

South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA

t: 03450 450 500  
f: 01954 713149  
dx: DX 729500 Cambridge 15  
minicom: 01480 376743  
**www.scambs.gov.uk**



28 June 2013

To: Chairman – Councillor Robert Turner  
Vice-Chairman – Councillor Lynda Harford  
All Members of the Planning Committee - Councillors David Bard, Val Barrett,  
Brian Burling, Tumi Hawkins, Caroline Hunt, Sebastian Kindersley,  
Deborah Roberts, Neil Scarr, Ben Shelton, Hazel Smith and Nick Wright  
Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 3 JULY 2013 at 10.00 a.m.**

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

Yours faithfully  
**JEAN HUNTER**  
Chief Executive

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

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### 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'.

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 July 2013

**AUTHOR/S:** Planning and New Communities Director

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**THE OLD RECTORY, LITTLE GRANSDEN  
TREE PRESERVATION ORDER 01/12/SC AND REFUSAL OF APPLICATION TO  
FELL C/11/17/063/01-9424 - CLAIM FOR COMPENSATION**

**Recommendation: To revoke the Tree Preservation Order (TPO) for the Cedar and Wellingtonia at the Old Rectory.**

**Date for Determination: 3 July 2013**

**A. Update to the report**

**Agenda report paragraph numbers 7 and 8 – Claim for compensation**

The solicitors acting for the owners' insurance company wrote to us on 26 June and a copy of their letter is with this update. The letter notes parts of the Committee report, recaps their view of the legal situation and recognises that the Council has a difficult task in deciding between competing considerations. It says that repair costs are still under review while an acceptable underpinning scheme is developed, but, as the Committee meeting is next week, gives an update on progress. Following the advice of the claimants' structural engineer, and subject to the approval of the Council's conservation officer, the letter says that for the time being the preferable option would be for limited underpinning which would have a total cost in the order of £110,000. It goes on to note that while this would be the most satisfactory repair compromise there would remain a residual risk which could lead to further claims for compensation.

**Agenda report paragraph number 25 – Conclusions**

The owners have confirmed that they will replace the trees if they are allowed to remove them.

**Contact Officer:** David Bevan – Conservation & Design Manager  
Telephone: (01954) 713177

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**Freeth  
Cartwright  
LLP**

South Cambridgeshire District Council  
DX 729500 CAMBRIDGE15

Freeth Cartwright LLP

Solicitors  
1 Heddon Street  
Mayfair  
London W1B 4BD  
United Kingdom

DX 37209 Piccadilly

26 June 2013

Our Ref: SRB/1544/2034197/23/r  
Your Ref Mr Gary Duthie

By Email and by DX

Dear Sirs

MR AND MRS SEABRIGHT  
THE OLD RECTORY LITTLE GRANSDEN

We have noted the report submitted yesterday for committee hearing on 3 July.

We have noted the stated view that the cost of the repairs that will be required, should the cedar tree be retained, are considered to outweigh the amenity value that the tree provides, and that the recommendation to the Committee is that the Tree Preservation Order be revoked to permit tree removal.

We note that the annexures to the report include our Letter of Claim dated 6 June 2013 setting out the Claimants' claim for compensation to reimburse such repair costs as flow from the refusal, under Section 202.

To recap:

1. Mr and Mrs Seabright have previously sought tree removal, which was declined to them and was a very stressful process.
2. In accordance with the statutory regulations there is a right to seek a recovery for the losses that flow from the refusal, which essentially will be the underpinning costs and any associated costs. We have formally started this process on behalf of the Claimants with our Letter of Claim.

Direct dial: +44 (0)845 272 5750  
Direct fax: +44 (0) 845 050 3250  
Switchboard: +44 (0)845 050 3200  
Email: rachel.boit@freethcartwright.co.uk  
www.freethcartwright.co.uk  
Doc Ref: 14462576



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Registered Office: Cumberland Court,  
80 Mount Street, Nottingham NG1 6HH.

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3. Since making the planning application it has become apparent that the repair costs and losses will be considerably greater than was initially envisaged, primarily because the ancient heritage of the listed property will need to be carefully and properly protected.

This is indeed a difficult matter, with many entirely valid but competing tensions. At the end of the day the Council will want to gauge whether the majority of its residents would prefer to keep the cedar tree, with the Council funding the repairs, or whether the local residents would prefer to permit removal of the tree and to thus protect the public purse from substantial losses.

The Council will also want to duly consider the impact of tree retention and an underpinning repair on the listed property, and last but not least whether it can afford to fund such compensation as may be awarded to reimburse the repair costs arising by reference to tree retention whilst at the same time financing other local needs.

On that note and with regard to the likely level of the repair costs, as you may know the matter is still under review for the purposes of resolving upon an acceptable repair scheme that will have the best prospects of addressing the ongoing risk of subsidence damage from the cedar tree's roots and yet at the same time inflict the least collateral damage on the fabric of this listed building in the repair process.

The range of repair options and costings that we set out in our Letter of Claim were as previously outlined to the Council's Listed Building Officer and pursuant to preliminary discussions that were conducted with her on site.

As you know the outlined options included the underpinning of the flank wall to a depth to be confirmed by reference to site conditions, at an anticipated cost of £80,000 + VAT + fees etc.

Two more substantial options that were outlined included partial piling or a full piled raft, at £250,000 and £400,000 respectively + VAT + fees etc, together with what would be substantial costs for alternative accommodation.

Whilst the repairing deliberations and the submission of an application for consent to the Listed Building Officer are still a work in progress at this stage, given that a date has now been fixed for a committee hearing next week we hasten to update the Council regarding the up to date considerations regarding repair.

The matter is now under the direction of engineer Mr Lance Gill of Richard F Gill & Associates LLP, Bsc Hons, CEng, MStruct E, MICE on behalf of the Claimants. Mr Gill is concerned that the ground conditions at the site are not suitable for piling, and that as such the repair scheme would need instead to be a traditional underpin.

He agrees that an underpin of the north east flank wall for a length of 40m and to a depth in the order of 3.5m (subject to site conditions), would be likely to cost in the order of £80,000 + VAT + fees, and that it would provide a reasonably robust solution which would not inflict an unacceptable degree of collateral damage on the listed building and would carry with it only a minimal residual risk of future damage.

He also takes the view that at the other end of the spectrum a full traditional underpin would cost in the order of £500,000 + VAT + fees. His concern there would, however, be that such an extensive scheme would inevitably inflict significant collateral damage on the historic fabric of the building, which on any interpretation would clearly be undesirable.

To summarise, subject to the approval of the nature and extent of any repair scheme by the Council's Listed Building Officer, the most sustainable outcome which carries the least risk of damage would appear for the time being to be that which we have previously outlined as costing in the order of £80,000 + VAT + fees, accordingly some £110,000+.

Whilst this would appear to be the most satisfactory repair compromise available to permit a reasonable co-existence between the cedar and the listed building, it should be stressed that it would still carry a residual risk of future damage. Should damage recur in the future then, as quite rightly highlighted in the Council's report for the Committee, a further application for tree removal may at that time be made and compensation sought for such additional repair costs as may be needed in the event of a refusal.

Whilst we have hastened to outline the present repair expectations and costings here, and they will no doubt and quite properly be a matter of interest to the Committee, in the final analysis if the tree is retained and repairs proceed it will be up to the Lands Chamber to decide upon the appropriate figure for compensation. For the avoidance of any doubt we are confident that the ball park sums that we have outlined here are a reasonably reliable yardstick for what sums would be approved and awarded for payment by the Council at the Lands Chamber.

We do not propose to rehearse the merits of the Claimants' Section 202 claim for compensation in this letter any further, given that it falls to be dealt with under separate procedures and by reference ultimately to the Lands Chamber, save to say that we have noted Mr Bevan's observations regarding the strengths of this claim which we agree.

We trust that our observations will be helpful.

26 June 2013  
Page 4



Yours faithfully

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line.

Freeth Cartwright LLP  
Please respond by e-mail where possible



## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

3 July 2013

**AUTHOR/S:** Planning and New Communities Director

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**S/0902/13/F – GREAT EVERSDEN****Two dwellings following demolition of existing property, 42 Wimpole Road, for  
Camstead Homes****Recommendation: Delegated Approval****Date for Determination: 24 June 2013****A. Update to the report****Agenda report paragraph number 20 – Comments of the Conservation Manager**

The **Conservation Manager** comments that No.42 Wimpole Road lies within the setting of two Grade II listed buildings, a thatched farmhouse at 1 Wimpole Road, located directly opposite, and a thatched cottage at No 44, lying further off. The surroundings are semi-rural, consisting of houses set in ample grounds with open and agricultural background.

The application follows the previous appeal and comments are therefore guided by the Inspectors' conclusions. He had no objection in principle to two houses nor the extension of development towards the listed building, but the issues were chiefly around massing and replacement of semi-rural context by a suburban character.

The revised scheme follows comments given regarding reducing the massing and therefore no objections are raised to the proposal, subject to suitable conditions being imposed to control materials, and the design and retention of planting for at least 5 years.

**Representations on behalf of the Applicant**

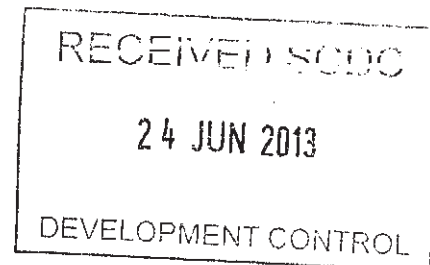
Attached as Appendix 1 is a letter received from the applicants' agent commenting on representations received during the consultation process.

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

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Willow Mere House, Compass Point Business Park, Stocks Bridge Way, St.Ives, Cambridgeshire PE27 5JL  
T +44 (0)1480 466335 F +44 (0)1480 466911 E rpscamb@rpsgroup.com W www.rpsgroup.com



**Our Ref:** LF/JMA3056  
**Your Ref:** S/0902/13/FL

**E-mail:** laura.fisher@rpsgroup.com  
**Direct Dial:** 01480 302784  
**Date:** 21<sup>st</sup> June 2013

Mr Paul Sexton  
Planning and New Communities  
South Cambridgeshire District Council  
South Cambridgeshire Hall  
Cambourne  
CB23 6EA

Dear Mr Sexton

**Planning Application for Erection of Two Dwellings Following Demolition of Existing Property at 42 Wimpole Road, Great Eversden**  
**Application Reference S/0902/13/FL**

I write with reference to the above and further to our recent correspondence regarding the consultation responses received to date with regards to the above application proposals.

With regards to the comments that have been submitted in relation to the current proposals, we will not reiterate the application documentation but would like to point out that the proposals have been the subject of detailed discussions with you before their submission and that the principle of two dwellings on the site was deemed acceptable by the Inspector following the recent appeal, albeit that these former proposals were ultimately dismissed.

Parish Council comments

In relation to the comments made by Great and Little Eversden Parish Council subsequent information has been submitted to the Council addressing drainage matters on the site and a swale has been proposed as part of the application proposals. All surface water from the proposals will be disposed of through on-site soakaways, which will be well away from both Wimpole Road and the adjacent number 40 Wimpole Road dwelling. Hence concerns regarding potential flooding to adjacent neighbours have already been addressed in the submission.

**para**

With regards to number 40 Wimpole Road the Inspector stated that:

**“I agree with the Council’s assessment that the proposal would not materially harm the living conditions of the occupiers of the neighbouring house at no. 40 by comparison with the impact of the existing dwelling on the site, including in terms of effect on outlook, light and privacy.”**





Willow Mere House, Compass Point Business Park, Stocks Bridge Way, St Ives, Cambridgeshire PE27 5JL  
T +44 (0)1480 466335 F +44 (0)1480 466911 E [rpscamb@rpsgroup.com](mailto:rpscamb@rpsgroup.com) W [www.rpsgroup.com](http://www.rpsgroup.com)

Thus any potential impacts on the adjacent number 40 have previously been addressed, particularly as the house proposed currently is the same design as before apart from now being slightly smaller.

In terms of comments regarding the height of the proposed dwellings, these are commensurate with the adjacent number 40 Wimpole Road, and the detailed design has been agreed with the Council prior to the application submission, following advice in the Inspector's decision letter.

With regards to highways issues, no concerns have been raised previously by the County Council, other than those readily dealt with by planning condition, and thus this matter has also previously been addressed.

#### Representations from Ashtree House, Wimpole Road

With regards to concerns relating to flooding, a drainage strategy has recently been submitted in support of the current proposals, as noted above. It is therefore considered that all drainage matters have been addressed by the current scheme and any concerns raised by residents have been addressed. If concerns remain at the Planning Committee meeting then the applicant will in any case respond appropriately to the application of standard drainage conditions.

In relation to parking provision at the site this has been provided for in accordance with policy and no concerns have previously been raised regarding the levels proposed, either by the Council or the Inspector.

I can confirm that the existing number 42 Wimpole Road has four bedrooms (two bedrooms and main bathroom are located downstairs, with a further two bedrooms and small shower room upstairs) and with regards to comments on overcrowding of the site the density proposed relates well to the local area and was considered appropriate by the Inspector.

#### Representations from 11 High Street, Great Eversden

These comments, from a resident in a remote location, state that the proposals are too big and not in keeping with the local area. These matters have already been addressed by the Council and Inspector; the proposals are appropriate in terms of size and scale and in keeping with development along this part of Wimpole Road.

#### Representations from 40 Wimpole Road

In relation to the comments on the character of developing the site with two properties, this has already been deemed to be acceptable by the Inspector.

In terms of footprint and spatial aspect to neighbouring properties, the Inspector (and indeed Council) stated that harm would not be caused to those living at number 40 Wimpole Road, hence again this issue has already been addressed. In addition, it was also noted by the Inspector that there would be no harm created through any perceived loss of light, as noted above.





Willow Mere House, Compass Point Business Park, Stocks Bridge Way, St Ives, Cambridgeshire PE27 5JL  
T +44 (0)1480 466335 F +44 (0)1480 466911 E [rpscamb@rpsgroup.com](mailto:rpscamb@rpsgroup.com) W [www.rpsgroup.com](http://www.rpsgroup.com)

With regards to the impact on nearby listed buildings the Inspector has already confirmed that:

**“The existing semi-rural aspects of the setting contribute to the significance of the listed buildings. The erosion of this setting would result in a minor degree of harm to their significance.”**

Thus no major harm was considered to result by the Inspector through the redevelopment of the site. Amendments have since been made to the proposals to ensure that the nearby listed buildings are enhanced by the proposals and no harm would be caused.

As noted above, the existing dwelling at number 42 Wimpole Road has four bedrooms, two of which are located on the ground floor, as illustrated on the submitted application drawings. Thus the proposals for replacement of one four and construction of one five bed roomed dwelling are considered to be in keeping with the existing dwelling and those in the immediate locality.

In relation to the design of the proposals this has been the subject of extensive further discussions with the Council following the Inspector's decision letter. The current proposals were submitted with informal officer support and all design matters had been addressed and appropriate amendments made etc.

Other issues raised regarding the impact of the proposals on nearby listed buildings, access and drainage matters have been noted above and have also been fully addressed in the application submission documents.

During our previous conversations you noted that the application would be reported to July Committee with a recommendation for approval (although you were yet to have your officer meeting regarding the proposals) and I would therefore be grateful if you could confirm that this is still to be the case at your earliest convenience. For your information a coloured perspective drawing is being prepared and will be sent to the committee members with a photo of the existing in due course (we will of course send you a copy of this too once it has been completed).

I trust that the above is self-explanatory but if you have any queries regarding the above then please do not hesitate to contact us.

Kind regards

Yours sincerely  
For RPS



**Laura Fisher**  
**Principal Planner**

cc Phil Barnes, Camstead Homes



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