proposed
S/3873/17/OL	Mr A Ashley	Land at Mill Lane, Sawston	Planning Decision	TBC
S/0525/17/FL	Mr Simon Somerville-Large	Field north of Home Close and west of Moat Way, Land north of Fen Drayton Road, Swavesey	Planning Decision	TBC
S/1059/17/FL	Burling Brothers Limited	Land adjacent to 79 Willingham Road, Over	Planning Decision	TBC
S/2647/15/OL	Carter Jonas	Land to the East of Old Pinewood Way and Ridgeway Papworth	Planning Decision	TBC

This page is left blank intentionally.