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29 June 2004

To: All Members of the Development and Conservation Control Committee

Dear Councillor

You are invited to attend the next meeting of **DEVELOPMENT AND CONSERVATION CONTROL COMMITTEE**, which will be held in the **COUNCIL CHAMBER** at South Cambridgeshire Hall on **WEDNESDAY, 7 JULY 2004** at **10.00 a.m.**

Yours faithfully

GJ HARLOCK

Finance and Resources Director

AGENDA

Members should declare any interests immediately prior to the relevant item on the agenda.

Should Members wish to declare an interest in an item discussed after they have left the meeting, and wish also that that declaration be recorded in the Minutes, they should make their declarations clear to the Committee. (Members need only declare an interest in circumstances where there is an item on the agenda that may cause a conflict of interest.)

PAGES

PROCEDURAL ITEMS

1. Election of Chairman
2. Appointment of Vice-Chairman
3. Minutes of the previous Meeting
To authorise the Chairman to sign, as a correct record, the Minutes of the meeting held on 2nd June 2004, a copy of which was included in the agenda for the Annual Council meeting on 24th June.
4. Appointments to the Travellers Consultative Group

For the coming year, the Travellers Consultative Group consists of the Portfolio Holders for Community Development, Environment, Housing, and Planning and Economic Development (Councillors Mrs DP Roberts, SGM Kindersley, Mrs EM Heazell and Dr DR Bard respectively) and four Members appointed by Cabinet – Councillors RE Barrett, Ms J Dixon, Mrs JA Muncey and Ms H Smith. To complete the membership, Development and Conservation Control Committee must appoint two Members. In 2003-2004, the Committee's representatives were Councillors Mrs JM Healey and JH Stewart, but these were not appointed ex-officio.

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PLEASE NOTE

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 Planning Director.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/0574/04/F – Heydon
Erection of House and Garage with Annexe Over Following Demolition of
Bungalow and Outbuilding at 43 Fowlmere Road For Mr & Mrs K Esplin**

Recommendation: Approval

Members of Committee will visit the site on Monday 5th July 2004.

Conservation Area

Site and Proposal

1. The 0.58 hectare application site is located on the western side of Heydon Road and is raised approximately 1.5 metres above the road level and the adjoining dwelling to the north, No.45 Fowlmere Road.
2. The site is occupied by a modern 1960's bungalow, a timber and corrugated iron garage, and a number of small timber outbuildings. A 2 metre high fence defines the northern boundary and a row of leylandii defines the southern boundary. The dwelling to the north is a listed thatched cottage that is sited gable end to the road. A single storey render and pantile annexe is situated hard on the site boundary with one large window facing the site.
3. The full application, submitted on 19th March 2004 and amended on 20th May 2004, seeks to demolish the existing bungalow and outbuildings and to erect a house and garage on the site. The proposed replacement dwelling would be sited approximately 3.5 metres behind the line of the existing bungalow. It would be a 2 storey dwelling standing approximately 8.6 metres high and comprising stained boarding walls and a slate or clay plain tile roof. The proposal also seeks to erect an outbuilding along part of the frontage of the site. This would comprise a triple garage on the ground floor with annexe above and would be constructed in flint and brickwork. The density equates to 1.7 dwellings per hectare.
4. A covering letter submitted with the application states that the massing of the house has been broken down into three separate elements thereby reducing the overall scale of the proposals on the streetscape. The ridge line of the roof has been designed to follow the profile of the land, stepping down from the raised boundary to the south and falling away with the slope to the lower ground to the north. The garaging is provided on the boundary with cars being obscured from view to minimise the impact on the street scene. This follows the form of buildings on the other side of the road which also run along the highway boundary line.

Planning History

5. S/1273/02/CAC – Conservation Area Consent granted for the total demolition of the existing bungalow, garage and outbuildings.

6. S/1274/02/F – An application to erect 2 detached houses and garages on the site was refused as the scale and identical design of the dwellings was considered to be overbearing to No.45 Fowlmere Road, dominant in the street scene and out of keeping with the informal arrangement and varied style of housing within the village.
7. S/2107/02/F – A subsequent application to erect a pair of linked-detached dwellings on the site was also refused for the following reason:
8. “The site is an open and prominent site within the Heydon Conservation Area, with ground levels raised above the road and above the property to the north. The proposed development of this pair of link detached houses, by reason of the height, scale and mass of building, would appear overbearing to occupiers of 45 Fowlmere Road and dominant in the street scene. Furthermore the identical but handed design of the design of the houses represents a formal and urban form of development out of keeping with the informal arrangement and varied style of housing development within the village and rural character of the area”
9. The application was subsequently dismissed at appeal.

Planning Policy

18. The site lies inside the village framework, within the Conservation Area and to the south of a Grade II Listed Building, No.45 Fowlmere Road.
11. **Policy P7/6** of the Cambridgeshire and Peterborough Structure Plan 2003 requires development to protect and enhance the quality and distinctiveness of the historic built environment;
12. **Policy P1/3** of the County Structure Plan requires a high standard of design that responds to the local character of the built environment;
13. **Policy EN30** of the Local Plan requires development in a Conservation Area to either preserve or enhance the character of the area.
14. **Policy EN28** of the Local Plan states that applications which would damage the setting of Listed Buildings will be resisted.
15. Heydon is identified within **Policy SE5** of the South Cambridgeshire Local Plan 2004 as an Infill-Only Village. In such locations, Policy SE5 states that residential development will be restricted to no more than two dwellings comprising (amongst others) the redevelopment of an existing residential curtilage providing the site does not form an essential part of village character, and development is sympathetic to the historic interests, character, and amenities of the locality.

Consultation

17. **Heydon Parish Council** objects to the application, as amended, stating:
18. “The Parish Council notes that this amendment does not take into account its reasons for recommending refusal of the original application and therefore its objections still stand. These are namely:

The Siting of the Triple Garage

19. The letter from Cowper Griffith states “The location of the annexe and garage along the boundary line was thought to be an appropriate response to the further closure of this street and was a clear response to the buildings on the other side of the road, which also run along the highway boundary line.”
20. It feels the comparison is not relevant since the buildings on the other side of the road are converted ancient barns. Indeed, it maintains the fact that the buildings on the other side of the road are so close to the highway boundary line is good reason for **not** locating the garage in this position. Given the present open aspect, the Council still believes a building here would be visually oppressive, taking up a substantial part of the frontage, and would be better placed at the rear of the house.
21. As previously pointed out, three applications for garages in front of houses have been turned down by the District Council in the last few years, and the Parish Council hopes this principle will be upheld in this case.
22. Another important point is that the two storey building is equivalent to the size of a small house, and we would be surprised if planning permission were granted if it was indeed a house, given its position in relation to the road.

Garage/Living Accommodation

23. The Parish Council still believes living accommodation above the garage amounts to a second dwelling on this site and that sufficient accommodation is provided within the house.”
24. **The Conservation Manager** supports, in principle, the amended application. It is noted that the site is an important open site within the village and that the character of the village is established by the organic growth of the settlement with consequent diversity of building forms and styles. The immediate context is characterised by the tight enclosure of the street by extensive flint walls fronting onto the street. Due to the fact that the site is raised some 1.5m above the level of the road, a high quality architectural solution is required. This should develop the following character themes of the village:
 - Informal, rural character of streetscene;
 - Cluster effect of diverse building types;
 - Simple building forms;
 - Relatively tight enclosure of the streetscene.
25. The Conservation Manager notes that the application, in setting the new dwelling further back into the site than the original, creates a very open frontage with the streetscape dominated by the garage block and boundary wall. It will be essential to detail the design and material quality of the street-frontage elements to ensure it closely reflects the form of the adjacent flint walls. The design of the house presents a broken elevation with the focus on two principal blocks, one gable and one flank elevation. This will combine with the frontage garage block and boundary walls to further emphasise the cohesive collection of buildings on the site. The materials for the main house and surface material of the access and driveway will need careful detailing. In particular, block paving should be completely avoided.

26. **The Chief Environmental Health Officer** expresses concern about potential noise disturbance to neighbours during the period of demonstration and construction. He recommends that conditions be applied to any consent to restrict the hours of use of power operated machinery and requiring details of the method for construction of any driven pile foundations.

Representations

27. Letters of objection have been received from three local residents (Four Winds, No.45 Fowlmere Road and Heydonbury Farmhouse) in respect of both the original and amended plans. The main points raised are:
- The proposal appears to create a second, separate and independent dwelling on the site;
 - No building should be constructed anywhere between the front of the proposed house and the road. Existing frontage structure are all older buildings;
 - The appearance and character of the Conservation Area would be immeasurably damaged by the erection of the proposed garage/annexe;
 - In two fairly recent cases, proposals for the erection of garages near/adjacent to the highway boundary were rejected for being too dominant in the street scene;
 - The proposed dwelling would be very dominant especially as the site is elevated above neighbouring properties;
 - The modern style of development is out of keeping with other properties;
 - The side windows would result in a loss of privacy to No.45 Fowlmere Road;
 - The dwelling would result in a loss of light to No.45 Fowlmere Road and its garden area.

Planning Comments – Key Issues

The key issues in relation to this application are:

- The impact of the development upon the character and appearance of the Conservation Area;
 - The impact of the development upon the setting of the adjacent Listed Building;
 - The affect on neighbours.
28. The site lies within the village framework where the principle of replacing the existing dwelling is acceptable providing the site in its present form does not form an essential part of village character and providing development is sympathetic to the character and amenities of the surrounding area.
29. Conservation Area Consent has been granted for the demolition of the existing bungalow. In addition, in her consideration of the appeal relating to the application for a pair of link-detached houses, the Inspector stated that neither the existing building nor its site adds anything of importance to the appearance or character of the Conservation Area.

30. In light of these comments, it is clear that retaining the site in its present form is not essential to the character of the village.
31. Indeed, it could be argued that the redevelopment of the existing site represents an opportunity to enhance the character of the site and the surrounding area.
32. The scheme that was previously refused, and subsequently dismissed at appeal, sought to erect a pair of identical, but handed, link-detached dwellings on the site. These dwellings spanned virtually the entire width of the plot, leaving just a 1.5 metre gap to the northern boundary and a 1.9 metre gap to the southern boundary. In her consideration of this scheme, the Inspector commented as follows:
33. “The uniformity and symmetry of the paired houses is inappropriate in this setting, where variety predominates. They would virtually span the whole width of the site, leaving little undeveloped space at either side to provide a landscaped setting for the buildings. The proximity of the northernmost dwelling to the boundary and its height relative to that building would render it unduly dominant in the street scene. It would therefore compromise the setting of the adjoining Listed Building.”
34. I consider that the current proposal, as amended, has sought to overcome the problems with the scheme that was dismissed at appeal. Firstly, the dwelling has been designed so that it presents a broken elevation and reads as a collection of buildings with the focus on two principal blocks. It reflects the informal and agricultural character of the surrounding area and, whilst modern in design, incorporates traditional materials and elements. It has also been pulled around 3 metres further away from the northern boundary than the previously refused scheme, thereby creating a gap of some 7 metres between the property and the adjacent annexe, protecting the setting of the adjacent Listed Building and providing ample room for some landscaping to help soften the development. Rather than detracting from the character of the area, it would make a positive contribution to the wide diversity of dwellings that characterises this part of the village. As advised by the Conservation Manager, the development, subject to careful consideration of the materials and detailing, is considered to enhance the character of the area.
35. Much concern has been expressed by the Parish Council and local residents to the proposed garage/annexe building at the frontage of the site, particularly in light of the fact that the site has a very open frontage at present. Whilst there are no frontage buildings on the western side of Fowlmere Road in the immediate vicinity of the site, there are many examples of flint outbuildings directly opposite. The proposed outbuilding is seen to be very much in keeping with the character of the area. The upper floor of the garage is intended to be used as an annexe/ancillary accommodation to the main dwelling and the applicants have agreed to enter into a Section 106 Agreement to ensure that this remains so. The use of the building as a separate dwelling would require a separate planning application that would need to be determined on its own merits.
36. I have not been able to trace any applications in the vicinity of the site for garages at the front of dwellings. However, application ref: S/1274/02/F on this site did propose 2 houses each with a double garage sited near to the frontage. I would argue that, in contrast to the current application, these were modern, pyramid roof style structures that bore no relation to the character of existing frontage development in the vicinity of the site.

37. With regards to the impact of the development upon residential amenity, I am concerned that the first floor feature bedroom window in the northern elevation of the dwelling would overlook No.45 Fowlmere Road and its garden area. I am awaiting the submission of amended plans to show a high level element to the part of this window that is situated within the northern elevation.
38. In order to protect the occupiers of No.45 from any future overlooking, it would be necessary to apply a condition preventing the insertion of any further windows in this elevation without planning permission.
39. Within the scheme that was dismissed at appeal, the Inspector raised no objections to the impact of the dwelling upon the outlook from the annexe to No.45 Fowlmere Road. Given that the current proposal is sited further away from the northern boundary than the previous scheme, it would be unreasonable to raise any objections on this basis. I am also satisfied, in light of the high leylandii that form the southern boundary of the site, that the amenities of the adjoining property to the south would not be unduly compromised by the development.

Recommendations

40. Subject to the receipt of amended plans showing the replacement of the first floor bedroom window in the northern elevation with a high level window and to the signing of a Section 106 Agreement to control the occupation of the annexe, approval of the application, as amended, subject to the following conditions:
 1. Standard Condition A – Time Limited Permission (Reason A);
 2. Sc5a – Details and samples of materials to be used for external walls and roofs (Rc5a) and to ensure that the development would not detract from the character and appearance of the Conservation Area and from the setting of the adjacent Listed Building);
 3. Sc5f – Details of materials to be used for hard surfaced areas (Rc5f);
 4. Sc51 – Landscaping (Rc51);
 5. Sc52 – Implementation of landscaping (Rc52);
 6. Sc60 – Details of boundary treatment (Rc60);
 7. Para C3a & b – Permanent turning and parking (Rc10);
 8. Sc5e – Details of finished floor levels (Rc5e);
 9. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions (Rc26);

10. Save for the windows shown within the approved drawings, no further windows, doors or openings of any kind shall be inserted in the north elevation of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason – To safeguard the privacy of occupiers of the adjoining dwelling to the north, No.45 Fowlmere Road);
11. Sc21 – Withdrawal of permitted development – Part 1 (Development within the curtilage of a dwellinghouse), All Classes and Part 2, Class A (Reason – To safeguard the character of the area and to ensure that additions or extensions which would not otherwise require planning permission do not overdevelop the site with consequent harm to the character of the Conservation Area and to the amenities of neighbours).

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P1/3 (Sustainable design in built development) and P7/6 (Historic Built Environment);
South Cambridgeshire Local Plan 2004: SE5 (Development in Infill Villages), EN28 (Development within the Curtilage or Setting of a Listed Building) and EN30 (Development in/adjacent to Conservation Areas);
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise;
 - Residential amenity including overlooking and loss of light issues;
 - Impact upon character and appearance of Conservation Area;
 - Visual impact in the locality;
 - Use of the annexe
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

General

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. During demolition and construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation;

3. Before the existing property is demolished, a Demolition Notice will be required from the Building Control Department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.

Background Papers: the following background papers were used in the preparation of this report: County Structure Plan 2003; Local Plan 2004: File Refs: S/0574/04/F, S/2107/02/F and S/1274/02/F.

Contact Officer: Lorraine Casey – Senior Planning Assistant
Telephone: (01954) 713251

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/1018/04/F - Great Shelford
Relocation of Mobile Home to House Temporary Staff – 144 Cambridge Road Fro
Shelford Lodge Ltd**

Recommendation: Approval

Site and Proposal

1. The application site is located on the north-east side of Cambridge Road and is occupied by a substantial two-storey building used as a retirement home. Residential properties lie either side of the site and also to the rear/north-east.
2. The full application, submitted on 17th May 2004, seeks to site a mobile home on the premises in order to house temporary staff. A letter submitted with the application explains that the mobile home is currently on the site (located to the rear of No.146 Cambridge Road). The proposal involves the relocation of the existing mobile home to a position to the rear of the retirement home. There is a temporary structure used for storage purposes on the proposed site of the mobile home and this would be resited alongside the mobile home. The entrance to the mobile home would face south-westwards – ie – towards Shelford Lodge.

Planning History

3. S/1002/85/F – Consent granted for the change of use of the building to a retirement home. Extensions to the building were approved under planning refs: S/1843/85/F, S/0189/87/F and S/2340/89/F.
4. S/0181/03/LDC – An application for certificate of lawfulness for the siting and use of a mobile home for residential accommodation for staff of Shelford Lodge was submitted. This Authority refused to grant the certificate as insufficient evidence had been submitted to prove that the mobile home had been on the site and used for residential purposes for a continuous 10-year period. An enforcement notice was subsequently issued to require the removal of the mobile home from the site as it encroaches slightly upon land that is within the countryside and Green Belt. Both the Enforcement Notice and refusal of the Lawful Development Certificate have been appealed, although they are in abeyance pending the out come of this application.

Planning Policy

5. The retirement home lies within the village framework where new development is generally supported. The proposed site is not within the Green Belt.
6. **Policy SE2** of the South Cambridgeshire Local Plan 2004 generally supports new residential development within Rural Growth Settlements.

Consultation

7. **Great Shelford Parish Council** objects to the application stating:
8. “At present there are two mobile properties on the site – a large mobile home situated within the green belt to the rear of 146 Cambridge Road (which is the subject of a planning appeal against the refusal of SCDC to grant a lawful development certificate) and a small mobile building located in the position shown on the application which appears to be in use as a store. This building is not suitable for residential accommodation and it would seem that if the applicants are finding it difficult to find accommodation for their staff, a purpose built annexe would be a better solution to a series of temporary buildings. Recommend refusal.
9. Since the Committee considered this application we understand that the proposal is not for the existing building in the position shown on the plan, but to move the large mobile home to that position. We do not feel this is an appropriate site and feel that we should await the outcome of the appeal decision. We continue to recommend refusal.”
10. **The Chief Environmental Health Officer** raises no objections.

Representations

11. Letters of objection have been received from two local residents, Nos. 138 and 140 Cambridge Road. The main points raised are:
 - A mobile home is not in keeping with the character of its surroundings;
 - The mobile home would have an adverse visual impact upon the surrounding countryside/Green Belt;
 - The land upon which it is proposed to site the mobile home is set aside for parking and turning on planning ref: S/0189/87/F. The proposal therefore represents a material change of use;
 - If there is a permanent need for accommodation, a permanent solution should be sought;
 - Mains water has been run from the road to serve living accommodation on this car park.

Planning Comments – Key Issues

The key issues in relation to this application are:

- Residential amenity;
 - Siting of mobile home on parking/turning area;
 - Visual impact.
12. The existing mobile home is located marginally outside the village framework and in the Green Belt. Its siting and use for residential purposes therefore contravenes policies relating to development in the countryside and Green Belt. The current application seeks to relocate the mobile home to a position that is both within the curtilage of the retirement home and within the village framework.

This would therefore overcome the reasons for taking enforcement action against the mobile home.

13. Objections have been received on the basis that the mobile home would be sited on land set aside for parking and turning within a previous planning approval. The current parking/turning layout on the site does differ from that set out within the most recent approval on the site and the existing temporary storage building is sited upon part of that designated parking area (Ref: S/2340/89/F). However, enforcement action was not taken at the time against the implemented layout. The approved scheme showed 10 spaces on site. There would still be ample room for 10 cars to park and turn on the site and I therefore consider that a refusal could not be substantiated on this basis. It would be necessary, however, to condition any planning consent requiring details of the revised position of the existing storage building in order to ensure that it would not be sited upon remaining parking and turning land.
14. The relocated mobile home would be sited closer to the boundary with No.140 Cambridge Road than at present. No.140, which is sited close to the north east site boundary, has 2 first floor windows looking towards the site although these appear to serve non-habitable rooms. Nevertheless, the applicant has agreed to site the mobile home so that the main entrance, and hence area of main activity, faces towards the retirement home rather than towards No.140. This requirement should be a condition of any planning consent.
15. Concerns have been expressed on the basis that permanent staff accommodation should be sought. I agree with this comment – temporary buildings should only be seen as a short term solution to a problem. However, given that this is the first application for the mobile home and given that the application seeks to move the building away from a site that is deemed in policy terms to be unacceptable, I would suggest that a temporary 5 year permission be granted for the building. This could be accompanied by a covering letter stating that Officer support is unlikely to be given for any further renewals of the mobile home and, if staff accommodation is required in the long-term, encouraging the applicant to come forward with a proposal for a permanent extension to the building.

Recommendations

16. Approval, as amended by additional information submitted on 18th June 2004:
 1. Standard Condition 3 – Building to be removed on or before 30th June 2009. (Reason - 3/4a);
 2. The mobile home, hereby permitted, shall not be occupied, until a plan showing the proposed new position for the temporary storage structure has been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the agreed details. (Reason – To ensure that the existing temporary storage building would not be relocated to a position that would result in the loss of existing parking and turning space);
 3. No more than one mobile home shall be stationed on the site. (Reason – To protect the amenities of the occupier(s) of the adjoining property to the north-west, No.140 Cambridge Road);

4. The main entrance to the mobile home, hereby permitted, shall face to the south-west. (Reason – To protect the amenities of the occupier(s) of the adjoining property to the north-west, No.140 Cambridge Road);
5. The mobile home, hereby permitted, shall not be occupied other than by the present or any future owner of the application premises or by an employee of such an owner working at the application premises. (Reason – The creation of a unit of accommodation, unrelated to the existing retirement home, would result in an unacceptable level of amenity to the occupiers of the mobile home due to its lack of private garden space and its proximity to the parking/turning area for the retirement home).

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:** None
 - **South Cambridgeshire Local Plan 2004: SE2** (Development in Rural Growth Settlements),
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity;
 - Loss of parking and turning area;
 - Visual impact on the locality
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Plus letter to applicant encouraging discussions to achieve a permanent solution.

Background Papers: the following background papers were used in the preparation of this report: File Refs: S/1018/04/F; S/0181/03/LDC

Contact Officer: Lorraine Casey – Senior Planning Assistant
Telephone: (01954) 713251

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/0840/04/F – Pampisford
Erection of kennel and cattery buildings at Haydn, Bourn Bridge, Abington for Mr &
Mrs Dropinski**

Recommendation: Delegated Refusal

Members will visit the site on Monday 5th July 2004.

Departure Application

Site and Proposal

1. The site, which extends to approximately 0.34 hectares (0.85 acres), comprises a buff brick and slate bungalow and its curtilage. The site is bounded by an elevated section of the A505 to the west; an area of trees to the north; the former Bourn Bridge Filling Station and land adjacent (now used for a number of car related uses including car and van rental, sales, car care and vehicle recovery) and the Linton Village Motors workshop to the east; and open land to the south. The site is accessed from Roman Road (the old A11).
2. This full application, received on the 22nd April 2004, proposes the erection of a 26.5m x 10.5m x 3.3m high kennels and cattery building and a 7.2m x 2.7m x 2.5m high isolation kennel and cattery on a recently cleared part of the garden to the north of the bungalow. Both buildings would be faced with bricks and flint panels and would have profiled metal roofs. A pick-up service for the animals would be offered. 10-15 visitors a week to the site are expected. A letter from the agent which seeks to set out the very special circumstances in this instance to justify inappropriate development in the Green Belt is attached as an Appendix.

Planning History

3. Planning permission for a conservatory to Hadyn was granted under reference **S/1487/93/F**.
4. Permission for an office unit at the former AA Road Service Centre, which was sited on what is now the access to the site, was granted under reference **S/0026/83/F**.

Planning Policy

5. The site is within the countryside and the part of the site on which the buildings would be sited is on the edge of, but within, the Green Belt.
6. Structure Plan 2003 **Policy P1/2** states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.

7. Structure Plan 2003 **Policy P9/2a** states that, within the Green Belt, new development will be limited to that required for agriculture and forestry, outdoor sport, cemeteries and other uses appropriate to a rural area.
8. Local Plan 2004 **Policy GB2** states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The proposal does not fall within any of the categories which the policy states are not inappropriate.

Consultation

9. **Pampisford Parish Council** recommends approval but is “concerned that the proposed development is in Green Belt land. We do not wish to stand in the way of the application provided no precedent is set for future building on Green Belt land.”
10. The **Environment Agency** raises no objections subject to the imposition of conditions relating to pollution control, including foul and surface water drainage.
11. The **Highways Agency** suggested that the applicant be asked to provide some idea of the number of expected visitors. This information has now been received and has been forwarded to the Highways Agency. Any comments received prior to the meeting will be reported verbally.
12. The comments of the **Chief Environmental Health Officer** will be reported verbally.

Representations

13. None.

Planning Comments – Key Issues

14. The key issues in relation to this application are:
 - The proposal in terms of Countryside and Green Belt policies;
 - Neighbour impact; and
 - Highway matters.
15. Given the noise that a large number of dogs can generate, I accept that it is appropriate to site kennels away from centres of population. I also acknowledge that it is difficult to re-use existing buildings for this purpose. Public views of the proposed buildings would also be minimal given the characteristics of the site (being adjacent to an elevated section of the A505, a tree belt and commercial buildings). As a result, if the site had not been within the Green Belt, I would be supporting this application in terms of countryside policies and the impact of the scheme on the visual amenities of the countryside. However, importantly, it is within the Green Belt, albeit on the very edge, and constitutes ‘inappropriate development’. Paragraph 3.2 of Planning Policy Guidance Note 2, which relates to Green Belts, makes it clear that ‘inappropriate development’ is, by definition, harmful to the Green Belt. I cannot therefore support this application. Whilst I acknowledge the limited visual impact of the development, I am also mindful that it has not been demonstrated in planning terms why nearby land outside the Green Belt could not be used to accommodate the buildings.
16. Subject to any comments received from the Chief Environmental Health Officer, I do not consider that the proposal would have a serious impact on the amenity of the adjoining commercial neighbours with respect to noise.

17. Subject to any comments received from the Highways Agency in response to the information on expected visitor numbers, in view of the good visibility from the access, and subject to the widening of the existing access to allow two vehicles to pass each other and the provision of adequate on-site parking, I consider that the proposal is acceptable in terms of highway matters.

Recommendations

18. Delegated refusal (to allow the Highways Agency to consider and comment upon the expected visitor numbers) for the following reason:
19. The proposal constitutes inappropriate development in the Green Belt and, in the opinion of the Local Planning Authority, the very special circumstances needed to justify inappropriate development in the Green Belt have not been demonstrated. The proposal is therefore contrary to Structure Plan Policy P9/2a and South Cambridgeshire Local Plan 2004 Policy GB2 which state that new development will be limited to that required for agriculture and forestry, outdoor sport, cemeteries, or other uses appropriate to a rural area and that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated.

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

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning Policy Guidance Note.2 Green Belts
- Planning file refs. S/0840/04/F, S/1487/93/F and S/0026/83/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/0989/04/F – Steeple Morden
Extension and conversion into 18 flats, The White House, 66 Hay Street, for A R J
Construction Ltd**

Recommendation: Delegated Approval

Departure Application**Site and Proposal**

1. The White House, 66 Hay Street, Steeple Morden is a former nursing home standing in extensive grounds (2.85ha) to the rear of residential properties in Hay Street. Access to the site is via a narrow driveway between houses in Hay Street and is also the route of a public footpath.
2. This full application, registered on 12th May 2004, proposes the extension and conversion of the building to form 18 flats, comprising 6 one-bedroom and 12 two-bedroom units. The proposal includes 2 two-storey extensions on the east and west sides of the building at its northern end, small first floor additions over existing ground floor elements and the raising of the roof by approximately 1.5m across the whole building to allow for the creation of 2 flats at second floor level. A total of 35 car parking spaces are provided to the south and west of the building.
3. The proposal indicates that the existing access and footpath from High Street will be improved to meet Highway Authority standards although no details of these works are provided.
4. The application includes a proposal to provide an area of the grounds which will be made available to the Parish Council with access from the adjacent public footpath although this area is not identified on the submitted drawings.
5. The application is accompanied by a design statement which is attached as Appendix 1. The applicant has also submitted a Development Risk Analysis setting out financial information in respect of the scheme.
6. The site is outside the village framework and the application has been advertised as a departure from the development plan.

Planning History

7. Planning consent was granted in the late 1980's for a substantial extension to the building in connection with its former use as a nursing home (**Ref: S/0989/04/F**).
8. Two applications for the demolition of the existing building and the erection of 8 dwellings were refused and dismissed at appeal in 2002. (**Refs: S/2105/00/F and S/0559/01/F**).

9. Following the dismissal of these appeals the site was sold and work commenced on converting the building for use as a psychiatric hospital. As this use falls within the same use class as a nursing home no formal consent for change of use was required, however applications for extensions to the building and erection of a fenced compound were withdrawn following considerable local opposition to the proposals. **(Refs: S/2171/02/F; S/2172/02/F; S/0235/03/F and S/0236/03/F).**

Planning Policy

10. **Policy SP1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") states that development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular location.
11. **Policy SE4** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") identifies Steeple Morden as a Group Village where development is restricted to 8 dwellings on sites within the village framework. Exceptionally development may consist of up to 15 dwellings if this would make best use of a brownfield site.
12. **Policy SE8** of the Local Plan 2004 states that residential development outside village frameworks will not be permitted.
13. **Policies HG7 and HG8** of the Local Plan sets out the Council's policy in respect of affordable housing.

Consultation

14. **Steeple Morden Parish Council** recommends refusal, although its comments would suggest to me that it supports the principle. A further letter is expected from the Parish Council to confirm this. Its comments are attached as Appendix 2.
15. The **Local Highway Authority** is disappointed that, given a site meeting and discussion, the submitted drawings do not show details of the proposed roadway and footpath arrangements at the front of the site and requests that a suitable plan be submitted.
16. The **Chief Environmental Health Officer** requests a condition be imposed on any consent restricting the hours of operation of machinery during the period of construction. Attention is drawn to two instances where bathrooms are proposed directly above bedrooms of other units stating that this may give rise to excess noise within these bedrooms unless adequate precautions are installed or the bathrooms re-orientated.
17. The **Chief Financial Planning Officer, Cambridgeshire County Council** is concerned that adequate secondary school capacity is not available in this area to meet additional demand created by residential expansion. A contribution of £30,000 is requested to cover the cost of 3 secondary school places. Adequate primary school capacity exists.
18. **Cambridgeshire Fire and Rescue Service** requests that adequate provision is made for fire hydrants.

Representations

19. The occupier of 64 Hay Street, immediately to the north of the access, has written in support of the application. It is a high quality development and will enhance the area. It will provide some much needed 1 and 2 bedroom dwellings. The development complies with the spirit of the planning inspector's findings from the last planning appeal for the site in that it restricts development to the current footprint of the building; it preserves the rural character of the site; and it does not substantially intensify the use of the site. It is understood that current planting within the driveway to the site is to be removed in order to provide adequate access. It is requested that planting be re-installed as part of the new development in order to reduce the noise from the driveway on the house and garden of No64, maintain privacy in the garden and maintain the current rural atmosphere in this part of Hay Street.
20. The occupier of Rose Cottage, Hay Street comments that light pollution is a concern and suggests that external lighting along the paths and entrances is low level and white to reduce the glare on other buildings.

Planning Comments – Key Issues

21. The key issues to be considered here are whether there is sufficient justification to warrant a departure from the development plan and allow residential use of this building in the countryside; whether the proposed use and alterations to the building are acceptable having regard to the impact on residential amenity, the wider countryside and suitability of the access; and whether the scheme should provide an element of affordable housing.
22. Officers have previously indicated that a residential use of the building would be acceptable although initially this advice was given on the basis of its use as a single dwelling, a view supported by comments made by the appeal inspector. Subsequently advice has been given that the subdivision of the existing building into flats would be appropriate. Whilst the site is outside the village framework it is well related to it. The use of the building by an intensive commercial use, i.e. offices, would be inappropriate in my view given the relationship of the site and access to residential properties.
23. The proposal to extend and convert the building into 18 units represents a scale of development which is considerable above that which would normally be acceptable in a group village. The Policy does exceptionally allow for development of up to 15 dwellings where it makes best use of a brownfield site but such sites should be within the village framework. The appeal Inspector recognised that that part of the site which contains the building could reasonably be described as brownfield land. The scheme involves additions to the building to create space to accommodate 18 flats, including the raising of the roof of the existing building by approximately 1.5m however the Development Risk Analysis suggests that this number of units is required for a viable scheme.
24. The extensions to the building, including the increase in height by 1.5m will not, in my view, materially alter the impact of the building on the wider countryside. Although the increase in height will be perceived by adjoining properties in Hay Street there is sufficient distance between The White House and these properties for any impact not to have an adverse effect. The second floor has been designed with dormer style openings in the rear elevation facing away from residential properties, with rooflights in the west facing elevation towards Hay Street. A condition can be imposed to ensure that these rooflights are placed at sufficient height to prevent overlooking, although at the nearest point the existing building is 30m from the rear boundary of properties in Hay Street.

25. Adequate car parking has been provided within the site and whilst this requires the removal of some existing planting there is ample space for replacement planting to be carried out
26. The Local Highway Authority gave informal advice prior to the submission of the application that it was happy in principle with the access serving 18 flats subject to a number of improvements being carried out, although given the restricted width of the access and the existence of the footpath, there is a limit to what can be done. Given the formal response of the Highway Authority I have written to the applicant requesting a drawing showing these details. It is important to demonstrate how the existing footpath will be dealt with in any proposal to improve the access.
27. The requirement to provide affordable housing under Policy HG7 of the Local Plan relates to sites within village frameworks. Policy HG8 refers to exception sites for affordable housing within or adjoining villages but looks for schemes where 100% affordable housing is provided. Given that the site has an existing use value it is clearly not possible to provide 100% affordable housing. However, as the application is a departure from the development plan and the site is well related to the village it is in my view appropriate to consider whether a percentage of the units could come forward as affordable housing. There may however be factors which argue against this and show that the scheme benefits the community in other ways.
28. The proposal does provide a mixture of one and two bedroom flats. Development Risk Analysis submitted by the applicant sets out development costs, including the amount paid for the site. It appears to indicate that the provision of affordable dwellings within the scheme may render it non viable. However further advice is being sought on this point. Steeple Morden Parish Council has not requested the provision of affordable housing within the scheme.
29. The proposal offers an area of the existing grounds of The White House that will be provided to the Parish Council for public access. This is not something that I could require from the applicant and should be seen as a gain to the community and balanced against the lack of provision of affordable housing.
30. In my view development costs appear likely to mean that affordable housing cannot be provided in the case but will advise Members further on this point.
31. Although Steeple Morden Parish Council has recommended refusal of the application I am aware that from subsequent discussions that this is purely based on the wish to ensure that a Section 106 Agreement is in place in respect of the amenity area. A further letter to this effect from the Parish Council is to be submitted.
32. A Section 106 Agreement will be required to be provided for the education contribution requested by Cambridgeshire County Council. This agreement can include reference to the amenity area but, having discussed this matter with the Legal Officer, I am of the view that the details of its provision should be agreed between the Parish Council and applicant direct as the scale of the proposed development falls short of the trigger for open space provision in Policy TR2 of the Local Plan. The Section 106 Agreement will merely provide that such agreement between these parties is in place prior to occupation of any of the units. I will advise the applicant and Parish Council of this view prior to the meeting and report any response.
33. The Parish Council requests that permitted development rights are withdrawn to maintain the character and setting of The White House and its surroundings. As the

development is for flats no permitted development rights exist and therefore such a condition is not necessary.

34. There is a request from both the Parish Council and occupier of 64 Hay Street for replacement of any planting lost as a result of improvements to the existing access and driveway. Until the requested details of the works to the access are submitted I am unclear what space will exist for replacement planting. I understand that the applicant has agreed to undertake new planting within the garden of No64 and has discussed this with the occupier. Whilst planting on land outside the site could not be controlled by condition it could be included within the Section 106 Agreement if such planting were considered essential and could not be accommodated within the site.
35. A condition can be attached to any consent requiring details of any external lighting to be submitted for approval prior to its installation.
36. This is an unusual case given the scale of the existing building and its location just outside the framework of the village. I am therefore of the view that there is sufficient justification in this case to warrant supporting the proposal as a departure from the development plan.

Recommendations

37. That, subject to the receipt of satisfactory amended plans showing the upgrading of the existing access to meet the requirements of the Local Highway Authority, that the application be referred to the Regional Office as a departure from the Development Plan on the grounds that Members are minded to approve the scheme subject to the prior signing of a Section 106 covering the provision of the amenity area and securing an education contribution, and subject to safeguarding conditions.

Informatives

Reasons for Approval

1. In resolving to grant planning permission for this development regard has been given to the policies contained within the Cambridgeshire and Peterborough Structure Plan 2003 and the South Cambridgeshire Local Plan 2004. Although the site is outside the village framework of Steeple Morden it is well related to the village and given previous use of the site and its relationship to existing residential properties the proposal for extension and conversion into 18 flats is considered to be an acceptable alternative use.
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity including noise disturbance and overlooking issues
 - Highway safety
 - Visual impact on the locality
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Background Papers: the following background papers were used in the preparation of this report: Application File S/0989/04/F

Structure Plan 2003
South Cambridgeshire Local Plan 2004

Contact Officer: Paul Sexton – Area Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/0445/04/F - Landbeach
Change Of Use Of Paddock To Residential Garden associated With 43A High
Street and The Erection of Mower And Tractor Store (Retrospective Application) At
Land Rear Of 43a High Street For B York**

Recommendation: Approval

Members of Committee will visit the site on Monday 5th July 2004.

Background

1. This application was deferred at the Committee held 2nd June 2004 (item no. 9) to enable members to visit the site prior to making a decision. The previous committee report is attached as an appendix.

Update

Applicant's Representation

2. A letter submitted by the applicant and verbally reported at the June committee is summarised below:
 - The land is not to be used for the applicant's business. He has business premises elsewhere. The shed is intended only to store necessary garden equipment.
 - The applicant's use of Banworth Lane is very infrequent, five or six times a year. This is less than when the land was a paddock.
 - The applicant does not own farm vehicles and has no reason to bring tractors or farm vehicles onto the land.
 - The main access to the property is off the High Street and as a very infrequent user of Banworth Lane this proposal can have no impact at all on pedestrian safety. Other residential and commercial properties in Banworth Lane use it as their sole means of access.
 - The site is enclosed by established trees and hedges and therefore any views of the site and the surrounding countryside will remain unchanged.
3. The Trees and Landscape Officer had concerns regarding the openness and the impact of the existing fence on the south boundary. If permitted significant landscaping would be required.

Recommendation

4. It is recommended that the application be approved as amended by plans date stamped 6th April 2004 and subject to the following conditions:
 1. Standard Condition A – Time limited permission (Reason A);
 2. Sc21 – Withdrawal of permitted development (Rc21c – ‘harm to the openness and landscape character of the village edge and Green Belt’
 - a. Part 1 (Development within the curtilage of a dwelling house), Class E (Buildings or enclosures in the curtilage of a dwellinghouse).
 - b. Part 2 (Minor Operations), Class A (Erection of gates, walls or fences).
 3. Sc51 – Landscaping (Rc51) – Re-worded:
‘A scheme of hard and soft landscaping shall be submitted to the Local Planning Authority within twenty-eight days from the date of this decision notice. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and specification of all proposed trees, hedges and shrub planting, which shall include details of density and the size of stock’.
 4. Sc52 – Implementation of landscaping (Rc52) – Re-worded:
...shall be carried out in the first planting season and seeding seasons following the approval of a landscaping scheme by the Local Planning Authority...’;
 5. Sc60 – Details of boundary treatment (Rc60) – ‘north, east and south site boundaries’.

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P1/3 (Sustainable design in built development)

South Cambridgeshire Local Plan 2004: Policy SE9 ‘Village Edges’, GB2 ‘General Principles’ and HG12 ‘Extensions and Alterations to Dwellings’.

2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

Openness and landscape character of the Green Belt
Highway and pedestrian safety
Residential amenities

3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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

South Cambridgeshire Local Plan 2004

Cambridgeshire and Peterborough Structure Plan 2003
Planning file ref: S/0445/04/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/0607/90/F – Little Gransden
Regional Gliding Competition, Gransden Lodge Airfield For Cambridge Gliding Club**

Recommendation: Delegated Approval

Site and Proposal

1. Gransden Lodge Airfield straddles the boundary between South Cambridgeshire and Huntingdonshire Districts. Access is gained via the B1046 opposite Gransden Lodge.
2. The Cambridge Gliding Club has written to request approval of its annual regional competition which will be run from Saturday 7th August to Sunday 15th August. A copy of that letter is attached as Appendix 1

Planning History

3. Planning permission was granted for the use of the site as a gliding club in 1990 (**Ref: S/0607/90/F**). One of the conditions attached to that consent limits the number of aerotows (launching of gliders by 'tug' aircraft) to 40 per day to protect nearby residents from noise. However, each year, this Council has allowed a temporary variation of this condition during the annual competition week to enable up to 80 aerotows per day.

Consultation

4. **Croydon Parish Council** has no objections.
5. **Little Gransden Parish Council** has no objections. However bearing in mind the desirability of minimising inconvenience and nuisance to residents, the Parish Council hopes that pilots would continue to exercise the utmost consideration to ensure that wherever possible properties in the village were not overflowed and that visiting pilots should be made aware of these concerns.
6. The comments of **Abbotsley, Arrington, Bourn, Caxton, Croxton, Eltisley, Gamlingay, Gt Gransden, Hatley, Longstowe and Waresley Parish Councils** will be reported verbally.
7. The comments of the **Chief Environmental Health Officer** and **Huntingdon District Council** will be reported verbally.

Planning Comments

8. Consent has been given for a temporary variation of condition in previous years to allow up to 80 aerotows during the competition week. Unfortunately insufficient formal notification of last year's competition was given by the Gliding Club to allow for the usual local consultation with Parish Councils to take place.

9. I am aware that the Gliding Club received a number of complaints in respect of last year's competition. The nature of the event means that the Club will launch a large number of gliders in a short space of time resulting in a fairly intensive period of activity and it is this which tends to give rise to complaints, particularly if this activity is centred on one area. Once the gliders are in the air they can be away from the airfield for the majority of the day.
10. The Gliding Club is aware of this concern and will try and disperse activity as much as possible although the ability to do this is largely dependant on weather conditions at the time. There was concern last year that direct contact with the Gliding Club by phone to register complaints was difficult and this year it has undertaken to have a separate line available for this.
11. I will report the views of outstanding consultees but hope to be able to recommend that the usual dispensation is given to allow up to 80 aerotows a day during competition week

Recommendations

12. That, subject to the response of outstanding consultees, no objections be raised to a temporary variation of Condition 4 to allow up to 80 aerotows a day during the period Saturday 7th August to Sunday 15th August 2004. In addition a letter to be sent to the Gliding Club advising that consideration of any future proposed relaxation of Condition 4 will take account of experience and comments made following this year's competition

Background Papers: the following background papers were used in the preparation of this report: Application File – S/0607/90/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 July 2004
AUTHOR/S:	Director of Development Services	

**S/1051/04/F – Bar Hill
Erection of 2.4 metre high security fencing and gates at units 49 and 50
Viking Way, Bar Hill for Coal Pension Properties Ltd.**

Recommendation: Approval

Site and Proposal

1. Units 49 and 50 are vacant industrial units with some first floor office space, located within a single metal-clad industrial building situated at the north-east corner of the intersection of Viking Way with Saxon Way, Bar Hill, within the Viking Way Industrial Estate. The building measures up to 30m in width and 72m in length and is accessed from the north-east elevation, off a no-through road. Ground floor windows in the units have been boarded up.
2. Roads surround the site on all four sides, with Saxon Way (the ring-road around the village of Bar Hill) adjoining the site to the west. On the opposite side of Viking Way, other industrial units adjoin the site to the south and north. Three of the four industrial units facing the site on the opposite side of Viking Way are vacant, with some windows and doors boarded up. To the east of the site is a communal car park.
3. The full application, registered on 20 May 2004, seeks planning permission for the erection of 2.4 metre high security galvanised and plastic coated mesh fencing and gates along the forecourt of the industrial units, that is on the north-east elevation facing a no-through road.

Planning History

4. A number of planning applications have been received on the site, the most relevant of which are detailed below.
5. Planning permission was given in November 2003 for Use for the Storage and Distribution of Commercial Tyres and Other Ancillary Fitments including occasional fitting and Alterations to the Front Elevation of Unit 49 Viking Way, Bar Hill (Ref: S/2027/03/F). This use has not commenced on the site.
6. Outline Planning permission was also given in 1987 for security walls, gates and fence (Ref: S/2095/86/O).

Planning Policy

7. **Policy P1/3 – Sustainable Design in Built Development** in the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) requires a high standard of design and sustainability for all new development, that responds to the local character of the built environment.

8. **Policy P7/5 – Urban Fringe** in the County Structure Plan states that Local Planning Authorities will draw up strategies for urban fringe areas where this will assist in maintaining and enhancing their character and conservation value.
9. **Policy SE9 – Village Edges** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) outlines that development on the edges of villages should be sympathetically designed and landscaped to minimise the impact of development on the countryside.

Consultation

10. **Bar Hill Parish Council** – Recommendation of refusal.
11. “Part of this fencing will encroach on Parish Council land. Also it will significantly affect the view of vehicles pulling out of Viking Way so refusal is made under health and safety grounds”.

Representations

12. None received at the time of writing the report.

Representations by Agent

13. The agent states in a covering letter that “currently our client is suffering ongoing criminal damage to these recently refurbished (and vacant) units.”

Planning Comments – Key Issues

14. The key issue in relation to this proposal is the impact of the security fence and gates on the visual amenities of the area and highway safety.
15. In my opinion the proposed fencing does not have such an adverse impact on the visual amenities of its surroundings that would warrant its refusal. The site is situated within an Industrial Estate and in proximity to other vacant industrial units. Given the presence of unoccupied units near the site, the no-through road to the front of the industrial building has low levels of informal surveillance.
16. The visual impact of the fencing has been minimised by its restriction to the frontage of the industrial units and no fences or gates are proposed along Saxon Way or the road frontage to the south-east and north-east of the site. Views of the security fencing and gates would be largely limited to the no-through road to the front of the site, although the fencing would also be visible along a section of Saxon Way and land within the countryside, on the opposite side of Saxon Way.
17. The fencing will be setback approximately 11m from Saxon Way to the north west, from where it would be seen against the background of industrial buildings.
18. The proposal will not have a significant impact on highway safety. No fencing is proposed near the intersection of Viking Way and Saxon Way, with fencing coming no closer to Saxon Way than the existing building. Given slow speeds of traffic on Viking Way, the proposal is not expected to result in a significant traffic hazard to vehicles turning into and out of, the no-through road leading to the units.

19. The Parish Council's concern regarding encroachment is not a material planning consideration, but I shall bring it to the alteration of the applicant in an informative, if the application is approved.

Recommendation

Approve

Conditions

1. Standard Condition A – Time limited permission (Reason A);
2. No development shall commence until details of the colour of the security fence and gates, hereby approved, have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
(Reason - To ensure that the development is not incongruous.)

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3** (Sustainable design in built development) and P7/5 (Urban Fringe)
 - **South Cambridgeshire Local Plan: SE9** (Village Edges)
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: **(Highway safety)**.
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

General

The applicant's attention is drawn to a comment of Bar Hill Parish Council, that part of the fencing will encroach on Parish Council land.

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

- County Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning Application File S/1051/04/F
- Planning Application File S/2027/03/F
- Planning Application File S/2095/86/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR:	Director of Development Services	

**S/0578/04/F – Shepreth
Erection of House and Garage Following Demolition of Existing Bungalow, 15 High
Street for Upware Marina.**

Recommendation: Refusal

CONSERVATION AREA**Site and Proposal**

1. The site lies in the very heart of the Conservation Area. The existing dwelling is single storey and lies immediately to the north of the playing field. To the north is No. 9 Huttles Green a two storey property whose rear garden backs onto the High Street and borders the application site. To the north east lies No. 8 Huttles Green. The rear garden of this property also borders the application site. On the opposite side of the road is a Listed Building, No 28 High Street.
2. The full application, received 19th March 2004, proposes the erection of a two storey dwelling, approximately 9.2m high and a separate double garage following the demolition of the existing bungalow. The dwelling would be sited in a similar position to the bungalow but would be brought some 2-4m nearer to the boundary with No. 8 Huttles Green. The existing access is to be utilised with no alterations proposed. There are a number of mature trees on the site.
3. The application was amended on 23rd June 2004 to take account of comments made by the Conservation Manager with regard to materials, the design of the garage roof and the length of the bin stores.

Planning History

4. S/0577/04/CAC – Total Demolition of Existing Bungalow and Garage – Approved 10th May 2004

Planning Policy

5. Policy P7/6 of the Structure Plan 2003 requires Local Planning Authority to protect and enhance the quality and distinctiveness of the historic built environment.
6. **Policy SE5 (List of Infill villages)** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) states (in part) that development should be sympathetic to the historic interests, character, and amenities of the locality.
Policy HG10 (Housing Mix and Design), of the Local Plan states (in part) that: “The design and layout of schemes should be informed by the wider character and context of the local townscape and landscape. Schemes should also achieve high quality design...”

Policy EN28 (Development within the Curtilage or Setting of a Listed Building) of the Local Plan aims to protect the setting of a Listed Building.

Policy EN30 (Development in Conservation Areas), of the Local Plan aims to preserve or enhance the character and appearance of Conservation Areas.

Consultation

7. **Shepreth Parish Council** recommends approval. It states:
"The Parish Council has concerns over the height of the roof".
8. **Chief Environmental Health Officer** is concerned that problems could arise from noise during the period of demolition and construction. He suggests conditions to overcome these.
9. **Conservation Manager** comments (on the application as submitted):

"Observations:

I was consulted on this scheme as part of a pre-application enquiry. My views at that time were; that the existing bungalow was of no significant architectural merit and did not make any particular contribution to the setting of the Conservation Area, though the existing mature deciduous tree on the site is important and must be retained. Furthermore, I felt the proposed scheme had been designed with a degree of sensitivity and would make a greater contribution to the Conservation Area than the existing bungalow.

Recommendation:

No objection in principle, but I would wish to see a couple of minor alterations to the design as follows:

- The featheredge boarding to the front gable should be returned on the north elevation up to the line of the roof over the utility room.
- The garage roof will be conspicuous from both the High Street and the adjacent playing field. The proposed roof appears rather unbalanced and would be improved if the hipped gable indicated on the front elevation is repeated at the other end of this roof.
- The length of the bin store shown on the front elevation should be cut back, such that the lean-to roof can be fully accommodated beneath the verge of the garage roof (ie without the need for a hip).

During the course of my site visit I noted that there is a conifer adjacent to the existing bungalow that will require removal. The removal of this tree is not included within the current application and, while this tree may not be of any great significance, the application should be revised to ensure the matter is correctly dealt with. There may be an issue with overlooking of the properties on Huttles Green from the first floor landing window and also from the bedroom window in the end gable. This could be reconciled by the use of fixed obscured lights to these windows.

Samples of all materials will need to be agreed, and the roof tiles should be of clay (not concrete), the windows and doors should be in timber and the drive should be of gravel."

10. **Conservation Manager** comments with regard to the amended plans:

“The revised design has addressed my concerns and I am happy to support the amended application.”

11. **Trees and Landscape Officer** comments:

“Poor quality Cedar to be removed.

Sycamore is afforded enough clearance.

No objections.

Condition for tree protection should be imposed.”

Representations

12. Two letters of objection have been received from the occupiers of Nos. 8 and 9 Huttles Green, Shepreth:

13. **8 Huttles Green**

14. Adverse impact of such a tall dwelling on the recreation ground as a village amenity.

15. Low pitch of the existing bungalow is in keeping with surrounding properties – the proposed dwelling is over 2m taller than 8 Huttles Green and would be closer to the garden (less than 1m at its closest).

16. A bedroom window will look directly into the garden – it should be frosted glass.

17. **9 Huttles Green**

18. “With the ever-increasing shortage of small dwellings, it would appear against the public interest for the existing dwelling to be demolished.

19. A 2-storey building in this situation would be obtrusive.

20. My property will be overlooked, thus infringing upon my present privacy”.

Planning Comments – Key Issues

21. The key issues are the impact of the development on the amenity of the occupiers of nearby properties and the impact on both the setting of the Grade II Listed Building, No. 28 High Street (opposite) and the character and appearance of the Shepreth Conservation Area.

22. ***Neighbour amenity***

There are two dwellings that would be most affected by the proposal – Nos. 8 and 9 Huttles Green. No. 8 lies to the north east and No. 9 to the north.

23. The proposal is to replace a single storey dwelling with a two storey dwelling in excess of 9m in height that will be 2-4m closer to, and only 1m from, the west side garden boundary of the adjacent property, No. 8 (at its closest point). It will appear unduly dominant and overbearing when viewed from the rear of No. 8 and particularly from within its garden.

24. There is to be a bedroom window in the east elevation that will look directly into the rear garden of this property. This window is not the main bedroom window (which faces south over the recreation ground) and could be obscured. However, the applicant is unwilling to consider this. The proposal will therefore seriously harm the amenities of the occupiers of No. 8 through direct overlooking of its rear garden.
25. The impact on No. 9 is less severe but a dwelling of this size will have some impact when viewed from the garden and a landing window in the north elevation will cause a degree of overlooking. The bulk of the dwelling will be some 17m to 27m from the south east boundary of No. 9 and, given this separation, I do not consider that a refusal on this ground could be justified.
26. ***Setting of Listed Building and impact on the Conservation Area.***
The impact of the development on both the setting of the Listed Building opposite and on the character and appearance of the Conservation Area is acceptable to the Conservation Manager. His comments are reproduced above. The amended scheme has taken on board the suggestions made in his original comments and on this issue I consider the development to be acceptable.
27. ***Other issues***
The Trees and Landscape officer is not concerned regarding the loss of trees. The dwelling will impact on the recreation ground but this is within the Conservation Area and is considered acceptable to the Conservation Manager.

Recommendations

Refusal for the following reasons:

28. The proposed dwelling is approximately 9.2m in height and will be sited close to the west boundary of the rear garden of No. 8 Huttles Green. It would appear overbearing and dominant when viewed from the rear of this property and from its garden. A bedroom window in the east elevation will look directly into the rear garden of No. 8 Huttles Green. As such the proposed dwelling will seriously harm the amenities of neighbours through being unduly overbearing in terms of its mass and through undue loss of privacy and is contrary to Policies SE5 and HG10 of the South Cambridgeshire Local Plan 2004.

Contact Officer: Saffron Garner – Planning Assistant
Telephone: (01954) 713256

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/0593/04/F – Bassingbourn-cum-Kneesworth
Residential development following demolition of existing and alterations to access
road, 131 The Causeway and land adjoining for Mrs C Parker**

Recommendation: Delegated Approval

Site and Proposal

1. This application, registered on 22nd March 2004, seeks outline consent for the redevelopment of an existing 0.33ha (0.81acre) area of land to the north of The Causeway, Kneesworth. The site currently comprises No131 The Causeway, an Edwardian house facing the main road, and its residential curtilage. It has its own access direct from The Causeway. In the rear part of the site, behind the garden of No131, is a vacant brick built commercial building with a corrugated roof. Along the west side of the site is a roadway from The Causeway that serves the vacant commercial building and another single storey industrial building to the rear of the application site. The site contains several trees including a large Copper Beech in front of the house and a line of planting within the garden of No131 to the east of the roadway.
2. To the west of the site is a semi-detached house fronting The Causeway to the rear of which are houses in Tower Close. To the east of the site is a chalet bungalow facing The Causeway with a rear garden that extends the length of the application site.
3. All matters are reserved apart from the means of access. A drawing accompanying the application proposes the upgrading of the existing roadway to a width of 5.5m with 1.8m wide footpaths either side and 10.5m kerb radii.
4. The application is accompanied by a report on the marketing carried out in respect of the existing commercial building within the site.

Planning History

5. In October 2003 a similar planning application was withdrawn prior to determination.
6. A 1991 consent for the erection of additional dwellings in Tower Close, immediately west of the site, included a condition requiring a scheme of insulation works to the commercial building to the rear of the current site to be submitted and agreed prior to any of the dwellings approved at that time being occupied.

Planning Policy

7. The site is located within the village framework for Kneesworth for purposes of the Local Plan and should be considered against those policies rather than the ones that relate to Bassingbourn itself.

8. **Policy SE5** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) identifies Kneesworth as an infill only village. Within such settlements residential development will normally be restricted to not more than two dwellings. Examples of such development cited in the policy are a gap in an otherwise built up frontage to an existing road, provided that it is not sufficiently large to accommodate more than two dwellings on similar curtilages to those adjoining; the redevelopment or sub-division of an existing residential curtilage; or subject to the provisions of Policy EM8, the conversion or redevelopment of a non-residential building where this would not result in a loss of local employment. All development is subject to the caveat that the site in its present form does not form an essential part of village character, and development is sympathetic to the historic interests, character, and amenities of the locality.
9. Policy SE5 also states that in very exceptional cases a slightly larger development may be permitted if this would lead to the sustainable recycling of a brownfield site bringing positive overall benefit to the village.
10. **Policy Bassingbourn 3** of the Local Plan 2004 confirms that development in Kneesworth will be restricted to infilling within the framework of the settlement, “In view of the very limited facilities available in Kneesworth and the problems of access onto the A1198 (“ (Para 9.26).
11. **Policy HG7** of the Local Plan 2004 states that the Council will negotiate with applicants to secure affordable housing before it determines any application in villages with a population of 3000 or fewer where there is a clear need for affordable housing in the particular local area. In such settlements affordable housing may represent up to 50% of the total number of dwellings for which planning permission may be given, dependant on the level of clearly identified local need, although higher or lower percentages may be agreed in the light of factors such as proximity to local services; access to public transport; the particular costs associated with the development; and whether or not the provision of affordable housing would prejudice other planning objectives warranting greater priority in the particular case.
12. **Policy EM8** of the Local Plan 2004 seeks to resist the conversion or redevelopment of employment sites in villages to non-employment uses unless they are causing a nuisance by virtue of noise, smell or traffic generation or where it is demonstrated that the site is inappropriate for any employment use to continue having regard to market demand.
13. The accompanying text states that applications for change of use of premises in or last occupied for employment use will need to be accompanied by documentary evidence that a site is not suitable or capable of being made suitable for continued employment use, including evidence that the property has been adequately marketed for a period of not less than 12 months on terms that reflect the lawful use and condition of the building.

Consultation

14. **Bassingbourn Parish Council** recommends refusal stating that the plan is too vague for judgement.
15. The **Local Highway Authority** comments that it would be helpful to know the type of commercial use of the building to the rear and the present daily traffic flows to the site. There is concern that in order to retain access to the commercial use at the rear it has been considered essential to construct a straight section of carriageway from

The Causeway to the commercial site, which will not restrain vehicle speed and could become a road dominated layout.

16. The **Chief Environmental Health Officer** requests conditions restricting the hours of operation of power driven machinery during the demolition and construction process, and requiring a contamination report. Comments are made in respect of the use of driven pile foundations and burning of waste on site.
17. The **Environment Agency** requests conditions in respect of ground contamination investigation, assessment and remediation, and pollution control (including foul and surface water drainage). In addition the Agency offers safeguarding comments.
18. The **Trees and Landscapes Officer** states that there are several good trees on site, particularly a Cedar and Copper Beech, plus tree belt to the boundaries. Any application should retain these trees and afford them sufficient space.
19. The **Chief Financial Planning Officer, Cambridgeshire County Council** is concerned that the capacity of the secondary school is fully committed to meet the needs arising from existing houses therefore a contribution of £10,000 is requested to cover the cost of an additional place.
20. The comments of the **Cambridgeshire Fire and Rescue Service** will be reported verbally.

Representations

21. A letter has been received from the occupiers of 166 The Causeway, opposite the site. The letter expresses concern that an increase in properties will also mean an increase in car activity and noise levels. No166 is directly opposite the proposed access road which would give rise to problems when entering and leaving where visibility is already obscured by vehicles parked in the layby. Cars are prone to speed excessively and overtake unnecessarily along this stretch of road and another access will aggravate an already dangerous situation. The house will be devalued as a result.
22. At the present time the access road is only used for the industrial units behind the site during working hours. If it became a residential access at nighttime there would be the glare of headlights using the road which would look straight into the living and bedroom windows of No166. Is there another option for the access road?

Planning Comments – Key Issues

23. The key issues to be considered with this application are whether the development accords with the infill only policy; the loss of an existing employment use; the provision of affordable housing; and the affect of the proposal on residential amenity, the character of the area and highway safety.
24. The application is submitted in outline and at the present time does not include any indication of the number of dwellings proposed. Although the Parish Council suggests that the application is too vague to comment on it must be judged in principle as submitted.
25. Although Kneesworth is identified as an infill only village the policy does allow for a slightly larger development where it would lead to the sustainable recycling of a brownfield site bringing positive overall benefit to the village. This is a brownfield site.

26. The existing commercial building in the rear part of the site has been marketed in accordance with the requirements of Policy EM8 of the Local Plan and I accept the view put forward with the application that given the poor state of the building and its location that a user is unlikely to be found.
27. The number of any units on the site will be restricted by its shape, the relationship to adjoining properties and existing trees within the site. Any development should provide for the principle of affordable housing in accordance with Policy HG7. Such provision can be secured in a Section 106 Agreement
28. The existing Edwardian house at the front of the site is attractive but the Conservation Manager expressed the view at the time of the earlier application that it would not fulfil the necessary criteria to enable it to be listed as an example of that period of architecture. I am of the view that whilst the retention of this building is desirable the retention of the site in its present form could not be considered to form an essential part of village character and some redevelopment could take place.
29. Careful layout of any dwellings within the site will be required to protect the amenity of adjacent residents. This would be a consideration at the Reserved Matter application stage.
30. I share the concerns of the Local Highway Authority in respect of the form of access proposed. The widening of the access as currently will result in the loss of existing planting on the western side of the site, which will have an adverse effect of the character of the area. Although this matter is included in the application as a matter for consideration at this stage I would wish to exclude it in so far as it relates to the roadway within the site.
31. I am of the view that the use of the existing access to serve a residential development will not cause sufficient harm to the occupiers of No166 The Causeway to warrant a refusal of the application.
32. The requirement of Cambridgeshire County Council for a contribution towards education provision can be included in a Section 106 Agreement.
33. The protection of existing trees, requirements of the Environment Agency, and the Chief Environmental Health Officer can be dealt with by condition.
34. In my view this site is suitable for limited redevelopment as a brownfield site within the village framework in line with Policy SE5 of the Local Plan

Recommendations

35. That the applicant is invited to enter into a Section 106 agreement securing the provision of affordable housing and an education contribution. Subject to the prior signing of this agreement that delegated powers be granted to issue outline consent subject to safeguarding conditions.

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:

South Cambridgeshire Local Plan 2003 – Policy SE5
HG7 and EN8

2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

Residential amenity
Highway safety

3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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

Application file S/0593/84/O

Application S/1488/03/O

Structure Plan 2003 and South Cambridgeshire Local Plan 2004

Contact Officer: Paul Sexton – Area Planning Officer
Telephone: (01954) 713255

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

S/0470/04/F – Bourn
Removal of Agricultural Occupancy Condition (Condition 1 of Planning Permission S/0017/86/F), Beck Farm, Toft Road, for Mr C White.

Recommendation: Approval

Introduction

1. The application relates to a chalet bungalow located at Beck Farm to the south of the B1046 at Bourn. The application is seeking to remove the agricultural occupancy restriction upon the dwelling.
2. Members considered the application at the meeting of the Development and Conservation Committee of 2nd June 2004. Members resolved to defer the application to enable further comments to be obtained from the Senior Farms Manager, Cambridgeshire County Council about the extent and effectiveness of the marketing of the dwelling whilst subject to the agricultural occupancy condition. A copy my report to Members is attached as Appendix 1.

Subsequent Developments

3. Further advice has been obtained from the Senior Farms Manager. He remains of the opinion that the marketing of the property was carried out sufficiently widely and for a sufficient period to enable a thorough exposure to the market to be achieved. He considers that the property was fairly valued at £450,000 which included a reasonable discount (25%) to reflect the agricultural restriction. He notes that for eight months invitations were to be made for “offers from compliant purchasers” without any guide price, to attract the interest of the farming community. He concludes that the chances of finding a willing and compliant purchaser at this stage is “most remote”. A copy of his letter is attached as Appendix 2.
4. The agent acting for the applicant has supplied further information. He has provided two examples of very recent appeal decisions, both from the south of England, where the agricultural restriction was lifted despite the concerns of the Local Planning Authority about marketing. In one case the property was marketed at £950,000 including a 37% discount for the occupancy condition, for a period of 7 months without success. In the other case, the property was marketed for a period of 23 months at £550,000 with a 30% discount, again without success. In both cases, in allowing the appeals, the Inspector found that the length of marketing and guide price were reasonable.

Planning Comments

5. Members will note that the property has been marketed nationally in the *Farmers Weekly* over 10 months, and in the *Cambridge Evening News Property Section* over 3 months.

A survey of agricultural need was circulated to 102 farmers in the area to gauge local agricultural need. 25 responses were received but from these only 5 said that they were looking for an agricultural dwelling and no offers for Beck Farm were received. In addition, the property is currently advertised on the agents' website and has so been since September 2002.

6. My recommendation of approval remains before Members given the substance of advice received since your earlier consideration of the proposal.

Recommendations

7. Approval (no conditions).

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: Policy P1/2 – (Environmental Restrictions on Development)**
 - **South Cambridgeshire Local Plan 2004: Policy HG17 (Relaxation of agricultural occupancy condition)**
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - size of the house and holding and the potential for full-time farming income to be derived from it;
 - the marketing of the property and the valuation placed upon it, and the offers to purchase received.
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Background Papers: the following background papers were used in the preparation of this report: PPG7 The Countryside: Environmental Quality and Economic and Social Development (1997); Cambridgeshire and Peterborough Structure Plan 2003; South Cambridgeshire Local Plan 2004; application forms, documents, plans and correspondence on file.

Contact Officer: Ray McMurray – Senior Planning Assistant
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/2570/03/F - Caxton
Use of Site and Building for Weekly Car Auction
KartSport UK, Royston Road for Mr S Butcher**

Recommendation: Approval

UPDATE

Site and Proposal

1. The application was deferred at the April 2004 meeting for an independent traffic assessment of the implications of the proposal for highway safety.

Appendix 1 is a copy of the April 2004 agenda item.

Appendix 2 is a copy of the subsequent traffic assessment.

Planning Comments – Key Issues

2. The traffic assessment concludes that although the introduction of a car auction will intensify the use of the access, the levels and type of traffic is uncertain. Despite the likelihood of traffic levels on the A1198 increasing in the future, the existing access has adequate visibility in relation to approach speeds and no accidents involving vehicles using it have been recorded within the past 5 years.

A precautionary approach is suggested, in line with the comments of the Local Highway Authority, whereby a temporary permission is granted to enable the site to be monitored on auction days. Advance warning signs of the access point may be appropriate.

Recommendations

3. Approval, subject to:
 1. The use hereby permitted shall be discontinued on or before 31st July 2005 (Reason – To judge the impact of traffic generation upon highway safety.)

+ any conditions required by the Local Highways Authority

Informatives

1. The Environment Agency has the following comments
 - Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order), any oil/fuel storage tank shall 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.

- Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
- All foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent should be discharged to the foul sewer.
- Facilities should be provided to ensure that waste oil is stored and disposed of in a manner that will not lead to pollution.

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P2/6** (Rural Economy)
 - **South Cambridgeshire Local Plan 2004: EM10** (Employment in the countryside
ES6 (Noise and pollution).
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Impact on the countryside
 - Highway safety

Subject to monitoring of impact upon highway safety during the limited period of the consent.
2. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

+ letter suggesting improved signage.

Background Papers: the following background papers were used in the preparation of this report: South Cambridgeshire Local Plan 2004
Cambridgeshire and Peterborough Structure Plan 2003
Planning file ref: S/2570/03/F

Contact Officer: Mr R Morgan – Area Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT Development Control and Conservation 7th July 2004
TO: Committee

AUTHOR/S Director of Development Services

S/6232/04/RM – Cambourne**26 Dwellings at GC20, Land off Jeavons Lane, Cambourne for Granta Housing Trust Ltd****Recommendation: Approval subject to the Signing of a Section 106 Agreement and Planning Conditions****Site and Proposal**

1. The site comprises of a parcel of land 0.81 hectares (2 acres), located on the southern part of Greater Cambourne.
2. The Reserved Matter application was received on 7th January 2004, and proposes 26 affordable dwellings at a density of 32 dwellings per hectare. These have been designed to provide a variety of styles and types, ranging from bungalows, one and a half storey, two storey houses and 2 storey flats. The scheme was amended by drawings franked 24th May 2004.
3. The houses provided would be 6 x 1 bedroom flats, 2 x 2 bedroom bungalows, 13 x 2 bedroom houses and 5 x 3 bedroom houses with the provision of 44 parking spaces. The road within the site is in the form of a crescent, laid out in block paving and lined by trees. There are two pedestrian links within the site linking these proposals to GC18 and the existing built GC14. All of these houses are for rent.

Planning History

4. This site is allocated in the Masterplan as an area for housing identified as GC20. In the original Masterplan, this area was allocated a notional 22 units.
5. Cambourne has planning permission for 3000 houses + 10% reserve. Within the development, under the terms of the s106 agreement, the developers are required to provide 37 acres (15 hectares) of free, serviced land allocated in tranches throughout the site, with the total number of dwellings on that land not exceeding 650.
6. During the course of the development of Cambourne, it has emerged that the number of affordable housing units allocated in the Masterplan on that 37 acres only numbered 516, a shortfall of 134 units.

7. The number of units on this site has increased from the notional 22 to 26 in order to help address the shortfall in overall number of affordable units.

Policy

8. Policies Cambourne 1 and 2 of the Local Plan 2004 require development at Cambourne to accord with the Masterplan, Design Guide, and the themes embraced by Government guidance relating to the creation of sustainable residential communities.

Consultations

9. **Bourn Parish Council** – has no comment.
10. **Caxton Parish Council** - recommends approval.
11. **The Cambourne Management Liaison Committee (MLC)** – a forerunner of the Parish Council recommends refusal. The principal objection is the density of the site in excess of that originally agreed in the master plan (30% increase).
12. **The Local Highway Authority** – has no objection subject to conditions.
13. **The County Archaeologist** – comments awaited.
14. **The Trees and Landscape Officer** – has no objection subject to landscaping conditions.
15. **The Council's Ecologist** – no comment subject to conditions.
16. **Angian Water Authority** – has no objection.
17. **The Environment Agency** – no objection subject to conditions.
18. **The Police Architectural Liaison Officer** – has several comments regarding the provision of car parking spaces within the site, and the orientation of the dwellings.
19. **Cambridgeshire Fire and Rescue Service** – comments awaited

Planning Comments – Key Issues

Density Issues

20. There has been an increase from the 'notional' allocation in the original Masterplan, however, it is important that schemes are design led, and that the overall vision for Cambourne as a settlement is not lost. It is important to be mindful of the increase in numbers of dwellings and the MLC raises concerns regarding the increase in numbers. This has been explained under 'Planning History' and, as indicated above, will actually assist with making up the overall shortfall in the allocation of affordable housing.
21. The impact of these 'additional' numbers of affordable units on the overall total number of units is being closely monitored. The issue is likely to be brought to the fore and addressed later this year, through the Local Development Framework when the Council will revisit the issue, as required by the Inspector's Report for Local Plan No. 2 and the appeal into the Cambourne Consortium's proposal to

increase development at Cambourne due to be determined in September/October, 2004.

Design Issues

22. The scheme is generally in accordance with the approved Design Brief for the site, with an increase in density being within the built form of the development. The design of the individual units generally provides overlooking of public areas and parking courts. This provides a natural surveillance of those potentially vulnerable areas. The Police Liaison Architectural Officer highlights particular around the parking court and landscaping areas. However, the consideration of these comments should be read against the good design of the site and it is considered that the development proposals satisfactorily address all the planning design issues.

Parking Issues

23. The development indicates the provision of 44 parking spaces, 10 of which are identified as visitor parking, providing an average designated allocation to individual dwellings of 1.4 car parking spaces per dwelling. The South Cambridgeshire District Plan policy TP1 supports a maximum of an average of 1.5 spaces per dwelling, with an addition of further spaces for short-term parking.

Landscaping Issues

24. Concern has been raised by the Police Liaison Officer that, should the landscaping to plots 1 –2 remain, then visibility of these units is obscured and an element of natural surveillance is lost. However, these particular plots have their own front windows overlooking the parking area and natural surveillance of these plots can also be achieved by plots 4 and 5. He also draws attention to the link on the western border of the site which links to GC18 and raises concern regarding the provision of trees within that area. However, it is considered that the removal of trees from the development would create a harsh environment, which would fail to provide a sense of community and ambiance, which affords a pleasant environment in which to live.

Conclusion

25. The proposals offer a sustainable solution to the development of this area of land within Cambourne. As this is a scheme comprising of entirely affordable housing, the decision notice will be issued only once the conditions have been agreed and a Section 106 signed.

Recommendation

26. Delegated powers to approve as amended by drawings franked 24th May 2004, subject to:
- a. The prior signing of a Section 106 agreement, and
 - b. The provision of the appropriate planning conditions relating to materials, landscaping, parking and highways, ecology, securing an appropriate contractor's compound, location of meter boxes.

Reasons for approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P1/3
(Sustainable Design in Built Development).

South Cambridgeshire Local Plan 2004: SE7 (Cambourne), **HG10**
(Housing Design) TP1 (Sustainable Transport).

2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

- Residential amenity, including loss of light and overlooking/loss of privacy;
- Affect on the character and appearance of the area;
- Affect on wildlife;
- Need for clarification of landscaping and boundary treatments; and
- Housing need.

3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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

South Cambridgeshire Local Plan 2004
Cambridgeshire and Peterborough Structure Plan 2003
Planning file Ref; S/1371/92/0 and S/6232/04/RM
Cambourne Master Plan and Design Guide

Contact Officer: Julie Ayre, Senior Planning Officer, Telephone (01954) 713264

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/1895/03/O – Comberton
Erection of Six Houses and Four Flats
Land off Milner Road for Mrs M Morgan**

Recommendation: Approval

Introduction

1. The applicant is seeking outline planning permission to provide a small estate off Milner Road to provide three detached houses, three terraced houses and a two-storey block of four flats on 0.255ha of land at a density of 39 dwellings per hectare.
2. Members considered the proposal at the meeting of the Development and Conservation Committee on 7th January 2004 – a copy of my report is attached at [Appendix 1](#). At that time Members resolved to grant delegated powers to officers subject to no objection being received from Anglian Water, to an amended plan being received showing the siting of the proposed garage on Plot 1 further away from the northern boundary hedge, and to the agreement of the applicant to make a financial contribution to the upgrade of the existing footpath link between Milner Road and Barton Road to a cycleway, if this were found to be technically feasible.
3. Any approval of the scheme would be subject to the completion of a Section 106 Agreement to secure the affordable housing element of the scheme, and an educational contribution. The terms of a draft agreement have been prepared by the Legal Officer.

Subsequent Developments

4. Anglian Water has confirmed by letter dated 24th March 2004 that it has no objection to the proposal as submitted. It states: "Some parts of the Comberton Catchment do experience operational difficulties from time to time, which ultimately may lead to the implementation of improvements. However, this particular site is not in this problematic area and consequently Anglian Water has no objection to raise to this application".
5. An amended layout plan has been received 22nd January 2004 showing the siting of the garage on Plot 1 altered to take account of the boundary hedge. The Trees and Landscape Officer has indicated that he is satisfied with the amended layout.
6. Cambridgeshire County Council has indicated that it is seeking an educational contribution of £18,000 in respect of two additional secondary school places.
7. Discussions have been undertaken with Cambridgeshire County and Comberton Parish Council concerning the possibility of funding an improvement to the footpath to the east of the site. The Transport Officer of Cambridgeshire County Council has confirmed that the County maintains the existing path, although SCDC maintains the verges.

He has stated that an upgrade to a 2.5m-wide cycleway is technically feasible, but would require the provision of pedestrian barriers at each end and the resiting of two street lights. He has estimated the cost of works to be in the region of £10,000. He has confirmed that Cambridgeshire County Council would be unable to provide any financial assistance.

8. The agent has indicated that the applicant would be willing to contribute £5,000 towards the upgrading of the path, but is concerned that any further amount would be disproportionate to the size of the project. They have suggested that the Parish Council should be approached to pay the remaining sum.
9. A letter dated 14th May has been received from Comberton Parish Council. The Parish Council states that unfortunately it does not have the matching funding available as it has identified several other key village projects that it considers to have a higher priority. The Parish Council would be prepared to receive the applicant's contribution to spend on a project of its own choice, as community benefit.
10. The agent has responded by letter dated 10th June indicating that the applicant wishes to withdraw the offer of funding for the path upgrade in view of the Parish Council's inability to fund half of the cost of construction, and has asked for the matter to be placed before Members for reconsideration, so that the S. 106 Agreement in relation to affordable housing and education contribution can be finalised.

Planning Comment

11. The footpath is only some 140 metres in length. To require the developer of this proposal for 10 dwellings to fund an upgrade to a cycleway seems to me to be disproportionate to the benefit gained, not necessary and not directly related to the proposed development. The requirement therefore fails three tests for seeking Obligations in Development of the Environment Circular 1/97, "Planning Obligations".
12. In the circumstances it is recommended that the application be approved without the requirement for a financial contribution towards the provision of a cycleway.

Recommendation

13. Subject to the prior signing of a Section 106 Legal agreement concerning the provision of affordable housing and the requested educational contribution:
14. Approval (as amended by site plan date franked 18th December 2003 and layout plan date franked 22nd January 2004) subject to:
 1. Standard Condition B – Time limited permission (Reason RC B);
 2. SC 1 – Reserved Matters b) design and external appearance of the buildings and d) the landscaping of the site (RC 1);
 3. Prior to the commencement of any development, a scheme for the provision and implementation of foul and surface water drainage shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specifications at such time(s) as may be specified in the approved scheme. (Reason – To ensure a satisfactory method of foul and surface water drainage);

4. Before the use is commenced, the access from the existing highway shall be laid out and constructed to the satisfaction of the Local Planning Authority after consultation with the Local Highway Authority. (Reason – For reasons of highway safety);
5. The permanent space to be reserved on site for the turning and parking of vehicles shall be provided before the use commences and shall thereafter be maintained (Reason- For reasons of highway safety);
6. SC 56 – Protection of trees during construction (RC 56);
7. SC 52 – Implementation of landscaping (RC 52);
8. Prior to the commencement of development details of the location of services shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (Reason – In order that the layout of services can be assessed in relation to existing trees);
9. Prior to the commencement of development, details of the design of building foundations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (Reason – In order that the design of foundations can be assessed in relation to existing trees).

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3** (Sustainable design in built development).
 - **South Cambridgeshire Local Plan 2004: SE4** (Development in Group Villages),
 - **HG7** (Affordable Housing on sites within Village Frameworks);
 - **HG10** (Housing Mix and Design).
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - the layout of development and its integration with adjoining development;
 - the protection of trees and hedgerows upon the site;
 - highway safety.
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

General

The Planning Permission is accompanied by a Section 106 Agreement dated in relation to an education contribution and affordable housing.

The applicant's attention is drawn to the comments of the Environment Agency in its letter dated 2nd October 2003 a copy of which is attached.

Background Papers: the following background papers were used in the preparation of this report: Application file S/1895/03/F; Cambridgeshire and Peterborough Structure Plan 2003; South Cambridgeshire Local Plan 2004.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 7th July 2004

AUTHOR/S: Director of Development Services

S/0701/04/F - Cottenham
Change Of Use Of Unit 2 From Agricultural Use To Caravan Storage (Retrospective) At
Setbroad Farm, Oakington Road
For Mr M. Ragnauth

Recommendation: Approval

Site and Proposal

1. The site comprises an agricultural small holding of 3.9 hectares (9.68 acres).
2. The site has been established as a facility for the production of eggs for parent breeding stock since 1991. In relation to the business operation, there are two units for poultry rearing built on site, with a further building providing accommodation for office, sanitizing and a generator. A third unit for poultry rearing is built to base wall stage, but has never been completed. A small dwelling on the site provides accommodation for the family operating the business.
3. The unit to which this application relates measures 1080 square metres. It has been used for some time as caravan storage and currently houses approximately twenty-eight caravans. The building could potentially accommodate up to fifty.
4. This full planning application, received on the 1st April 2004 proposes the change of use of unit two from agricultural use to storage. The applicant has sought to find alternative means of income due to a number of personal circumstances and collapse in the chicken trade, as a result of overseas competition, which resulted in the poultry business temporarily ceasing on site in 2002. He is now re-establishing the poultry side of the business and envisages this change of use to be on a temporary basis. It is required to provide a source of income while the site is being prepared for the re-introduction of chickens and for a period of time during the early stages of the poultry business having been re-started.

Planning History

5. The site history commences in 1991 with the granting of planning permission for a poultry breeding facility on the site (ref. **S/0648/91/F**). This permission was for two agricultural units for chicken rearing (including unit two, which is the subject of this application), and a store.
6. In 1992 planning permission was granted for the temporary siting of a mobile home on the site (ref. **S/1695/92/F**). A further planning application at this time gave permission for a storage hut, a litter store connecting units 1 and 2 and a green house/poly-tunnel (ref. **S/1696/92/F**).

7. In 1997 the business had been operating for a number of years and planning permission (ref: **S/1145/97/F**) was granted for an extension to a third unit 3, which at that time had not been built. This application also approved a dwelling on site with a garage, incorporating annexe living accommodation for visiting workers or family members.
8. Subsequently, the site has been developed through the implementation of planning permission for unit 3, through the construction of foundations, base walls and laying out the floor area with hardcore, however, this building has yet to be completed. A dwelling (known as the annexe), is the subject of a separate application. The partial erection of a dwelling has been undertaken but ceased following the issuing of enforcement and stop notices by the Council. A planning application for a revised design incorporating an enlarged ground floor area of the dwelling (not yet completed) was withdrawn, but is also currently the subject of a separate planning application.

Planning Policy

9. **Policy P1/2 'Environmental Restrictions on Development'** of the Cambridgeshire and Peterborough Structure Plan 2003 ("Structure Plan") states development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location; where there is an unacceptable risk to the quality of ground or surface water and; where there could be damage, destruction or loss to areas that should be retained for their biodiversity, historic, archaeological, architectural and recreational value.
10. **Policies 9/2a** of the Structure Plan and **Policy GB2** of the South Cambridgeshire Local Plan 2004 ("Local Plan") identify the purpose of the Green Belt and limits change of use in rural areas to those 'appropriate to a rural area'. 'Appropriate development' includes uses of land that 'preserve the openness of the Green Belt and do not conflict with Green Belt purposes'.
11. **Policy EM10 'Conversions of Rural Buildings and Future Extensions'** of the Local Plan, allows the change of use of rural buildings outside of village frameworks where, amongst other criteria, the use will not materially change the existing character or impact of the building, safe and satisfactory vehicular access with car parking and turning within the site can be provided and the scale and frequency of traffic generated can be accommodated within the road system without undue adverse effects.
12. **Policy TP1 'Planning for More Sustainable Travel'** of the Local Plan seeks to promote sustainable travel and as such planning permission will only be granted where small-scale increases in travel demands will result, unless satisfactory measures to increase accessibility are included.

Consultations

13. **Cottenham Parish Council** recommended refusal of this application on the grounds that the 'the change of use is unrelated to the existing agricultural permission'.
14. **Chief Environmental Health Officer** – No significant impacts in relation to noise and environmental pollution.
15. **The Local Highway Authority** - In response to details submitted at the request of the Highways Officer, it is recommended that the access be improved to a minimum

width of 7.3 metres by 20 metres back from the road with a kerb radii of 15 metres and that visibility splays of 4.5 metres by 215 metres to the access be provided.

Representations

16. Cottenham Village Design Group made a representation of 'no comment'.

Planning Comments – Key Issues

17. The key issues to consider in respects of this application are the impact upon the rural Green Belt setting and highways matters.

Green Belt/Countryside

18. The site is located outside of the village framework and falls within the Cambridge Green Belt. The re-use of this existing building has had no visible impact upon the openness or character of the surrounding countryside, as no external alterations have been carried out. The applicant envisages this use to be on a temporary basis while the chicken related business is re-established and is currently providing an essential income. No additional development as a result of this proposal is likely to be required and therefore approval of the change of use will not be contrary to rural or Green Belt policy objectives.

Highways

19. The site is currently served by a vehicular access off Oakington Road. This was improved as a result of conditions on the 1991 planning permission. This required visibility splays of 2.4 metres by 215 metres and a kerb radii of 12.5 metres. The access was widened to 5.5 metres for a distance of 20 metres back from the edge of the carriageway. Lastly, gates were to be set back 12.5 metres from the edge of the carriageway.
20. The applicant has submitted details of the traffic generation resulting from the proposed change of use, in which it was stated that traffic movements would amount to 0.82 movements per day based upon a formula set out by CASSOA (The Caravan Storage Site Owners Association). The formula is 6 movements per day multiplied by the number of caravans (50) divided by the number of days in the year. The agent noted that for the purposes of clarification, a trip equals two movements. Users of the facility have to give 24-hour notice before going to the site to pick up their caravan. This number of trips is less than might be expected if the unit were to remain in agricultural usage.
21. The access point is within a sixty mile-per-hour speed limit, however the access has good visibility in both directions, being sited on a relatively straight stretch of road. A frontage hedgerow would be required to be removed should the visibility splay recommended by Highways be adhered to. This would leave the site clearly visible from the road and as a consequence would increase the visual impact. The views of the Highways Officer are noted, however the existing layout is to a high standard and I do not consider further improvements to be necessary, particularly as the site has operated for some time without incident, and the use proposed is of a temporary nature.
22. In light of the above considerations, I am satisfied that the proposed change of use will not have a detrimental impact upon the surrounding countryside or highway safety.

23. It is recommended that the application be approved. This should be conditioned as a temporary permission, as this application has been considered in relation to proposals to re-establish the site as a chicken rearing farm. The building forms part of a set of proposals for the long-term re-establishment of the poultry business. It is likely that it will be required again in the future for that business and therefore, to avoid an unnecessary proliferation of buildings on the site, the situation should be reviewed after a period of four years, when the applicant anticipates that the building will revert to a poultry unit.

Recommendation

Approval

Conditions

1. SC4 – Temporary Permission Worded: The use hereby permitted shall be discontinued and the building restored to its former condition on or before 30th June 2008 – RC4a worded ‘building’ rather than ‘land’.

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003:

Policy P1/2 ‘Environmental Restrictions on Development’

Policy 9/2a ‘Green Belt’

South Cambridgeshire Local Plan 2004:

Policy GB2 – Green Belt

Policy EM10 – Conversions of Rural Buildings and Future Extensions

Policy TP1 – Planning for More Sustainable Travel

2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise:

- Change of use of agricultural building.
- Highway safety

3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning files refs: S/0701/04/F and S/0648/91/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

7th July 2004

AUTHOR: Director of Development Services

**S/0560/04/F – Gamlingay
Extensions To Dutch Barn, Brook Farm, Little Heath
For R Woodcraft.**

Recommendation: Delegated Powers of Approval

Site and Proposal

1. The site lies to the south west of the village and outside the defined settlement framework for Gamlingay. It is an area of approximately 1.5ha and forms part of an enterprise that is split over 11 locations, all except this site being outside South Cambridgeshire District, and covers some 151.67ha in total. The 1.5ha at Brook Farm is the only land owned and approximately one third of the land is held on seasonal licences.
2. An agricultural bungalow, The Conifers, lies at the front of the site. Other buildings include a block built machinery workshop and store with an open fronted lean-to for the storage of fertilizer and machinery, a timber store, formerly a chicken shed which is used for general storage and a modern Dutch Barn that is positioned approximately centrally within the site.
3. The site is essentially open but field boundaries are marked with trees and hedgerows.
4. The full planning application, received on 18th March 2004, proposes lean-to extensions to either side of the Dutch Barn which will extend the existing footprint of approximately 450m² to approximately 1050m².
5. The extended barn would be used to store straw and hay, as is the existing.

Planning History

6. SC/64/386 – Erection of bungalow and garage – Approved with conditions (including restriction to agricultural occupancy only)
7. S/1502/83/F – Private garage – Approved with conditions 14th October 1983
8. S/2261/00/F – Extension to bungalow – Approved with conditions 26th January 2001.
9. In June 2003 no objections were raised to details of siting and appearance of a Dutch Barn of approximately 432m² under reference S/0307/03/PNA.

The barn constituted permitted development

Planning Policy

10. **Policy P1/2 (Environmental Restrictions on Development)** of the Cambridgeshire and Peterborough Structure Plan 2003 states (in part): "Development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location".
11. **Policy EN5 (The landscaping of new development)** of the South Cambridgeshire Local Plan 2004 requires hedges and other natural features to be retained wherever possible and for landscape schemes to be required where appropriate to the character of the development.
12. **Policy CS2 (Water resources)** of the South Cambridgeshire Local Plan 2004 states (in part) that permission will not be granted where there are inadequate land drainage systems to meet the anticipated demands of the development unless there is an agreed arrangement between the developer and the relevant service provider for the provision of the necessary infrastructure.

Consultation

13. **Gamlingay Parish Council** recommends refusal. It states:
"Object due to concerns of:
 - (i) Highways – The use of the unadopted road for amount of traffic. Condition of access poor.
 - (ii) Visual Impact - Concern expressed at already a large scale barn on small parcel of land which can be viewed from hill.
 - (iii) Use increased for agricultural storage – size/concern over increased fire risk of hay/straw storage".
14. **Senior Farms Officer, Cambridgeshire County Council** states:
15. "...Approximately one third (53.48 hectares) of the 151.67 hectares are held on seasonal licences: despite the fact that the Applicant has held them (apart from Millow Hall Farm) for a number of years they are, in my opinion, insecure. However, he assured me if any such licences were lost, then he would acquire replacement land. The remainder of the land, apart from that owned (1.51 hectares) at Brook Farm, has no medium to long term security in my opinion.
16. Apart from some 31 hectares of cereals and 7.2 hectares of grass ley (grass which has been sown), the remainder of the land is in permanent grass (often known as 'meadow' grass. There are no livestock on the holding.
17. The Applicant works full-time: his son...has recently joined him. The Applicant's wife...assists in a part-time capacity on administration and secretarial work. In addition, a driver is employed for delivering hay and straw over the winter months. The Applicant and his family live at Brook Farm (in a bungalow recently extended) and the part-time driver lives in Potton.
18. The buildings are all situated at Brook Farm on the Applicant's own land and the base of the Applicant's activities. Apart from the building erected in 2003, other buildings comprise a timber frame and block wall construction machinery workshop and store

with an open-fronted lean-to for the storage of fertilisers and machinery, and a former poultry shed which is used for domestic storage – neither can be regarded as suitable for hay and straw storage.

19. The Applicant's business is predominantly one that either grows, buys or sells hay and straw. The general pattern is that hay is baled, stored and sold before the end of February the following year and the straw is normally baled, stored and sold up to harvest in the following year though currently all straw baled in 2003 has been sold. As the new building empties so machinery from outside in the adjoining yard is then placed under cover.
20. Besides growing hay and straw, the Applicant also:
 1. Buys in straw on the swath (that is straw which has not been baled and is lying on the cereal stubble) and bales that: this may be stored in outside stacks on the farm of origin and does not affect building storage requirements.
 2. Buys in at the annual hay and straw sales organised by local Agents/Surveyors in January-April each year, baled hay and straw – known as traded hay and straw. The hay and straw would normally continue to be held on the farm of origin and delivered to a new purchaser straight from that farm: hence does not affect storage requirements.
21. On occasions hay and straw may be taken from farms on 1 and 2 to Brook Farm for under cover storage (if there is spare capacity) but the main purpose of the building and the proposed lean-to's is and would be to serve the managed land.
22. These elements (1-2 above) of the Applicant's business do not, in my opinion, fall with the definition of 'agriculture'...
23. In my opinion the proposed lean-to's are not absolutely 'essential' for the part of the business that falls within the definition of 'agriculture'. They are, though, a logical progression in an expanding business...The 'agricultural' side of the business, based on owned or managed land..., and anticipated yields for 2004, would more than fill the barn and the proposed lean-to's with hay and straw. Hay and straw does not have to be stored under cover and both can and are stored in the open in stacks or sold off the farm at harvest. Such stacks, if away from frequent observation, are potentially more prone to arson attacks...more certain though is the wastage from rain etc to side and bottom bales (20-30% wastage not uncommon). Both would impact to a greater or lesser extent on the profitability of a business.
24. The proposed lean-to's would be extensions to the barn: such a barn, from a design point of view, is easily capable of taking the extensions.
25. The managed land is dispersed...I would estimate 8-10km from Gamlingay (Brook Farm) to the furthest block. The seasonal licence tenancies are in my opinion insecure, the other tenancies are insecure in the medium to longer term. However, it is not unusual for a business such as this to hold land on such arrangements. Furthermore, it would be unwise, in my opinion, to seek to invest money in a building on land with a medium or medium to long term insecurity of tenure. The barn is located on the only owned land where the Applicant and his family live, and is the base for their business."
26. **The Bedfordshire and River Ivel Internal Drainage Board states:**

27. "It is not clear from the above application which method of storm water disposal is to be employed.
28. However if the method of storm water disposal is to be by way of soakaways then it is essential that the ground conditions be investigated and if found satisfactory the soakaways constructed in accordance with the latest Building Research Establishment Digest".
29. **The Local Highways Authority**
30. Following discussion with the Local Planning Authority (where the concerns of the Parish Council were made clear) the Highways Authority wished the applicant to provide projected traffic movements resulting from the extended building. The applicant has now stated that there will be no increase in vehicle movements and a possible decrease due to a reduction in vehicle movements to remove waste from damage due to current outside storage. The Local Highways Authority comments to this response are awaited.

Representations

31. No representations have been received.

Planning Comments – Key Issues

32. The key issues are the impact of the development on the surrounding countryside, the justification for a building of this size and the likely impact on highway safety.
33. **Visual impact**
The extensions to the buildings are large and the resultant building will be in excess of 1000m². However the extensions are relatively low (6.5m at the highest points) and extensions of this type (where the lean-to slopes out of the eaves line of the building) are common in the rural landscape. I note the comments of the County Farms Manager in this regard.
34. I am concerned that the layout plan is inaccurate as it shows the northern lean-to extending right up to the northern boundary. Looking at a recent aerial photograph it would appear that there is approximately 16-20m between the northern edge of the existing barn and the northern site boundary which would allow 4-8m between the northern extension and the northern site boundary. I would not want to see the hedge on this boundary compromised and I would also like to see some additional planting to help assimilate the resultant building into its surroundings. I have requested an amended layout plan to achieve necessary landscaping. Members will be updated at the meeting.
35. **Justification**
The building will have an impact and requires justification. Policy P1/2 of the Structure Plan states that proposals need to be essential in a particular rural location. It would appear from the comments of the Senior Farms Officer that some of the enterprise is not 'agricultural' by definition but it is clear that the use as a whole is a rural one and that the business would suffer without the extensions, that there are no other buildings available and that it would be financially unwise for the applicant to consider erecting a building on land that is not within his ownership i.e. on any of the occupied land elsewhere. It is therefore, in my opinion, reasonable to consider this proposal essential to meet the needs of this business to protect the hay and straw from arson

and/or rain damage. The Senior Farms Officer has also confirmed that the capacity of the building is appropriate to the scale of the operation.

36. **Highway Safety**

The comments of the Local Highways Authority are awaited. The applicant has stated that the proposed extensions will not result in an increase in traffic movements. There are no restrictions to the amount of outside storage of hay and straw and I am not convinced that providing indoor storage will lead to an increase in vehicle movements.

37. **Fire risk**

The Parish Council has raised the issue of a fire risk. In my opinion this is no greater than the fire risk from outside storage and there are no properties in close proximity that would be adversely affected.

Recommendation

38. Subject to the receipt of an amended layout plan showing sufficient space for landscaping to the northern boundary and the comments of the Local Highways Authority delegated powers of approval are sought subject to the following conditions:

1. **The development hereby permitted shall be begun before the expiration of 5 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 would not have been acted upon.)
2. **The external materials of construction for the building works hereby permitted shall be identical to those used for the existing building unless otherwise agreed in writing with the Local Planning Authority.**
(Reason – To ensure that the appearance of the development blends in with the existing building and in accordance with the requirements of Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003)
3. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measure for their protection in the course of development.)**
(Reason - To enhance the quality of the development and to assimilate it within the area in accordance with the requirements of Policy EN5 of the South Cambridgeshire Local Plan 2004)
4. **All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**

(Reason – To enhance the quality of the development and to assimilate it within the area in accordance with the requirements of Policy EN5 of the South Cambridgeshire Local Plan 2004)

5. **No development shall take place until details of surface water drainage have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.**

(Reason – To ensure satisfactory drainage of the site in accordance with the requirements of Policy CS2 of the South Cambridgeshire Local Plan 2004)

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/2 (Environmental Restrictions on Development),**
 - **South Cambridgeshire Local Plan 2004: EN5 (The Landscaping of New Development), CS2 (Water resources).**
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise:
 - Visual impact
 - Justification
 - Highway Safety
 - General amenity
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/0560/04/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/2194/01/F – Gamlingay
Erection of Egg Production Unit and Storage Building together with Access,
Land at Station Road, for Mr I Quince**

Recommendation: Delegated Approval

Members will visit this site on Monday 5th July 2004

Site and Proposal

1. This full application, submitted on 19th November 2001, proposes the erection of an egg production unit and associated storage building within a 20ha area of agricultural land to the north of Station Road, Gamlingay. An Environmental Impact Assessment (EIA) was submitted on 25th September 2003 and can be viewed as part of the background papers.
2. The majority of the site is to the north of the former route of the Cambridge to Bedford Railway line. It is bounded to the north by Millbridge Brook with agricultural land beyond extending to Long Lane. To the west of the site is Merton Grange and a dwelling fronting Station Road, and to the east agricultural land. The site is 1.6km from Gamlingay Wood and 1.5km from Potton Wood, both of which are designated Sites of Special Scientific Interest (SSSI)
3. The proposed egg production building is to be located 100m to the north of the former railway line, 130m from the boundary with Merton Farm. The building measures 77.7m x 15.85m (1230m²) with a ridge height of 6.9m (1.8m to eaves) and straddles an existing field boundary. Materials are to be agreed.
4. The storage building, which measures 20.5m x 14.5m (300m²) and has a ridge height of 8m (5m to eaves), is located 60m to the south of the main building, 20 metres to the north of the former railway line. It is a steel framed building with green box profiled sheeting are profiled.
5. A new vehicular access into the site is proposed from Station Road, which has to cross the former track bed.
6. An area of land varying in depth between 65m and 95m to the south of Millbridge is shown as being within the indicative flood plain
7. A report and additional supplementary information submitted in support of the application is attached as Appendix 1.

Planning Policy

8. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") states development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location; where there is an unacceptable risk to the quality of ground or surface water and; where there could be damage, destruction or loss to areas that should be retained for their biodiversity, historic, archaeological, architectural and recreational, value.
9. **Policy CS3** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") states that development of sites where drainage to a public sewer is not feasible will not be permitted if proposed alternative facilities are considered inadequate and would pose an unacceptable risk to the quality or quantity of ground or surface water, pollution of local ditches, watercourses or sites of ecological importance.
10. **Policy CS4** of the Local Plan states that development will not be permitted which poses an unacceptable risk to the quality of the underlying groundwater.
11. **Policy CS5** of the Local Plan states that planning consent will not be granted for development where the site is liable to flooding, or where development is likely to increase the risk of flooding elsewhere by materially impeding the flow or storage of flood water; increase flood risk in areas downstream due to additional surface water runoff or; increase the number of people or properties at risk.
12. **Policy EN1** of the Local Plan states that planning permission will not be granted for development which would have an adverse effect on the character and local distinctiveness of Landscape Character Areas.
13. **Policy EN3** of the Local Plan states that in those cases where development is permitted in the countryside the Council will require that the scale, design and layout of the scheme, the materials used and landscaping works are all appropriate to the particular Landscape Character Area.
14. **Policy EN5** of the Local Plan requires trees, hedges and woodland and other natural features to be retained wherever possible in proposals for new development.
15. **Policy EN9** of the Local Plan states that development proposals within or near to SSSIs will be subjected to special scrutiny and particularly account will be taken of any direct or indirect effects on the particular features giving rise to the designation.

Consultation

16. **Gamlingay Parish Council** recommends refusal. In respect of the original submission it commented. "Opposed on the grounds of the environmental impact of the unit, pollution of the water, noise from six thousand chickens, the dangerous access to the premises, the impact of the heavy vehicular traffic that would visit the site and the lack of an ADAS report justifying the application. Concern was also expressed that the building would be prominent from most accesses to the village".

17. In respect of consultation on the EIA the Parish Council commented as follows:
18. "Members are concerned that many issues appear to have been overlooked such as the impact of noisy, low flying acrobatic aircraft from Fullers Hill Airfield on the birds and what provisions would be in place for the removal of potentially large numbers of dead birds as a result.

In addition, many details remain vague such as how large amounts of chicken manure would be disposed of and how measures could be established to prevent any contamination of the water system. Details relating to storage for chicken feed which would necessarily involve a significant quantity of large silos have not been elaborated upon. Any large silos could not effectively be screened for many years until any hedging had matured. Concern was expressed over the potential for pest infestation as a result of the storage of such large quantities of food.

19. In particular, Council members remain concerned about the safety implications of accessing this site off a small road and at a point where the sight lines are restricted. It is felt that these safety implications and the impact of heavy vehicular traffic on this road have not been addressed.
20. Overall it was felt by the Council's Planning Committee members that this report raises more questions than it answers and that does very little to alleviate the concern expressed by this Council in its original recommendation of 12 December 2001. Planning Committee members continue to feel much disquiet over the long-term impact of such an operation - with its adjacent health, safety and environmental implications - would have on this community and trust these concerns will be taken into consideration by South Cambridgeshire District Council."
21. The **Local Highway Authority** states that access as shown is acceptable subject to conditions.
22. The comments of the **Chief Environmental Health Officer** in the form of two memorandums are attached as Appendix 2.
23. A subsequent memorandum from the Chief Environmental Health Officer states that the main concern previously expressed about how the disposal of carcasses would be conducted has now been addressed. Having visited the site again there is concern that if the conditions previously suggested are not followed there is potential, given the previous history at other similar sites, that complaints may occur resulting from odour and/or the presence of pests such as flies. Given the scale of the proposed business it is likely that any lapses in management are likely to cause concern to those occupying nearby residential dwellings.
24. **The Environment Agency** commenting in respect of the original submission recommends conditions requiring the submission of a scheme for foul and surface water drainage and pollution control. It also required further information in respect of the maximum number of birds to be kept on site at anyone time and the area of land they would occupy; the proposed method of manure storage and disposal; the proposed method of building clean-out procedure and the disposal of dead birds. It puts forward safeguarding comments.

25. In respect of the EIA it comments that the site is within Bedfordshire and River Ivel Drainage Board's area, and the Drainage Board should be consulted regarding surface water drainage 'quantitative proposals. It points out that any culverting or works affecting the flow of a watercourse requires the prior written Consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting and its Consent for such works will not normally be granted except as a means of access.
26. The EIA states that there will be no impact from ammonia deposition on the SSSI's, however there is no data or analysis to back this up presented. There is no indication of prevailing winds or a footprint of the likely locations or concentrations of depositions. It is stated that there will be no impacts on Great Crested Newts as there are no ponds in the proposal area however a pond is marked both on the location map provided and the OS map.
27. In the planning application it indicates that trees are to be lopped/topped or felled. This is not referred to in the EIA. If trees are to be managed they should be checked for bats prior to work commencing and work should be timed to avoid the bird-breeding season. Both bats and nesting birds are protected under the Wildlife and Countryside Act 1981 as amended. Any tree planting should be of native species preferably of local source to increase the biodiversity benefits of the planting.
28. The assumption appears to have been made that dirty water storage can be restricted to that likely to be generated in a 24 hour period, presumably on the assumption that the effluent can be spread on surrounding farmland without causing pollution. A contingency plan needs to be in place to cover periods when this may not be possible due to climatic conditions.
29. There is no reference to storage, use and disposal of disinfectants, veterinary medicines etc.
30. The fuel for the generator is unclear. If it is diesel then the tank will need to be bunded in accordance with best practice.
31. Further information is required on surface water disposal from the site. Properly designed and maintained swales would be preferable. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
32. In response to the additional information received the Environment Agency notes the replies and comments in respect of Ammonia that if the building is to house more than 40,000 birds it will require registration with the Agency.
33. In respect of foul water drainage/pollution prevention it comments that foul drainage from the development may be discharged to a septic tank and soakaway system designed to meet BS standard BS6297:1983 provided that there is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse, or within 50 metres of a well, borehole or spring. Porosity tests should be carried out to demonstrate that suitable subsoil and land area is available for the soakaway.

34. All washdown and disinfectant waters from cleaning of the henhouses should be contained within a sealed vessel and disposed of off-site. Waste from the development and running of the site must be re-used, recycled or otherwise disposed of in accordance with waste management legislation.
35. The **Bedfordshire and River Ivel Internal Drainage Board** notes that the proposed method of storm water disposal is by way of soakaways. It is essential that soakaways be investigated and, if ground conditions are found satisfactory, constructed in accordance with the latest Building Research Establishment Digest. In the event soakaways are found not to be suitable any direct discharge to the nearby watercourse will require the Board's prior consent.
36. In respect of the EIA the Board draws attention to certain issues of interest to it.
37. To the south of the site, the soil is fairly heavy where it overlays gault clay, there is evidence of poor drainage.
38. To the north, towards the Board's watercourse the soil is lighter, overlaying greensand.
39. The applicant has indicated that surface water from the roof of the building is to be discharged to a soakaway or drainage ditch. This should not be an issue in the area of greensand, however the soakaway or drainage trench should be designed to BRE 365.
40. The Environment Agency has set out the measures required to ensure only clean surface water is discharged to the soakaway. The Board supports this view. The arrangement, however, of diverting the flow from the concrete service pad to either the clean soakaway or to the dirty water tank is unacceptable, due to the risk of effluent entering the soakaway and rendering it inoperable.
41. A low hawthorn hedge to the north of the site forms the boundary with the Board's watercourse. Ranging areas for the chickens will be fenced with electric fencing. The applicant should note that, in accordance with the Board's byelaws, no development should take place within 7 metres of the bank top, without the Board's prior consent, this includes planting, fencing or other landscaping.
42. The Board would support the Environment Agency's requirement that the field storage heaps of chicken manure etc be at least 10 metres from any ditch or field drain, including the watercourse at the north of the site which is under the statutory control of the Board. In addition, the stockpiles should not be in an area, which is at flood risk because of the possibility of migration into the watercourse and the potential for blockage of the stream.
43. In respect of the additional information it confirms that it has no objection subject to conditions but that it is essential that arisings from the unit are not stored or stock piled in a location which could contribute to flooding in the event that the arisings migrate into the watercourse.
44. Two letters outlining the comments of the **Senior Farms Manager, Cambridgeshire County Council** are attached as Appendix 3.

45. The **Ecology Officer** initially requested the submission of an EIA. In response to the EIA he is of the view that it does not fulfil the requirements of the EIA Regs 1999 nor the ecological scoping areas requested. The application should be objected to on the grounds of a current lack of information supplied with respect to ecology.
46. A pond is shown as present within the development site, yet no mention is made of this in the EIA. What is the ecological status of this feature and does it provide a habitat for great crested newts?
47. A watercourse is shown at the bottom of the site. No detailed evaluation has been provided, photos and species lists should be presented as a minimum. The fact that the stream was dry at the time of visit should not be taken as to mean that it has a lower ecological value than one that is permanently wet.
48. The site is reported as consisting of 49.49 acres of grassland with birds having access to 30 acres. The EIA should contain information on the quality of this grassland, preferably to the National Vegetation Classification standard. At present a major component of the site does not appear to have been given adequate assessment.
49. The ecological value of the hedgerows should be assessed in terms of the ecological value.
50. The EIA states that advice in PPG7 is to "maintain or enhance the character of the countryside and conserve its natural resources, including the safeguarding of the distinctiveness of its landscapes, its beauty, the diversity of wildlife..." It is not clear how this application meets with these statements.
51. The Eversden and Wimpole Woods SSSI and candidate Special Area of Conservation (cSAC) is approximately 7.5km from the site. The main feature of the cSAC is the barbastelle bat. This species has been recorded at flying distances of up to 11 km from the woods and feeding along hedgerows, tree belts and grasslands. Bat surveys should be undertaken to establish whether any feeding or flight paths are likely to be affected. If the issue is considered significant then an appropriate assessment under the Habitats Regulations 1994 will be a requirement.
52. The Ecology Officer states that he is not totally assured that the application will not have any adverse effect upon the nearby watercourse. The building appears to be 270m from the watercourse, and the ranging area even nearer. Without the provision of any buffer zones adjacent to the watercourse it is considered highly likely that nutrient enrichment of the local watercourse will occur.
53. Concern is expressed that the level of survey with respect to various protected species has not been undertaken adequately. For example, it is stated: "no record breeding populations of great crested next occur". This fact should be borne out by field surveys, and not rely on historic records. No surveys appear to have been undertaken with respect to lizards. If they were found to be present on the site many hundreds of birds would quickly reduce the population (the same would apply to grass snakes).

54. Calculations should be provided with respect to the statement that "has no affect on the woodland". How far does air borne ammonia travel and what would be the quantities reaching the nearby SSSI ancient woodlands?
55. No actual means of mitigation, or enhancement, for ecology are provided within the report.
56. The comments of the Ecology Officer in respect of the additional information will be reported verbally.
57. **English Nature** states that there are no designated Sites of Special Scientific Interest within the specific area. The nearest SSSIs are Gamlingay Wood (1.6km) and Potton Wood (1.5km) and given the possibility of a large amount of organic waste being produced and any possible effects on legally protected species an EIA was requested.
58. In response to the EIA English Nature commented that there are no recorded breeding sites for great crested newts within the application site. However, there is a pond approximately 210m from the application site. If great crested newts are present in this pond during the summer they may be wintering on the application site. Such areas are also protected against damage, destruction or obstruction and it is an offence to intentionally disturb great crested newts that are occupying such sites. If present on the application site they will be adversely affected by construction activities.
59. Because of this potential threat it is advised that a condition be attached to any consent requiring the applicant to assess the site for the current and future presence of great crested newts. If it is felt that they will be adversely affected by the development, mitigation proposals should be with English Nature before construction commences.
60. The application gives no indication whether trees will be felled. If this is the case then bat roosts may be lost. English Nature has records of several bat roosts in the area and if trees are to be felled details of bat mitigation measures will be required.
61. English Nature concurs with the EIA that the proposal should not adversely affect the nature conservation interest of Gamlingay Wood SSSI or Potton Wood SSSI.
62. In response to the additional information English Nature comments that it withdraws its request for a further great crested newt survey to be undertaken however contractors working on the development should be made aware of the status of the species and work should cease immediately if any great crested newts are discovered during the course of development.
63. It notes that some, all be it minimal works to trees are proposed and should consent be granted a condition should be attached restricting the destruction and removal of vegetation or buildings during the months of March to August except if approved by the Local Planning Authority.

Representations

64. The occupiers of Merton Grange to the west of the site object to the application on the following grounds:

- The inevitable smell from the production unit and surrounding area would be intolerable particularly at certain times of the year. The new building will be less than 230 metres from two houses and only 280 metres from Merton Grange. This is too close for a large-scale poultry unit. There is concern about the 4-week cleaning period. Smell is unavoidable as odour will build up within the hen house due to build up of ammonia from the dung
- The unsightly buildings will be visible from all properties bordering the site and from the roads from Hatley and Gransden. The height of the building is not stated and the whole proposal will have a serious adverse impact on the local landscape and countryside. It will be an eyesore
- Ancillary buildings and installations are not part of this application or the EIA yet they will be required. Feed hoppers may be required but waste handling facilities are said to be needed. These should all be identified now so that the full effects of the proposed development can be considered now.
- There is already a problem with vermin which would only increase with the storage of food for the chickens.
- There is concern that children in two of the existing dwellings suffer from asthma and that chickens dust and their smell will aggravate their conditions
- The noise emitted by the proposed 12,000 chickens and the fans in the chicken house would be unacceptable and this noise will undoubtedly increase when the chickens were upset by the many small aircraft which practice aerobatics over the area.
- What will happen to the excrement? Will it be spread and used as fertiliser? What pollution of land and water will this cause?
- Concern about the constant light that will be needed to keep the hens laying and the sound of alarms. It will destroy the countryside environment
- The entrance to the property is dangerously close to the old railway bridge in Station Road and the proposed large vehicles entering and leaving the site would be a real danger to traffic leaving Gamlingay. While there is a 40mph speed limit in force, the average speed of vehicles, especially those leaving the village is much greater.
- The proposed enterprise is said to require on-site accommodation and a mobile home is proposed. There is concern that this is the first step towards a new home in the countryside. PPG7 states that where new accommodation is proposed to support a new farming enterprise, the business should be analysed to establish that it is financially viable, there is a functional need and that it is not possible for the person to live elsewhere and yet manage the business. There is no reason why electronic sensors and alarms should not be linked to a house in the village and allow the manager to run this business. Guidance again requires that the viability of a farm business is assessed to establish what size of house can be justified and this should be undertaken now. This assessment should also take account of the business plan so that it can be seen whether the applicant will be living and farming on this land or whether a manager will be employed. These issues are very relevant to the viability of the business and size of the new house that may be required.
- If the building must go ahead the building is too close to residential properties and should be moved elsewhere i.e. the north east corner of the site.
- It is understood that when the land was sold that there is a covenant that prohibits the keeping of any birds or animals on the site other than as domestic pets.
- The owner of Little Gransden Airfield stated that at the Airfield Inquiry in 1998 evidence was presented under oath by a Mrs Quince that low flying aircraft on the westerly departure route from the airfield had caused hens at her free range

production unit, on Gamlingay Road Waresley, distress leading to a loss of egg production and an increase in the mortality rate of the hens. An objection is therefore raised on the basis of potential loss of hens and egg production, as pilots are encouraged to depart the aerodrome to the south and then southwest in order to avoid Mrs Quince's farm. If this application is passed pilots will have to fly close to one or other of the farms. It is noted that the EIA makes no further reference to this matter.

- There was an active badger sett on this site which is understood still to be there. There are other active setts at Merton Grange.
- The EIA states that the disused railway line is an important habitat which will be destroyed if a road is built through it.
- The proposal will devalue existing properties in the area.

Applicant's Representations

65. A letter from the applicant dated 17th June 2004, commenting on some points raised, is attached as Appendix 4. This letter suggests the proposed resiting and reorientation of the main building although revised drawings have not yet been received.

Planning Comments – Key Issues

66. The key issues to be considered with this application are the visual impact of the development in the countryside; highway safety; and environmental impacts.
67. **Visual Impact.** The site is located to the east of the main village of Gamlingay. It is well screened from Station Road, although some existing planting will be removed to form the vehicular access and visibility splays. There are two rows of planting either side of the route of the old railway line which will screen the proposed buildings, which are to the north of this, from Station Road and the approach from Hatley.
68. The main building as currently proposed will be viewed from the west, where the closest residential properties are located. In his latest letter the applicant indicates that a 10-metre wide landscape strip will be provided on the west boundary of the site. This, if coupled with a repositioning of the main building as proposed will reduce the visual impact on these dwellings in the longer term.
69. The site is viewed from Long Lane, heading out of Gamlingay towards Little Gransden and I have been concerned that the visual impact of any building might be unacceptable, although any view from here is a long distance one. The applicant has erected poles on the site to demonstrate the proposed position and height of the main building, which Members will be able to view on the site visit. Having viewed the site again from Long Lane I am of the opinion that the building will be seen against the backdrop of existing planting beyond the site and provided it is clad in a dark rather than light colour, with additional planting, the visual impact will be acceptable.
70. **Access.** The Local Highway Authority has commented that the proposed access, to the southeast of the existing field access, is acceptable as detailed. In view of the local concern that has been expressed about this access I have asked the Local Highway Authority to confirm its position. The visibility splays

provided are below that which would normally be required in such a location, just outside the 40mph limit, but may have been agreed by the Highway Authority on the basis of an assessment of the level of proposed traffic movements submitted by the applicant.

71. **Odour.** The applicant states that there will be no discernible smell from the chickens shed unless a person is standing inside or extremely close to the building. The sheds will be mucked out once every 13 months, which is the only day, while muck is being removed from the site that any significant smell will be discernible. The applicant has stated that the muck cannot be spread on land to which the hens have access, so it will be removed and spread on arable land as fertiliser. The Chief Environmental Health Officer has set out controls for odour control which can be attached as conditions of any consent but has stressed that any lapses in site management could give rise to problems from nearby properties
72. **Noise.** The applicant states that there will be no noise from fans, as the buildings will be naturally ventilated. The Chief Environmental Health Officer has not raised any concerns on noise grounds but has requested that a condition be attached to any consent requiring prior approval of the location and type of any power driven equipment to be installed.
73. **Lighting.** A condition can be attached to any consent requiring the prior approval of any external lighting although it is stated in the application that the hen house will not be floodlit, although winter production may be encouraged by internal lighting which should not be visible externally.
74. **Dust.** The Chief Environmental Health Officer has offered advice on dust control. The EIA states that the main sources of dust are the birds, their food and litter. It concludes that in this case the dust would not cause a problem to nearby dwellings as the distances are in excess of 100m and prevailing winds are away from residential areas. It states that existing and proposed hedging and trees would form a biological screen that would trap many odour-carrying particles at the times of year when the risk of odours would be greatest.
75. **Ecology/Wildlife.** English Nature accepts the statements made in the EIA and has no objection subject to conditions which can be attached to any consent. The EIA states that no badger setts were found within the site. The Ecology Officer is to visit the site again prior to the meeting before being able to comment on whether his outstanding concerns have been addressed. His further comments will be reported at the meeting.
76. **Pollution Control.** The Environment Agency, River Ivel Internal Drainage Board and Chief Environmental Health Officer have no objections to the proposal in respect of pollution from dirty water runoff and clean water disposal subject to safeguarding conditions.
77. **Pest Control.** The EIA states that a full pest control programme will be implemented with careful use of chemicals to avoid damage to wildlife. In his letter dated 17th June 2004 the applicant states that any vermin will be controlled through a pest control company, which is a requirement of Deans Countryside who will collect, pack and market the eggs. The applicant states that any current vermin problems being experienced by local residents have nothing to do with the application and the cause should be investigated and dealt with. He states that the presence of the chicken shed will not increase

the rat population of the dwelling adjacent the site and the pest control company will include vermin control around the perimeter of the site to prevent vermin coming onto rather than off the site. The Chief Environmental Health officer has put forward mitigation measures for control of vermin.

78. **Impact of Aircraft.** In his letter dated 17th June 2004 the applicant states that the planting of conifers and fruit trees together with the outside field shelters will help to nullify any effect of disturbance by aircraft and is informed that the hens very quickly get used to frequent aircraft disturbance and that it is hang gliders and hot air balloons that concern the hens the most. I find it difficult to comment further on this concern.
79. In conclusion the statutory agencies have not raised objections to this application subject to the imposition of appropriate conditions although the Chief Environmental Health Officer has emphasised that any lapses in site management are likely to cause concern to those occupying nearby residential dwellings. The Ecology Officer will revisit the site to assess whether he feels that the EIA has now satisfactorily addressed all issues or whether further work is still required before a decision can be made.
80. I am of the view that the resiting of the building proposed by the applicant is necessary to reduce the visual impact on nearby properties. Amended drawings will hopefully be available at the site meeting.

Recommendations

81. Subject to the receipt of amended drawings resiting the main building to the southeast of the hedgerow and the reorientation through 90^o (and no materially new objections being received to the consultation process in respect of these drawings), and confirmation from the Ecology Officer that the further details submitted in respect of the EIA are acceptable, that delegated powers of approval be given.
82. Conditions to be imposed to include the requirements of the Local Highways Authority, Chief Environmental Health Officer, Drainage Bodies, English Nature and Ecology Officer.

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/2**
 - **South Cambridgeshire Local Plan 2004: CS3; CS4; CS5; EN1; EN3; EN5; and EN9**
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

- Residential amenity
 - Highway safety
 - Visual impact on the locality
 - Environmental Issues
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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

Application file S/2194/01/F (including EIA)
Cambridgeshire and Peterborough Structure Plan 2003
South Cambridgeshire Local Plan 2004

Contact Officer: Paul Sexton – Area Planning Officer
Telephone: (01954) 713255

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/2193/01/F - Gamlingay
Agricultural Mobile Home and Access, Land at Station Road for Mr I Quince**

Recommendation: Delegated Approval

Members will visit this site on Monday 5th July 2004

Site and Proposal

1. This full application, submitted on 19th November 2001, proposes the stationing of a mobile home on the site of the proposed egg production unit the subject of the preceding item
2. The mobile home will be sited towards to southeast end of the site. Reference should be made to the preceding report for full details of the proposal.

Planning Policy

3. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") states development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location.
4. **Policy HG18** of the South Cambridgeshire Local Plan 2004 ("The Local Plan) states that if a new dwelling is essential to support a new enterprise whether on a new or recently created agricultural unit, it should normally be provided by temporary accommodation such as a caravan. The following criteria must also be demonstrated to the satisfaction of the District Council:
 - I. Clear evidence of a firm intention and ability to develop the enterprise concerned;
 - II. Functional need;
 - III. Clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - IV. The functional need could not be fulfilled by another dwelling on the unit or other existing accommodation in the area which is suitable and available for occupation.
5. These criteria follow the advice in Planning Policy Guidance 7 (PPG7) "The Countryside – Environmental Quality and Economic and Social Development." Para I 14 states:

"If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally for the first three years be provided by caravan, a wooden structure which can be easily dismantled, or other temporary accommodation."

Consultation

6. Members should refer to the consultations reported in the preceding item and in particular the comments of the Senior Farms Manager at Appendix 3.

Representations

7. Members should refer to the representations reported in the preceding item although one paragraph which is of particular relevance to this application from the occupier of Merton Grange is reproduced below.
 - The proposed enterprise is said to require on-site accommodation and a mobile home is proposed. There is concern that this is the first step towards a new home in the countryside. PPG7 states that where new accommodation is proposed to support a new farming enterprise, the business should be analysed to establish that it is financially viable, there is a functional need and that it is not possible for the person to live elsewhere and yet manage the business. There is no reason why electronic sensors and alarms should not be linked to a house in the village and allow the manager to run this business. Guidance again requires that the viability of a farm business is assessed to establish what size of house can be justified and this should be undertaken now. This assessment should also take account of the business plan so that it can be seen whether the applicant will be living and farming on this land or whether a manager will be employed. These issues are very relevant to the viability of the business and size of the new house that may be required.

Planning Comments – Key Issues

8. The determination of this application is linked to the decision on the preceding item. If consent is granted for application S/2194/01/F then the key issues to be considered with this application are whether the criteria of Policy HG18 of the Local Plan are met and whether the siting chosen is appropriate.
9. The Senior Farms manager is of the view that the enterprise would require at least one person full-time and that preferably that person should live on site. He is also of the view that a unit such as this is sustainable in the longer term, assuming competent husbandry abilities and relevant business experience. In his letter dated 4th June 2004 he confirms that he is prepared to consider supporting the application provided the applicant demonstrates that arrangements/agreements are in place with firms/advisers to provide him with advice for at least the first laying period. It should also be demonstrated how any out of hours problems would be dealt with.
10. I note the comments from the occupier of Merton Grange and accept that there may be an application for a permanent dwelling on the site at a later date. Such an application would be judged on its merits at that time.
11. I am of the view that the siting of the mobile home is acceptable.
12. The applicant has responded to the comments of the Senior Farms Manager in paragraph 14 of his letter dated 17th June 2004. I have passed a copy of this letter to the Senior Farms Manager and will report any further comments.

13. Subject to the decision on the preceding application and any further comments of the Senior Farms Manager I will recommend that consent is granted for the mobile home for a temporary three year period.

Recommendations

Subject to approval the given in respect of the preceding application that consent with the following conditions:

1. SC69 - Temporary 3 years - RC69(b)
2. SC70 - Personal Mr I Quince – RC70
3. SC76 – Number of Caravans – One – RC76
4. SC6 – Agricultural Occupation – Mobile Home – RC6

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3** (Sustainable design in built development)
 - **South Cambridgeshire Local Plan 2004: HG18** (Temporary Permission for Mobile Homes to support new agricultural units)
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity
 - Highway safety
 - Visual impact on the locality
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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

Application file S/2193/01/F

Cambridgeshire and Peterborough Structure Plan 2003

South Cambridgeshire Local Plan 2004

Contact Officer: Paul Sexton – Area Planning Officer
Telephone: (01954) 713255

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/0934/03/F – Caldecote
Erection of 6 Dwellings, Land Off Samian Close/West of East Drive, Highfields
For Taylor Woodrow Developments Ltd**

Recommendation: Delegated Approval

Site and Proposal

1. The 0.18 ha rectangular site, formerly occupied by a bungalow and garden, lies to the west of East Drive and is surrounded on 3 sides by a residential estate currently under construction by the applicants. There is a large tree in the south-east corner of the site and hedges and trees on all boundaries but the hedgerows are sparse in places particularly on the East Drive frontage.

The full application, received on 23rd April 2003, proposes the erection of 6 dwellings on the site with vehicular access being achieved from the existing estate road (Samian Close). The development comprises 3 four bedroom detached houses and a terrace of three bedroom houses linked with an access to garaging. The individual designs are similar to and pick up the themes of those of the surrounding estate, in terms of scale, proportions, fenestration, patterns and materials etc. The density is 33 dwellings per ha.

Planning History

2. There is no relevant planning history.

Planning Policy

3. South Cambridgeshire Local Plan 2004 – **Policy SE4** – Group villages
Policy SE8 – Village frameworks
Policy HG7 – Affordable housing
Policy HG10 – Housing mix and design

Cambridgeshire and Peterborough Structure Plan 2003:

Policy P1/3 – Sustainable design in built development
Policy P5/5 – Homes in rural areas

Consultation

4. **Caldecote Parish Council** objects:
 - This application has been added to the overall development of the village as an afterthought. It was clearly agreed that the development in Highfields, Caldecote was not to be piecemeal development.

- Is this a private drive? The Parish Council has always strongly opposed private drives and has already begun receiving complaints from residents about their inadequate width, poor standard of construction and lack of lighting and poor security.
- A close boarded fence is required on the eastern side of the development.
- Windows overlook on the property marked as 120.6.

The Parish Council raised no objections to a subsequent amendment which involved changes to the proposed garaging.

The Local Highway Authority has no comment.

The Environment Agency initially objected and required the submission of a flood risk assessment. The applicants have submitted further information on the proposed method of foul and surface water drainage to the Environment Agency. A verbal report will be made.

The Police Architectural Liaison Officer has no comments.

The Cambridgeshire Fire and Rescue Service does not require further hydrants to be provided.

The Chief Financial Planning Officer requires a financial contribution for primary and secondary school provision.

The Council's Landscapes Officer is anxious to achieve as much clearance as possible to East Drive so that a hedge can be established. Amended plans have been submitted omitting the garage to Plot 6 and relocating two others for Plots 4 and 5 further away from the hedge, but the Landscapes Officer would prefer greater clearance.

Representations

5. No representations have been received.

Planning Comments – Key Issues

6. The site was previously occupied by a bungalow “sitting” in a large garden, surrounded on three sides by a residential allocation now under construction. As such it is the last piece in the jigsaw for the development along this section of East Drive, and there are no objections in principle to its development. It accords with Policy SE4 of The Local Plan. The density and style of the dwellings accords with the adjoining new development.

The application was submitted over a year ago but has been delayed partly because of the applicants desire to provide the affordable housing requirement, a single dwelling, as part of the development under construction rather than specifically on the site itself.

A plot with a two bedroom dwelling has now been identified and therefore the property can be made available relatively quickly as terms have already been agreed with a Housing Society. There is no objection from the Housing Manager to this approach, subject to a legal agreement to secure its provision.

At 17% the level of affordable housing is well below the 50% requirement in the current Local Plan but it corresponds to the provision by the same developer on the surrounding estate and has to be measured against the Parish Council's resistance to further affordable housing in the village.

The Parish Council's concerns about private drives is not applicable in this instance as the scheme essentially involves private driveways off a standard adoptable turning head.

The Landscapes Officer would prefer greater clearance between the proposed garages to plots 4 and 5 and East Drive. Amended plans now show the garage 2.5 m off the boundary which should be sufficient clearance for a hedge to be established. The Parish Council requires a close boarded fence along the East Drive boundary and providing this is set back to allow hedge planting, this would be acceptable.

Recommendations

7. Subject to the prior signing of a Section 106 Legal Agreement concerning the provision of an affordable house off-site and an educational contribution, delegated approval, subject to no objections being raised by the Environment Agency and the following conditions:
 1. Standard Condition A – Time limited permission (Reason A);
 2. No development shall commence until details of:
 - a) the materials to be used for the external walls and roof;
 - b) the surfacing treatment of the access road and driveways; and
 - c) the site's boundary treatmenthave been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (RC 5ai)
 3. SC51 – Landscaping (RC51)
 4. SC52 – Implementation of landscaping (RC52)

+ any conditions required by the Environment Agency

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3** (Sustainable design in built development) and **Policy P5/5** – Homes in Rural Areas
 - **South Cambridgeshire Local Plan 2004: SE4** - (Group Villages) **Policy SE8** – (Village Frameworks), **Policy HG7** – (Affordable housing), **Policy HG10** – (Housing mix and design).
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

The development of the site being piecemeal and out of keeping with the character of the village.

3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

+ Environment Agency informatives.

Background Papers: the following background papers were used in the preparation of this report: these documents need to be available for public inspection.

South Cambridgeshire Local Plan 2004, Cambridgeshire and Peterborough Structure Plan 2003 and Planning file ref. S/0934/03/F

Contact Officer: Mr R Morgan – Area Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

S/0951/04/F - Histon

Variation of Condition 3 of Planning Permission S/0242/01/F to Allow Hot Food Takeaway Service 11.00am – 2.30pm and 5.00pm – 11.00pm at 44 Station Road for R Dias

Recommendation: Refusal**Conservation Area**

1. This application is a repeat of that considered and refused by this Committee at its April Committee (item 23) and a copy of that Agenda is attached as an Appendix.

Up-Date – To be read in Conjunction with Appendix**Site and Proposal**

2. Full application was received 10th May 2004.

History

3. **S/2415/03/F** – the identical application was refused for the reason:

“44 Station Road, which is located on a prominent corner site in a predominantly residential location with limited on-site parking facilities, benefits in part from an A3 use with the restriction that no part of the premises shall be used for hot food takeaway (Condition 3 of S/0242/01/F). This restriction has been tested at appeal (planning reference S/0862/01/F) and upheld by the Inspector on the grounds that takeaway establishments generally result in more frequent visitors and more general disturbance and would be unacceptable in this location where houses opposite the site in Station Road and Saffron Road, situated close to the road frontage, would be particularly vulnerable to disturbance, especially in the evenings. There have been no changes in circumstances that would warrant a different conclusion.

This application to vary Condition 3 of planning permission S/0242/01/F to allow lunch time and evening takeaway sales would be detrimental to the residential amenities of neighbouring residential properties by reason of general noise, noise, disturbance and inconvenience arising from increased visitor trips associated with such use, and associated vehicle activity including parking and manoeuvring, doors banging and radio noise. The proposal is therefore contrary to **Policy EM6** of the **South Cambridgeshire Local Plan 2004** which allows development and expansion of existing firms where, *inter alia* there would be no adverse impact on residential amenity and traffic conditions. Such general noise, disturbance and inconvenience is not possible to control by planning conditions(s) as referred to in **Policy ES6** of the same Local Plan.”

Policy

4. Planning Policy Guidance Note 24 “Planning and Noise”, para 20 states:

“Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local Planning Authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity. The associated car parking should not be underestimated.”

Consultations

5. **Histon Parish Council** again recommends refusal and “were surprised the application had been accepted so soon after a refusal. The Committee continue to recommend refusal to this application, commenting the Hot Food Takeaway has been refused on appeal by the Planning Inspectorate due to noise and disturbance to residents, and there was felt to be no reason why this decision should be changed.”
6. The comments of the **Chief Environmental Health Officer** will be reported verbally; previously he confirmed that no complaints had been received in the previous twelve months and that there were no outstanding complaints in respect of the restaurant.
7. **Cambridgeshire Constabulary** has been asked by the appellant to write in connection with the application. The Sector Commander confirms that he is not aware of any problems or any disorder/anti-social behaviour connected to the premises during the last twelve months (ie the lunchtime takeaway period). He would have no objections to evening use and explains that local officers would monitor the situation.

Representations

8. Eleven letters have been received. Five, from neighbours opposite the site, state that there has been no change in circumstances and that the reasons given in April are fully justified. The only change is that parking is worse because building works have started on the Nursery School opposite. In addition, the car-park entrance is blocked by Police bollards. It is also pointed out by one of the neighbours that there have been five previous refusals and that the Council’s position would be compromised if consent were to be granted.
9. Five other letters support the scheme. Three are from immediate neighbours in Station Road and Saffron Road, another from opposite the Histon Fryer in Station Road, and the last from Mill Road, Impington. Points made cover:
- No justification for refusal; if in doubt, a temporary consent could be granted.
 - Plenty of parking on site.
 - Not aware of any problems with the site; drive pass it regularly and work nearby;
 - Lunchtime opening has been trouble-free; evening use would be no different;
 - No noise even living opposite Histon Fryer;

- Majority of customers want to get home to eat.
10. Councillor Mrs Muncey, in a letter to the applicant, has stated that she would support a continuation of trading at lunchtime period but still has reservations about evening use because of noise and traffic problems.

Planning Comments

11. All the arguments for refusal are the same as in the Appendix attached. Additional points are:
- The extract from PPG24 “Planning and Noise” – para 4 above, clearly sets out the problems of evening and night-time use, a point made by the Inspector when dismissing the last appeal. It should also be remembered that such noise as vehicle movements, car-doors, radios, customers talking/shouting, cannot be controlled by noise conditions or the Environmental Health Officer.
 - The applicant has stated that the average use of the takeaway over the twelve-month trial period was 3 customers per day over a 3 ½ hour period. Some days there were more, some none at all. This cannot be taken as a fair trial for such a use.
 - Despite the refusals for a take-away use the applicant has traded by taking orders over the telephone and then agreeing to deliver them to a nearby point of delivery which the applicant calls a ‘staging post’. Such a means of trading contravenes the spirit of the Condition ‘no take-away sales of hot food.’ He argues that this creates two traffic movements ie his van going and returning, whilst a take-away would only create one.
 - Whilst it can be argued that there is some sense in such an argument, and that a consent can be temporary and/or personal, there can be no control whatsoever on the type of food served nor the type of trading. Once approval is granted, the applicant could stop taking telephone orders with the result that all customers would order in person and then either wait until ready, or go home and then return at a later time. This could not be controlled.
 - There has been no change in circumstances since the April Committee to justify support for the application.

Recommendation

Refusal for the same reasons as before.

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

**South Cambridgeshire Local Plan 2004,
Planning Policy Guidance 24, “Planning and Noise” and
Applications S/0951/04/F, S/2415/03/F and S/0242/01/F**

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 July 2004
AUTHOR/S:	Director of Development Services	

**S/1066/04/F – Longstanton
Erection of Fence and Gate and Change of Use of Land to Domestic Garden at 4
Magdalene Close, Longstanton for R Hinde**

Recommendation: Approval

Site and Proposal

1. No. 4 Magdalene Close, Longstanton is a two-storey semi-detached dwelling situated on a corner plot, approximately 35m to the south-west of the intersection of Magdalene Close and Rampton Road, near the eastern edge of the village framework of Longstanton. The site is within a former Ministry of Defence estate. To the front of dwellings 1-4 Magdalene Close is a landscaped section of amenity land, which faces the vehicular entrance to the estate from Rampton Road. On the south eastern side of the dwelling and existing boundary fence is an irregular shaped area of amenity land measuring up to 12m in width and 23m in length. Part of this land has been tarmaced and is suitable for the parking of vehicles. Not within the ownership of the applicant, are another two hard surfaced car parking spaces to the side of the dwelling. There are also two trees and some low level shrubs on a grassed section of land, to the south east of the existing closed-board fence. To the east of the property is a public footpath.
2. The Thornhill/Magdalene Close estate is characterised by several open grassed areas separating the built development from the road.
3. The full application, registered on 21 May 2004, seeks planning permission for a change of use of land to the south east of the original fence-line on the property and the enclosure of part of this land measuring up to 4m in width and 11m in length with a 1.8m high closed-board timber fence and gate. No change of use or enclosure is proposed for the other sections of amenity land to the side and front of the dwelling.

Planning History

4. No relevant planning history on site. However, other planning applications for similar development in the estate are considered relevant to the consideration of this application. On 10 June 2004, planning permission was given for the erection of a closed-board fence and change of use of land to garden at No. 13 Magdalene Close, Longstanton (Ref: S/0827/04/F).

Planning Policy

5. **P1/3 – Sustainable Design in Built Development** in the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) requires a high standard of design and sustainability for all new development, that responds to the local character of the built environment.

Consultation

6. **Longstanton Parish Council** – Recommendation of refusal
7. “The Parish Council is opposed to any enclosure of the ‘amenity land’...The Parish Council wishes to see the ‘amenity land’ unenclosed.”
8. The Parish Council refers to a letter written by Planning Assistant, Miss Allison Tindale to the Parish Council regarding planning application S/0827/04/F dated 14 May 2004.

Representations

None received

Planning Comments – Key Issues

9. The key issue in relation to this proposal is the impact of the change of use and fence and gate on the visual amenities of the area.
10. The proposal is similar to the planning application recently approved for a change of use and erection of a fence at 13 Magdalene Close, Longstanton. Both proposals involve the enclosure of a portion of the amenity land on a corner plot and retain a strip of unenclosed land between the proposed fence and public road/footpath. In this case the proposal envisages the enclosure of approximately 27% of the land to the side of the house and garden. A frontage of between 7m and 8m in depth would remain open.
11. The proposed fence will not project beyond the front elevation of the adjacent dwelling (No. 5 Magdalene Close), with this fence setback from the public footpath/road by distance varying from 5.5m to 8m.
12. The proposed fence and change of use is considered to have an acceptable impact on the visual amenities of the streetscene, given its setback from the road and its proposed identical appearance and height to the existing fence which encloses the garden. The proposal will not require the removal of any trees or shrubs on the property.

Recommendations

Approve

Conditions

1. Standard Condition A – Time limited permission (Reason A);
2. Sc21-Withdrawal of Permitted Development.
Part 1 – All Classes.
Part 2 – Classes A and B.
(Reason – To protect the character all the open frontage layout of the estate).

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3**
(Sustainable design in built development).
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Visual impact on the locality
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Other

Planning permission would be required for the erection of any extension to the dwelling, or outbuilding on land the subject of this application and for the erection of any fence/wall or gate of any height (other than that explicitly approved as part of this application).

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

- County Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning Application File S/1066/04/F
- Planning Application File S/0827/04/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

**S/1122/04/O – longstanton
Erection of two Dwellings Following Demolition of Existing Dwelling; Corner Cottage,
Woodside for Mrs G.Hayden-Smith**

Recommendation: Approval

Site and Proposal

1. The application relates to 0.09ha land within the village framework located at the corner of Woodside and Mills Lane. A two-storey house stands on the frontage onto Mills Road, close to the junction, and a single-storey outbuilding is situated close to the junction fronting Woodside, where there is a vehicular access. There is a mature hedge with trees on the frontage with Woodside.
2. To the east the site is adjoined by a modern two-storey house at No. 5 Mills Lane. To the north the site is adjoined by an access track serving a bungalow at No. 67 Woodside, beyond which are several more bungalows fronting Woodside.
3. The existing house is subject to a Demolition Order under the Housing Act 1985, with compliance required by 31st July 2004.
4. Outline planning permission (received 28th May 2004) is sought to replace the existing house with a house and a bungalow. All matters have been reserved for subsequent approval, but an indicative layout plan has been submitted to accompany the application. This shows a detached house with detached double garage fronting and taking access from Woodside. The house is set back 10m from the frontage to allow turning and manoeuvring into the garage, leaving a rear garden with a depth of 10m and a width of 18m. The bungalow is shown to be sited on the northern part of the site, with access onto Woodside. This would entail removal of a 7m length of hedgerow close to the driveway to No. 67. The bungalow is set back some 4m into the site, leaving a rear garden area of depth 8m and width 21.5m. Provision is made for a detached single garage and a turning space within the site.
5. The proposed density equates to 22.2 dwellings per hectare.

Planning Policy

6. **Policy P1/3** (Sustainable Design in Built Development) of the Cambridgeshire and Peterborough Structure Plan 2003 requires compact forms of development through the promotion of higher densities that responds to the local character of the built environment.

7. **Policy P5/3** (Density) Local Planning Authorities should seek to maximise the use of land by applying the highest density possible which is compatible with maintaining local character. As a guideline, densities of less than 30 dwellings per hectare will not be acceptable. The supporting text to the policy states: *'It is intended that overall density levels will be significantly higher than the average 25-30 dwellings per hectare in the past'*.
8. **Policy SE4** (Group Villages) of the South Cambridgeshire Local Plan 2004 ("The Local Plan") states that redevelopment up a maximum scheme of 8 dwellings will be permitted within the village framework provided that the retention of the site in its present form is not essential to the character of the village; the development would be sensitive to the character of the village and the amenities of neighbours.
9. **Policy SE8** (Village Frameworks) of the Local Plan states that there will be a general presumption in favour of residential development within the frameworks of Group Villages.
10. **Policy SE10** (Protected Village Amenity Areas) seeks to protect undeveloped land, the retention of which is of importance to the character and amenity of the village. The application site fronts onto the PVAA between Woodside and Thatchers Wood.
11. **Policy HG10** (Housing Mix and Design) requires residential developments to have a mix of units making the best use of the site. The design and layout of schemes should be informed by the wider character and context of the local townscape.

Consultation

12. **Longstanton Parish Council:** Recommends refusal of the application on the grounds that two dwellings are replacing one. The Parish Council would support the principle of a one-for-one replacement. The second dwelling is considered to be infill and the Parish Council opposes infill. Attention is also drawn to the objections from neighbours.
13. **Chief Environmental Health Officer:** recommends conditions to be attached to any consent granted so as to minimise noise disturbance during the construction period.
14. **Trees and Landscape Officer:** comments awaited.

Representations

15. A petition opposing the development has been received. It has been signed by nine residents of Woodside, Mills Lane and St Michaels. The grounds of concern are that:
 - the proposal represents an overdevelopment of the site, which would be better suited to a one-for-one replacement designed to be in keeping with other dwellings in Mills Lane;
 - the erection of a bungalow on the Woodside frontage would adversely affect the street scene in that part of the village. All other properties are set back further from the road.
16. A letter of objection has been received from the occupier of the nearby dwelling No.65a Woodside. The concerns are:
 - proximity of the proposed access to two existing accesses onto Woodside;

- precedent for large extensions at the front of existing bungalows in Woodside;
 - overlooking of the proposed rear garden of the bungalow from the rear windows in No. 5 Mills Lane;
 - overdevelopment in the context of surrounding development;
 - no further development required in Longstanton given the intended developments at Home Farm and Northstowe.
17. He concludes that the site should be limited to a one-for-one replacement on the same footprint only.
18. The agent acting for the occupiers of No. 5 Mills Lane has indicated that his clients claim to own part of the application site. This issue has been brought to the attention of the applicant's agent and the outcome will be reported verbally to Members at the meeting.

Planning Comments – Key Issues

19. The main issue is whether the site can reasonably accommodate two dwellings to replace the existing dwelling. The existing site and dwelling represents a density of development of 11 dwellings per hectare, whereas the proposed development represents a density of 22dph. Even this is short of the guideline minimum of 30dph in Structure Plan Policy P5/3, despite being higher than the average for surrounding development in this part of the village. The supporting text to the policy makes clear that new development will be expected to be at a higher density than development in the past, subject to compliance with the criteria set out in Policy SE4 of the Local Plan.
20. This part of the village is characterised by bungalow development set back between 10m and 25m from the road facing Woodside, and a mixture of houses and bungalows set back between 8m and 12m fronting Mills Lane. The proposed house fronting Mills Lane as shown in the indicative layout plan fits well into this pattern. The suggested siting of the proposed bungalow is closer to Woodside than others, but by being restricted to single storey only and taking advantage of the existing screen hedging on the frontage and northern boundary, will remain unobtrusive. In my opinion, the essential character of this part of the village will be preserved. The precise siting and design of the development would, if approved, be the subject of a further detailed application, but in principle I see no reason why the amenities of the occupiers of adjoining residential dwellings should be adversely affected by the development. I consider that the proposal complies with Policy SE4 of the Local Plan.
21. The comments of the Parish Council are noted, however the provisions of the Local Plan at Policies SE4 and SE8 permit infill development.

Recommendation

Approval

1. Standard Condition B – Time limited permission (Reason B);
2. SC1 – All reserved matters; (RC1 – Outline application).
3. Sc51 – Landscaping (Rc51);

4. Sc52 – Implementation of landscaping (Rc52);
5. Sc60 – Details of boundary treatment (Rc60);
6. The dwelling hereby permitted upon the northern part of the site shall be single storey only. (Reason - To safeguard the amenities of occupiers of adjoining properties and the visual appearance of the street scene).
7. Adequate space shall be provided within the site to enable vehicles to enter and leave in forward gear and park clear of the public highway. (Reason - In the interests of highway safety).

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3** (Sustainable design in built development) and **Policy P5/3** (Density);
 - **South Cambridgeshire Local Plan 2004: SE4** (Group Villages);
 - **SE8** (Village Frameworks);
 - **SE10** (Protected Village Amenity Areas);
 - **HG10** (Housing Mix and Design).
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: **density of development; impact upon the character of the area and the appearance of the street scene; impact upon the amenities of occupiers of adjoining dwellings; highway safety.**
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Background Papers: the following background papers were used in the preparation of this report: Application file S/1122/04/O; Cambridgeshire and Peterborough Structure Plan 2003; South Cambridgeshire Local Plan 2004.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	7 th July 2004
AUTHOR/S:	Director of Development Services	

S/0891/04/A – Fen Ditton**Erection of 4 signs, The Blue Lion Public House, 2 Horningsea Road, Fen Ditton for
Greene King Pub Company****Recommendation: Part Approval/Part Refusal****Conservation Area****Site and Proposal**

1. The site is prominently located on the cross roads of High Ditch Road and Horningsea Road in an Area of Special Control of Advertisements.
2. This application, submitted on the 28th April 2004, seeks consent for the erection of four signs advertising the Blue Lion Public House. The four signs are labelled signs B, H, K and L.
3. Non-illuminated Sign B consists of individually applied, green painted lettering that is to be affixed to the cream painted gable that faces Horningsea Road. The individual letters measure 260 mm in height. Sign H is a double-sided pole sign that is to be located within the frontage of the public house. This sign is to be illuminated by upward mounted lights and measures 1000mm x 1250mm. The sign has a green and yellow surround with a blue painted mortive. Signs K and L are directional signs for the car park and are to be sited on either side of the car park entrance located off Horningsea Road. These two signs are to be painted black with yellow/gold lettering and measure 1000mm x 543mm. Sign K is to be illuminated by a lighting trough fixed below to give upcast illumination.

Planning History

4. S/1295/92/A – Advertisement consent was granted for the display of signs
5. S/0786/03/A – A retrospective advertisement application was refused consent on the 11th September 2003. The proposed signs due to their number, location, design, colour scheme and level of illumination were considered inappropriate given the sites inclusion within a Conservation Area. This decision was subsequently appealed. The appeal was part dismissed and part allowed. Those three signs that were granted consent do not form part of this application.

Planning Policy

6. **Policy EN39 ‘Advertisements in Conservation Areas and on Listed Buildings’** of the South Cambridgeshire Local Plan 2004 applies exacting standards of control over the display of advertisements in Conservation Areas or on Listed Buildings.

7. **Policy EN30 'Development in Conservation Areas'** of the South Cambridgeshire Local Plan 2004 states that proposals will be expected to preserve or enhance the special character and appearance of the Conservation Area.

Consultation

8. **Fen Ditton Parish Council** – The Parish Council

"Is anxious to preserve the conservation area and objects strongly to garish and unnecessary signage of a commercial nature." It recommends refusal.

9. **The Councils Conservation Manger** – Whilst no objections were raised to Sign B, the overall impact of the proposed signage will detract from the character and appearance of the Conservation Area. It is suggested that this development is resisted in this form.

10. **Waterbeach Internal Drainage Board** – No comment

Representations

11. A letter has been received from 6 High Ditch Road raising support for the application save for a reservation regarding the garish nature and colour of the signs indicating the entrance to the car park. It is assumed that all the other signs on and around the building will be removed as soon as possible.

Planning Comments – Key Issues

12. The main issue to consider in this case is the impact of the proposed signs on the character and appearance of the Conservation Area. Given the nature of this application, each sign will be referred to separately.

Sign B

13. The individual letters to be affixed to the timber clad gable in the western elevation is considered a significant improvement on the 2900mm x 600mm green and yellow illuminated panel sign that was refused consent in 2003, (ref S/0786/03/A). The 2300mm long sign did not sit well on this visually prominent elevation and when viewed against the cream painted gable formed an unduly intrusive and strident feature. The green painted, individually applied letters, provides a more subtle form of advertisement that, given the reduced area of garish colours, has far less impact on the conservation area. It is noted that the sign is not to be illuminated. The Conservation Manager has raised no objections to this sign.

Sign H

14. Since the previous application was refused the design of this sign has been simplified in accordance with the recommendations of the appeal inspector. Previously it was proposed that a 'Hungry Horse' internally illuminated header be attached to the pole above the sign and a double-sided internally illuminated menu board below. The Conservation Manager has stated that the use of plastic is not considered acceptable within the Conservation Area and that the existing metal signs are considered far more appropriate. These metal signs labelled on the submitted plans as existing are no longer present on site.

15. Whilst it is agreed that the use of more traditional materials would be considered more appropriate, given the simplified design it is not considered that the proposed sign would have a sufficient detrimental impact on the character and appearance of the Conservation Area. With regard to the previously refused application, the appeal inspectorate stated in paragraph 7 of his decision that “the main part of the sign comprises a pictorial name unit which I consider would be acceptable on its own.” Reference was made to the proposed use of materials in the Councils appeal statement but little reference was made to the proposed materials within the appeal decision. A number of similarly constructed signs were in fact approved by the Inspector.

Signs K and L

16. The size, design and colour scheme of signs K and L have been amended since the previous application was refused. The purpose of these signs is to direct customers into the already very prominent car park entrance. Whilst the colour scheme is now less garish and the size of the signs more sympathetic, I would still question if there is a real need for these signs.
17. With regard to the previous application, the appeal inspector stated that as proposed that two signs “would give rise to an excess of such advertising material adjacent to the access.” It was however suggested that if it was considered that additional signage is required this should be achieved by much less obtrusive means. As proposed the advertisement for the car park is very much secondary to the large ‘Hungry Horse’ motif. A less obtrusive means of advertisement has therefore not been achieved and as the car park entrance itself forms a prominent feature, these signs are considered unnecessary and obtrusive.
18. It is proposed that sign K be illuminated. The illumination of this sign is considered unnecessary along the site frontage and would result in this sign appearing even more obtrusive.

Recommendations

19. Part Approval/Part Refusal

A. Approval – Signs B and H

- 1) Standard Advertisement conditions.
- 2) The illuminated sign, (Sign H) permitted by this consent shall not be displayed in an illuminated form during the hours when the premises to which it relates are closed to the public
Reason – To safeguard the amenities of the area in accordance with the requirements of Policy EN30 and EN39 of the South Cambridgeshire Local Plan 2004.
- 3) Sign B hereby approved shall at no time be illuminated.
Reason – To safeguard the amenities of the area in accordance with the requirements of Policy EN30 and EN39 of the South Cambridgeshire Local Plan 2004.

B. Refusal – Signs K and L

The Blue Lion Public House occupies a prominent site within the Fen Ditton Conservation Area. The splayed access way to the car park forms an obvious and prominent feature within the streetscape.

The proposed car park signs, labelled signs K and L are considered unnecessary and overly obtrusive within the streetscape and Conservation Area. The advertisement of the car park is very much secondary to the large 'Hungry Horse' logo which is considered as unnecessary duplication of other such adverts displayed within the site. Furthermore the proposed illumination of sign K would further increase the obtrusive nature of the sign to the detriment of the character and appearance of the Conservation Area.

The display of signs K and L is therefore considered contrary to Policies EN30 and EN39 of the South Cambridgeshire Local Plan 2004.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Application File S/0786/03/A and S/0891/04/A

Contact Officer: Paul Belton- Planning Assistant
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APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

TOWN AND COUNTRY PLANNING ACT 1990

This item is intended to update Members on appeals against planning decisions and enforcement action. Information is provided on appeals lodged, proposed hearing and inquiry dates, appeal decisions and when appropriate, details of recent cases in interest.

1. Decisions Notified By The Secretary of State

Ref. No.	Details	Decision and Date
S/1423/03/F	Mr & Mrs Nicol 111 Cambridge Road <u>Waterbeach</u> Extension (Officer recommendation to refuse)	Dismissed 13/05/2004
S/0959/03/O	Mr & Mrs M Pleasants Adj 40 Green End <u>Landbeach</u> Dwelling (Officer recommendation to refuse)	Dismissed 19/05/2004
S/1966/03/F	Mr & Mrs Swann 5 Conder Close <u>Milton</u> Extension (Delegated refusal)	Part Dismissed 19/05/2004
S/2005/03/F	Mr D J Baldwin Adj Westwind, Highfields Road, Highfields <u>Caldecote</u> House (Delegated refusal)	Dismissed 24/05/2004
S/1472/02/F	Trustees of the Henry Settlement Mines Farm, Weston Green <u>Weston Colville</u> Erection of a country house, staff cottage & stables together with parkland, landscaping and excavation of lakes (Officer recommendation to refuse)	Dismissed 25/05/2004
S/1876/03/F	Mr H Wiseman Adj 15 Back Lane <u>Haslingfield</u> House (Delegated refusal)	Dismissed 25/05/2004

S/1579/03/F	Mr & Mrs T J Graver 67 Town Green Road <u>Orwell</u> Extensions (Delegated refusal)	Dismissed 25/05/2004
S/1127/03/F	J Jefford The Bungalow, Long Drove <u>Waterbeach</u> Retention of building and use as store and security office together with boundary screening to existing scrap yard. (Non-determination)	Dismissed 02/06/2004
S/0424/03/F	Mr W Willett Appletree Mobile Home Park, Histon Road <u>Cottenham</u> Reorganization & extension to mobile home park and land adjoining Histon Road, Cottenham.	Dismissed 02/06/2004
S/1996/03/F	Mr S Parr 101 High Street <u>Cottenham</u> Erection of garage with study/hobbies room above (Officer recommendation to refuse)	Dismissed 15/06/2004
S/1383/03/O	Mr C Abbs Adj 51 Beach Road <u>Cottenham</u> Dwelling (delegated refusal)	Dismissed 17/06/2004

2. Summaries Of Recent Decisions Of Interest

Trustees of the Henry Settlement- Erection of a Country House, Staff Accommodation and Landscaping- Land at Mines Farm, Weston Green, Weston Colville- Appeal Dismissed

This application was advanced as an exception to local plan policies that seek to restrict inappropriate development in the countryside. It aims to comply with the requirements of paragraph 3.21 of PPG7 and Policy HG21 of the South Cambridgeshire Local Plan 2004 that allow, in exceptional circumstances, an isolated new house in the open countryside.

There was no argument from the appellants that the development was justified in accordance with any development plan policy other than Policy HG21. The main issue in the determination of this appeal was therefore whether the proposed development was justified because it is of the highest quality, truly outstanding in terms of its architecture and landscape design and would enhance its immediate setting and wider surroundings.

The site lies in open and gently undulating countryside outside the settlement of Weston Green. The area is characterised by a predominant agricultural land use with blocks of woodlands and hedgerows.

The Inspector noted that matters concerning the architectural style of the new house were not an issue between the parties. It was confirmed that the objection was to the standard and quality of the architecture.

Although the Inspector considered that the design of the building showed a certain amount of understanding and sympathy for English Country House tradition, there was little to suggest that the building would be truly outstanding in terms of its architecture.

Its design was said to convey an intuitive sense of form and understanding and its physical complexity was judged to add visual interest. However, it was considered that while the building may reflect a popular image of the English country house, its design would not contribute more than a picturesque addition to the countryside.

The Inspector found nothing original and distinctive in the design of the building that would advance the tradition of the Country House. He particularly thought that the use of features from particular architectural periods unconvincing as a means of suggesting a building that has been added to or altered over a long period to meet changing needs and circumstances.

The scale and elevational treatment of the building were seen as positive attributes that would give the building presence and convey a sense of grandeur. The proposed materials and building techniques were also deemed appropriate within the wider East Anglian context. However, they were not exceptional qualities that would justify such development within the open countryside.

The Inspector considered that while it is clear that care has been taken in the design of the small, domestic garden areas around the house, there are no innovative or special features that define the landscaping of this part of the site as truly outstanding.

The landscaping that is proposed for the larger part of the site reflects a traditional parkland landscaping design. However, while it may provide an attractive domestic setting for the house it is not considered to make a positive contribution to the wider countryside.

The Inspector concluded by stating that a house of the size and in the position proposed would draw much from its rural surroundings but contribute little to it. The development is therefore not justified, as it is contrary to both national planning guidance in PPG7 and local development plan policy HG21.

Another matter that was considered in the determination of this appeal was whether the development would damage or destroy important pre-historic, Roman, Saxon and Mediaeval archaeological remains that are evident within the site area.

Whilst the appellant had carried out a desktop archaeological study of the site, a proper archaeological evaluation had not been undertaken. The Inspector considered that further works needs to be carried out to ensure that the remains would continue to be undisturbed. He concluded by saying that the proposal takes insufficient account of site's archaeological potential.

Mr & Mrs Swann- Extensions- 5 Conder Close, Milton- Appeal Part Dismissed, Part Allowed

The main issue in the determination of this appeal was whether the extensions would harm the residential amenities of the neighbouring properties.

No. 5 Conder Close is a two-storey, detached house that has a single storey garage attached to its north west elevation. Its front elevation is set back from that of the neighbouring house at No. 3 and Nos. 7 and 9 face towards its side elevation.

The proposed extensions were for an additional bedroom above the garage and an extension to enlarge a bedroom above the existing single storey rear extension.

The Inspector considered that as a result of the staggered relationship between Nos. 3 and 5 Conder Close, the first floor rear extension would result in a two-storey gable elevation measuring 7.1 metres long and 6.9 metres high along most of the common boundary between the two properties. As No. 3 is located just one metre from the boundary, the extension would therefore be seriously overbearing on the outlook from the rear windows and from the garden area of that property. This part of the appeal was dismissed for this reason alone. The position of the extension to the north west of No. 3 was not considered to significantly affect daylight or sunlight to that property. Whilst there is a first floor window facing No. 24 Froment Close, it would overlook the rear part of the garden only and not result in a severe loss of privacy to the occupiers of that property.

The first floor side extension above the garage will result in the dwelling having a very similar character and relationship to existing dwellings within the vicinity of the site. The Inspector considered that it would integrate well with the appearance of the main dwelling and within the street scene and would be only slightly larger than a side extension recently approved by the Council. While the first floor flank wall of the extension would be moved closer to the neighbouring properties at Nos. 7 and 9 Conder Close, it would not result in an overbearing outlook from those properties, given that the view is already of plain gable walls. Although the extension is situated to the south east of these properties, the 9.5 metre separation was not considered to result in an undue loss of light. This part of the appeal was therefore allowed subject to a condition removing permitted development rights for new windows in the north west facing elevation of the extension.

3. Appeals received

Ref. No.	Details	Date
S/2474/03/F	Dr & Mrs Onudrah Adj 1 Stonehill Road <u>Great Shelford</u> House (Delegated refusal)	14/05/2004
S/0358/04/F	Dr & Mrs N Coleman Adj 33 Mill Hill <u>Weston Colville</u> Erection of house and garage and carport for existing dwelling (Officer recommendation to refuse)	18/05/2004

S/0207/04/F	Mr R Wright 22 Newton Road <u>Whittlesford</u> Extension (Delegated refusal)	18/05/2004
S/0158/04/O	Mr D Wakefield Adj Willoughby House, Maynards <u>Whittlesford</u> Dwelling & garage (Delegated refusal)	25/05/2004
S/0022/04/F	Houston Crest Properties Landbeach Lakes, Ely Road <u>Landbeach</u> Hotel (Delegated refusal)	25/05/2004
S/0220/04/O	Mr J Swanson Barons Farm, 7 Angle Lane <u>Shepreth</u> Dwelling and Garage (Officer recommendation to refuse)	04/06/2004
S/0108/04/F	Mr & Mrs Williams 6 Brook Street <u>Elsworth</u> Conservatory (Delegated refusal)	11/06/2004
S/0230/04/LB	Mr M Derham Hinxtton Grange, <u>Hinxtton</u> Installation of new fibrous plaster pre made dome for light fitting in kitchen ceiling (retrospective application). (Delegated refusal)	11/06/2004
S/0107/04/LB	Mr & Mrs Williams 6 Brook Street <u>Elsworth</u> Conservatory (Delegated refusal)	11/06/2004

S/0581/04/F Miss O MacDonald 17/06/2004
 7 Barrons Green
Shepreth
 Extension to provide additional dwelling and extension to
 existing dwelling.
 (Officer recommendation to refuse)

4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 4th August 2004

Ref. No.	Details	Date/Time/Venue
S/0780/03/F	A Duke & Sons Off New Road <u>Melbourn</u> 2 houses	13/07/2004 Council Chamber 10.00am
9 Appeals	Plots 7-16 Pineview Smithy Fen <u>Cottenham</u> Siting of travellers' caravan & day room (Local Inquiry)	20/07/2004 Council Chamber 10.00am to sit for 8 days
E461C	Mr P O'Brien Land off Water Lane <u>Cottenham</u> Enforcement against change of use to residential caravan site (Local Inquiry)	20/07/2004 Council Chamber 10.00am to sit for 8 days
S/2447/02/F	Mr J Flynn 6A Orchard Drive, Smithy Fen <u>Cottenham</u> 1 Mobile Home, 1 touring caravan and day room (Local Inquiry)	20/07/2004 Council Chamber 10.00am to sit for 8 days
S/2370/02/F	J Culligan 7 Orchard Drive, Smithy Fen <u>Cottenham</u> Caravan & day room (Local Inquiry)	20/07/2004 Council Chamber 10.00am to sit for 8 days
S/0177/03/F	Mr J Biddall Kneesworth Road <u>Meldreth</u> Change of use of land to traveling show peoples' quarters (Local Inquiry)	27/07/2004 Council Chamber 10.00am to sit for 2 days

S/1058/03/F	Mr & Mrs Sherwood R/o 117 High Street <u>Melbourn</u> Erection of a dwelling & double garage	03/08/2004 First Floor meeting room 10.00am
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5. Appeals withdrawn or postponed

Ref. No.	Details	Reason and Date
S/0181/03/LDC	Shelford Lodge Ltd 144 Cambridge Road <u>Great Shelford</u> Certificate of lawfulness for siting & use of mobile home for residential accommodation	In abeyance until 08/08/04
EP246A	Shelford Lodge Ltd 144 Cambridge Road <u>Great Shelford</u> Enforcement of removal of mobile home	In abeyance until 08/08/04
S/0334/03/F	Hutchison 3G UK Ltd Bury Lodge Farm, Newmarket Road <u>Stow-cum-Quy</u> 16.7 metre high monopole telecommunications mast and associated development.	Withdrawn by appellant 07/05/2004
S/1819/02/F	Mr G North The Bogs, The Cinques Removal of mobile home personal occupancy condition.	Withdrawn by appellant 21/05/2004

6. Advance notification of future Local Inquiry and Informal Hearing dates (subject to postponement or cancellation)

Ref. No.	Details	Date
E 502	Mr H Price Adj Moor Drove, Cottenham Road <u>Histon</u> Operational Development (Local Inquiry)	10/08/2004 Confirmed 2 days

E 502A	Mr H Price Adj Moor Drove, Cottenham Road <u>Histon</u> Enforcement against material change of use to storage and residential use of caravans. (Local Inquiry)	10/08/2004 Confirmed 2 days
E472A & B	M Ragnauth Setbroad Farm Oakington Road <u>Cottenham</u> Enforcement against unauthorized building works And construction of foundations of a dwelling (informal hearing)	02/09/2004 Offered/Accepted
S/1934/03/F	Mr J Crickmore The Barn, Chesterton Fen Road <u>Milton</u> Change of use to tropical plant nursery comprising erection of 3 glasshouses, general purpose shed, alteration and extensions (Local Inquiry)	07/09/2004 Confirmed
S/1559/03/F	Taylor Woodrow Developments Off Chivers Way (Access off Kay Hitch Way) <u>Histon</u> 57 Dwellings (Informal Hearing)	03/11/2004 Confirmed
S/2624/03/F	Country Homes and Gardens Royston Garden Centre, Dunsbridge Turnpike <u>Shepreth</u> Variation of conditions 1, 2, 10, & 11 of S/1333/02 in respect of revised landscaping details (Informal Hearing)	09/11/2004 Confirmed
S/2089/03/F	Heddon Management Ltd 12 Pieces Lane <u>Waterbeach</u> 8 Houses (Informal Hearing)	30/11/2004 Offered/Accepted
S/2194/03/F	Mr C Taylor 45 Spring Lane <u>Bassingbourn</u> Construction of raised decked area, path and sunken patio/lawn (part retrospective) (Informal Hearing)	11/01/2005 Offered/Accepted

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

7 July 2004

AUTHOR/S: Finance and Resources Director

Tree Preservation Order – Papworth Everard

Recommendation: Confirm

Purpose

1. To review Tree Preservation Order no. 01/04/SC, made under delegated powers at 2 Ermine Street North, Papworth Everard.

Effect on Corporate Objectives

2. Quality, Accessible Services	Not applicable
Village Life	The presence and protection of trees helps to control pollution levels, and therefore contributes to the Council's commitment to the climate change agenda. Trees provide an important micro habitat for both flora and fauna.
Sustainability	The presence and protection of trees helps to control pollution levels, and therefore contributes to the Council's commitment to the climate change agenda.
Partnership	Not applicable

Background

3. Once made, Tree Preservation Orders remain in force for a provisional period of six months, but can be confirmed at any time.

Considerations

4. Tree Preservation Order 01/04/SC was made on 28th April 2004.
5. The Council made the Order because it considered the Yew tree in question to be an important feature in the street scene, being located on a site that has recently been the subject of planning permission and worthy of retention.
6. The statutory period for the registering of objections to the Order ended on 1st June 2004. There was none.

Options

7. Under the legislation, the Council can confirm a Tree Preservation Order, confirm it subject to modification, or decide not to confirm it.

Financial Implications

8. There are no financial implications.

Legal Implications

9. There are no legal implications.

Staffing Implications

10. There are no staffing implications.

Risk Management Implications

11. There are no risk management implications.

Consultations

12. A copy of this report has been sent to the local Members, Councillor MP Howell and Councillor N Wright. Councillor Howell states as follows: "I support this application, as this tree is in an extremely prominent position in the village." He observes that it is unusual to see a yew tree in a village setting.

Conclusion

13. TPO number 01/04/SC remains provisionally in force until 27th October 2004. By confirming it now, the Council will ensure that the Tree Preservation Order remains in force beyond that date.

Recommendations

14. It is recommended that Tree Preservation Order 01/04/SC in Papworth Everard be confirmed.

Background Papers: the following background papers were used in the preparation of this report: Tree Preservation Order no. 01/04/SC in Papworth Everard and the relevant file maintained by the Trees and Landscape Section

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

7 July 2004

AUTHOR/S: Finance and Resources Director

Tree Preservation Order – Haslingfield

Recommendation: Confirm without modification

Purpose

1. To review Tree Preservation Order no. 02/04/SC, made under delegated powers at 4 Orchard Road, Haslingfield.

Effect on Corporate Objectives

2. Quality, Accessible Services	Not applicable
Village Life	The presence and protection of the natural environment enhances the quality of village life.
Sustainability	The presence and protection of trees helps to control pollution levels, and therefore contributes to the Council's commitment to the climate change agenda. Trees provide an important micro habitat for both flora and fauna.
Partnership	Not applicable

Background

3. Once made, Tree Preservation Orders remain in force for a provisional period of six months, but can be confirmed at any time.

Considerations

4. Tree Preservation Order 02/04/SC was made on 28th April 2004.
5. The Council made the Order because it considered the walnut tree in question to make a considerable visual contribution to the surrounding area, and because it is located on land that has been cited as a reason for refusal of a recent planning application.
6. The statutory period for the registering of objections to the Order ended on 1st June 2004. One letter of objection was received within that period. The bases of that objection were as follows:
 - (a) the tree is a poor specimen

- (b) the tree is only visible to the very limited number of dwellings on land that adjoins that corner of 4 Orchard Road, and is hardly visible from any public road or area
- (c) the tree has minimal visual impact on the village, and the Order will adversely affect the tree as it will prevent maintenance of it.

Point (a) is subjective, contradicting the professional view of the Council's Trees and Landscape Officer. Point (b) seems unclear as the contention that it is hardly visible from any public road or area suggests that it is in fact visible: its potential loss may have an adverse affect on such areas. Point (c) is incorrect: a Tree Preservation Order does not prohibit maintenance of the tree or trees covered by it. Indeed, such prohibition would destroy the object of the Order, the purpose of which is to preserve. However, a TPO does require maintenance to be carried out in consultation with the Council to ensure that it is suitable in the context of the Council's reasons for making it.

- 7. The Council served the Order on a range of individuals and organisations in line with requirements laid down in the Town and Country Planning Act 1990. Regrettably, it wrongly identified the owner of the land. The objector is in fact one of the Executors of the Estate of which 4 Orchard Road forms part. Case law confirms that, where a person has direct knowledge of an Order, due service on that person can be assumed. The Council considers that the Estate has sufficiently direct knowledge of the TPO to render it unnecessary to re-serve itthe Order. A site visit, to which the Chairman and Vice-Chairman of the Committee and the local Member (Councillor Mrs EM Heazell) were invited, took place on 23rd June 2004 to assess the substantive objections referred to in paragraph 6 above.

Options

- 8. Under the legislation, the Council can confirm a Tree Preservation Order, confirm it subject to modification, or decide not to confirm it.

Financial Implications

- 9. There are no financial implications.

Legal Implications

- 10. There are no legal implications given the existence of case law referred to in paragraph 7 above.

Staffing Implications

- 11. There are no staffing implications.

Risk Management Implications

- 12. There are no risk management implications.

Consultations

- 13. A copy of this report has been sent to the local Member, Councillor Mrs EM Heazell.

Conclusion

14. TPO number 02/04/SC remains provisionally in force until 27th October 2004. By confirming it now, the Council will ensure that the Tree Preservation Order remains in force beyond that date. The Chairman and local Member attended the site visit, and agreed with the Trees and Landscape Officer that the Order should be confirmed without modification.

Recommendations

15. It is recommended that Tree Preservation Order 02/04/SC in Haslingfield be confirmed without modification.

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

- Tree Preservation Order no. 02/04/SC in Haslingfield and the relevant file maintained by the Trees and Landscape Section
- Letter dated 19th May 2004 from Mr EP Dunell

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL7th July 2004

REPORT TO	Development Control and Conservation Committee
AUTHOR/S	Director of Development Services

**Cambourne Section 106 Agreement:
Facilities And Timing Of Provisions****Purpose**

1. The last meeting of this Committee received a report on the lack of certain community facilities required at Cambourne to meet the requirements of a 106 Agreement dated 20th April 1994. Members will recall they visited the various sites to assess the progress being made on the construction of these facilities namely, the Community Centre, Multi-Use games Area (MUGA) and Burial ground. It was resolved that the Council's stance should be to lift the embargo and release planning decision notices for market housing, but to retain the Chair-person's powers to re-introduce the embargo should the facilities fall significantly behind the submitted schedules. A monthly update on progress was requested. This report, therefore updates Members on the progress of the provision of these facilities, as well as updating Members on the progress of other facilities that should have been provided by now but are not part of the Council's stance.

Background

2. There are now 1292 houses occupied at Cambourne. To recap the following community facilities are to be provided by the trigger point of 1,000 houses occupied are:
 - a. Community Centre (required by S106 at 1000 houses).
 - b. Multi-Use Games Area (MUGA) comprising part Astro turf and part hard surface playing courts (required by S106 at 1000 houses).
 - c. Burial Ground (required by S106 at 1000 houses).
 - d. Parish Council funding (required by S106 at 1000 houses).
 - e. Playing fields (required by the S106 to be provided in phases throughout the development).
 - f. Skateboard area (required by Cambourne Play Strategy at 1000 houses).
 - g. Cricket Pavilion (required by the S106 to be phased in accordance with the Master plan and by planning permission for Lower Cambourne Village Green at 450 homes in Lower Cambourne respectively).
 - h. Allotments (required by the S106 to be provided by phased provision throughout the development).
 - i. Lower Cambourne Village Green cricket pitch, recycling area (required by planning permission for Lower Cambourne Village Green at 31/3/02 and 100 homes in Lower Cambourne respectively).
 - j. Trailer park (required by S106 at 300 houses).

Updated position

3. Progress at the time of writing this report (21st June 2004) is as follows:
 - a. Community Centre. The groundwork is complete, steel frame is up, the roof covering has commenced and the brickwork is under way. This is in accordance with the agreed work schedule submitted June 2004 with an anticipated completion October/November 2004. Conditions outstanding are condition 1 – landscaping scheme, details of which are under discussion; condition 3 – signage, seating, hard surfacing; condition 13 – cycle store and bin store, detailed drawings have been received for information.
 - b. Multi-Use Games Area (MUGA). The MUGA is practically complete; a final inspection has resulted in a snagging list being produced, which has provided to the developer, the anticipated completion of the matters outstanding is 12th July 2004.
 - c. Burial Ground. Planning permission was granted on 2nd December 2003. This is now complete.
 - d. Parish Council funding (required by S106 at 1000 houses)- Parish Council was formerly elected on the 10th June 2004 and sworn in on 14th June 2004.
 - e. Playing fields. An inspection is to be held on the 8th July 2004 to assess the condition of these pitches.
 - f. Skateboard and play area. Planning permission has been granted for the construction of this facility and the developers anticipate opening the facility late in July 2004.
 - g. Cricket Pavilion. Planning permission has been granted for this facility, but amended plans have been received which are currently unacceptable due to the proposed design, the developers have been advised of the situation and are currently working on further amended drawings.
 - h. Allotments. Currently, under construction for completion October 2004.
 - i. Cricket pitch and recycling area at Lower Cambourne Village Green. The recycling area is the subject of discussion in terms of providing the bottle banks, etc. The cricket pitch failed an inspection earlier this year and required remedial work to be carried out; a further inspection of the facilities is to be carried out on the 8th July 2004.

There is no progress to report on the trailer park. Any update or comment from the developers will be reported verbally.

Considerations

4. The developers are making progress with the facilities. It is essential that the Council's stance to monitor the progress of facilities should be maintained.

Financial Implications

5. None.

Legal Implications

6. None.

Staffing Implications

7. Officers will continue to monitor the provision of community facilities and negotiate future housing schemes.

Sustainability Implications

8. Provision of these facilities is important for the community sustainability.

Conclusion

9. Positive work is taking place in terms of the developer's consortium monitoring and liaising with officers to ensure facilities are provided in accordance with the work programmes. Members can see action on the ground, with the first use of the MUGA by the community, which took place on the 12 June 2004. I therefore consider at this stage it is essential to continue to monitor the situation closely, with monthly reports back to this meeting and for the embargo to remain lifted at present.

Recommendation

10. It is RECOMMENDED that:

Members agree the Council's stance for the time being, and receive an update on progress at the next meeting on the xxx August 2004.

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

Cambourne Section 106 Agreement dated 20th April 1994.
Cambourne Play Strategy December 2000, approved under conditions of the outline.
Planning permission dated 20th April 1994, reference S1371/92/0

Contact Officer: Julie Ayre, Senior Planning Officer, Telephone (01954) 713264.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 7th July 2004
AUTHOR/S: Development Services Director

Department of The Environment Circular 8/93, Award of Costs in Planning and Other (Including Compulsory Purchase Order) Proceedings**Purpose**

1. To appraise and to remind the Committee of the contents of Circular 8/93 published on 29th March 1993.

Background

2. My report to Planning Committee on 9th June 1993 summarised the key points of this Circular. This is attached as Appendix 1 for the benefit and guidance of the new Committee.
3. There have been no changes in the powers to award costs (see para 2.3 – 2.5 of the appendix). The Circular remains extant.
4. The principal reason for reporting this Circular to Committee on a regular basis is to remind Members that each reason for refusal must be substantiated by evidence at appeal. Costs may be awarded against the Authority if a reason for refusal is not properly supported.

Considerations

5. Since my report of 4th June 2003 the following applications for costs have been determined by the Planning Inspectorate:
 - A. Application by an appellant against the Council in respect of unreasonable behaviour not agreeing to an adjournment to a later appeal hearing to enable all planning issues in respect of the issue of enforcement notices against engineering works and use of land as a residential caravan site at Cottenham.

The Inspector did not agree with the appellant.

He stated:

“The Council was concerned about the timing of the appeals, applications and unauthorised developments, and in my opinion its desire to avoid unnecessary delays accords with national guidance.”

The enforcement appeals were dismissed although the appeals were solely concerned with the period for compliance.

- B. Application by an appellant against the Council in respect of unreasonable behaviour in refusing planning permission for a dwelling in West Moor Avenue, Sawston and in not providing sufficient evidence to justify its decision, causing avoidable financial loss to the appellants.

The Inspector did not agree with the appellant.

He stated:

“The Council’s objections to the development remain ones of principle based on the specific circumstances of the site and its relationships to neighbouring dwellings and the adverse impacts that it alleges would arise. To that extent I make no criticism of the Council in maintaining its consistent objection to the development of this land in subsequent discussions, and it is clear that the matter would need to be resolved through the appeal procedure. While I acknowledge that a more welcoming stance could have been taken, particularly given the decisions to allow bungalows on sites nearby, I do consider that, in themselves, those decisions form compelling precedents for this scheme. The physical characteristics of the site are clearly different and those schemes did not raise exactly the same issues as those in this appeal. In any event, applications and appeals have to be determined on their individual merits.

In the main the Council presented appropriate evidence to support its reasons for refusal with the exception of its contention that the scheme would result in overshadowing of adjoining land. On this point no technical material at all was advanced to justify the allegation and I consider that the Council’s behaviour in this regard to have been unreasonable. However, the appellants similarly relied upon subjective assessment and did not present detailed rebuttal evidence on the point and thus had not incurred unnecessary expense in this respect. On the matter of the level and siting of parking spaces to serve the proposed and existing developments, no evidence is before me that the Council had sought to impose a standard that is greater than that advocated in national and local policy.

Paragraph 8 to Annex 3 of the Circular advises that where planning issues are clearly shown to be finely balanced, an award of costs relating to substantive, as distinct from procedural, matters is unlikely to be made against the planning authority. While I have concluded that the appeal should be allowed, nevertheless I consider that the assessment of the character and appearance issue together with the amenity impact to be finely balanced. Accordingly, and taken as a whole and in the light of the national advice, I consider that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93, has not been demonstrated.”

The Planning Appeal was allowed and planning permission granted.

Summary

6. To minimise the risk of suffering an award of costs, the following factors should be borne in mind:
- a) Reasons for refusal must be capable of being defended at appeal;
 - b) Relevant evidence must be submitted at appeal to substantiate each reason for refusal;
 - c) Seek independent advice or evidence in advance of refusing an application if the comments of a statutory consultee are not to be followed;
 - d) Relevant information should be sought at the application stage rather than relying upon its absence as a reason for refusal;

- e) The Authority should be willing to negotiate if an objection is capable of being resolved;
- f) A modified scheme should not be refused where an earlier appeal decision indicated it would be acceptable, and circumstances have not materially changed; and
- g) Conditions should not be imposed which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.

7. Unreasonable behaviour: A summary of the criteria is attached at Appendix 2.

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

Department of the Environment Circular 8/93

Contact Officer: David Rush

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