

DEVELOPMENT AND CONSERVATION CONTROL COMMITTEE

At a meeting held on Wednesday, 1 September 2004 at 10.00 a.m..

PRESENT: Councillor RGR Smith – Chairman
Councillor Dr JPR Orme – Vice-Chairman

Councillors	Dr DR Bard	RE Barrett
	JD Batchelor	RF Bryant
	Mrs PS Corney	Mrs J Dixon
	SM Edwards	Mrs A Elsby
	R Hall	Mrs SA Hatton
	Mrs JM Healey	Mrs EM Heazell
	Mrs CA Hunt	HC Hurrell
	SGM Kindersley	RB Martlew
	MJ Mason	DH Morgan
	Mrs JA Muncey	Mrs CAED Murfitt
	CR Nightingale	EJ Pateman
	A Riley	Mrs DP Roberts
	NJ Scarr	Mrs DSK Spink MBE
	Dr JR Williamson	NIC Wright
	SS Ziaian-Gillan	

Apologies for absence were received from Councillors JH Stewart, RJ Turner and TJ Wotherspoon.

1. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 7th July 2004, subject to:

1. the addition of Councillor Mrs J Williamson to the list of those in attendance
2. the insertion into Minute no. 23 (S/0951/04/F - Histon - Variation of Condition 3 of Planning Permission S/0242/01/F to allow hot food Takeaway service between 11.00am and 2.30pm, and 5.00pm and 11.00pm at 44 Station Road for R Dias) of the sentence, "Councillor MJ Mason, a member also of Histon Parish Council, stated for the record that he had taken no part whatsoever in the Parish Council's consideration of this planning application.", immediately prior to the section in parentheses.

2. S/2625/03/F - CASTLE CAMPS

Alterations and conversion of existing building into 7 dwellings. Camps Castle Public House, High Street for Mr and Mrs Hart

APPROVAL of drawing no. 03/40/7c as an amendment to the approved scheme, subject to confirmation of hard and soft landscaping details. Members requested that the grassed areas be left substantially free of trees to allow overflow parking on these areas.

3. S/1093/04/0 - COTTENHAM

Agricultural Dwelling, Causeway Farm, Smithy Fen, for Mr & Mrs R Jones

DEFERRED pending the receipt of an application for planning consent to construct the two cattle sheds with both applications then being considered concurrently and a report being presented to the Committee at its meeting on 1st December 2004, should no progress be made.

Councillor Mrs J Dixon declared a prejudicial interest in this item because she knew the applicant and was friends with the neighbours, and withdrew from the Chamber.

4. S/0511/04/F - FOWLMERE

Extension and Conversion of Buildings into a Dwelling and Erection of Garage/Carport, Mill Farm, Fowlmere Road, Melbourn, for Plum Developments

MINDED TO APPROVE for the reasons set out in the report from the Director of Development Services, there having been no representations made following the advertisement of this proposal as a departure from the Development Plan. The application would be referred to the Secretary of State as a departure.

5. S/1597/04/F - FOWLMERE

Erection of Dwelling and Conversion of Barn into Garage/Carport/Workshop and Store following Demolition of 2 Existing Dwellings

REFUSED contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members considered that the proposal conflicted with Policy HG/15/1 of the South Cambridgeshire Local Plan 2004 by virtue of its size and bulk, and because its design and character would be out of keeping with the bungalows to be replaced.

6. S/1308/04/F - GIRTON

Extension to 34 Woodlands Park, for Dr Russo and Ms Gillespie

REFUSED for the reasons set out in the report from the Director of Development Services. (Councillor NJ Scarr abstained from voting as he had not attended the site visit.)

7. S/1436/04/F - GIRTON

Extension and Conservatory at 6 St. Margarets Road, for Mr & Mrs Barresi

REFUSED, contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members considered that the proposed two-storey extension conflicted with Policy HG/12 of the South Cambridgeshire Local Plan 2004 by virtue of its size, height, depth and proximity to the western boundary of the site, and that it would have an overbearing impact on the neighbouring property at no. 4 St Margarets Road.

(Councillor NJ Scarr abstained from voting as he had not attended the site visit.)

8. S/1430/04/F - HASLINGFIELD

Raising of Roof Height and Addition of Dormer, 2 The Hemlocks for Mr and Mrs McKenzie

REFUSED, contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members considered that the additional height and dormer window would have an adverse impact on the Conservation Area, contrary to Policy EN/30 of the South Cambridgeshire Local Plan 2004, and that the proposal would lead to a loss of amenity for the neighbouring property at no. 28 High Street, contrary to Policy HG/12 of the Local Plan.

(Councillor NJ Scarr abstained from voting as he had not attended the site visit.)

9. S/1320/04/O - HISTON

Erection of Three Dwellings Following Demolition of Existing Dwelling at 81 Park Lane for Mr Betson

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein and to an additional Condition requiring that a tree survey be carried out.

10. S/1188/04/F - IMPINGTON

Erection of Eleven Houses, Two Flats and Garages following Demolition of Existing Dwellings (15-17 Mill Road), 15-17 Mill Road and Land Rear of 13-23 Mill Road and Rear of 17-23 Highfield Road for Hogger Homes Ltd

DEFERRED, pending the receipt of comments, from Anglian Water, on foul water drainage issues.

11. S/1297/04/LB & S/1298/04/F - LINTON

Alterations and Replacement of Beam and Strengthening of Wall in Basement of Stair Tower and Construction of Brick Extension for Porch and Shower Room. New Dwarf Wall and Steps and Extension.

REFUSED for the reasons set out in the report from the Director of Development Services.

12. S/1159/04/F - LITTLE SHELFORD

Erection of Dwelling Following Demolition of Existing Dwelling at 40 High Street for Mr & Mrs D Munro

DELEGATED REFUSAL, contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members considered that, by virtue of its unsatisfactory scale and design, the proposed dwelling would have an adverse impact on the Conservation Area, and conflict with Policies P1/3 and P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and SE5 and EN30 of the South Cambridgeshire Local Plan 2004. Comments awaited from the Trees and Landscape Officer could provide, if adverse, an additional reason for refusal.

13. S/1247/04/F - LONGSTANTON

Extension at 87 Magdalene Close, for Mr BJ Less and Miss J Phipps

APPROVAL, on the Chairman's casting vote, for the reasons set out in the report from the Director of Development Services, and subject to the Conditions referred to therein.

14. S/1421/04/F - OVER

Change of Use of Amenity Land to Staff Sitting Area together with Extension to Provide Store and Erection of Security Fencing to the Front and Rear of the Premises, Unit 15/16 Norman Way, Over for S M Page

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein.

RESOLVED formally to endorse Condition 4, namely that Enforcement Action be taken in the event that, within three months of planning consent being granted, the security fence at the entrance to the estate has not been removed.

15. S/1301/04/F - SAWSTON

House at Land Between 14 and 16 Brookfield Road for T Coppolaro

APPROVAL as amended by drawing no. SD/2004/09/A date stamped 27.8.04 for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein, to an additional Condition requiring that suitable provision be made for the storage of wheeled refuse bins, and to the deletion of General Informative no. 3.

16. S/1194/04/F- FEN DITTON

Erection of extract duct and cladding, The Blue Lion Public House, Fen Ditton for Greene King Pub Co

REFUSED for the reasons set out in the report from the Director of Development Services.

17. S/1476/04/F - WILLINGHAM

Siting of Mobile Home as Annexe for dependent parent at 130 Rampton Road, for Mr and Mrs S. Webster

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the prior completion of a Section 106 Legal Agreement restricting use of the mobile home to dependent family members, to the Conditions referred to in the report and to an additional Condition requiring that the mobile home be removed once no longer required for occupation by Mr A Webster.

18. S/1425/04/F - WEST WRATTING

House Adj 9 Six Mile Bottom Road for T Mendham

REFUSED for the reason set out in the report from the Director of Development Services.

19. S/0260/04/F - OAKINGTON

Erection of Greenhouses at College Street Market Gardens for Oakington Tomato Farm

DEFERRED pending the receipt of a detailed response from the Local Highways Authority, comments from the Environment Agency relating to proposals for incorporating a balancing pond into the development, and accurate site and block plans.

20. S/1340/04/F - BARRINGTON

Erection of Garages and Stores with first floor Flat, Land at Barrington Hall, for T J Fernandes

REFUSED for the reasons set out in the report from the Director of Development Services.

21. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION, AND ESTABLISHMENT OF A SUB-COMMITTEE RESPONSIBLE FOR DETERMINING ENFORCEMENT ACTION RELATING TO TRAVELLERS

The Committee **NOTED** the following from the report prepared by the Director of Development Services:

- Decisions notified by the Secretary of State

Acknowledging the dismissal of eight appeals in Swavesey (Plots 1-8 Scotland Drive/Rose and Crown Road), the Head of Legal Services introduced a discussion among Members on how best the Development and Conservation Control Committee should proceed in relation to identifying the most appropriate method of enforcement on a case by case basis. In response to a Member's assertion that this topic could not be discussed because it had not been on the agenda, the Head

of Legal Services expressed his satisfaction that there was no cause for challenge on this point; the issue was merely a procedural one, seeking to ensure operational efficiency; no specific sites were under consideration; no specific action was being discussed; no information was being promulgated. The Sub-Committee's Terms of Reference would include the full responsibility for determining and carrying out direct enforcement action.

Members made the following points:

- it would be sensible to establish a small sub-committee, which should report to the Development and Conservation Control Committee rather than to the Travellers Consultative Group
- Cabinet had already delegated many executive functions relating to Travellers to a group consisting of Councillors Mrs DSK Spink, Dr DR Bard and Mrs DP Roberts
- discussion should be in confidential session
- relevant local Members should be invited
- the sub-committee should have a wider membership than was currently the case with executive powers

RESOLVED

- (1) that a sub-committee, consisting of Councillors Dr DR Bard, Mrs DP Roberts, Mrs DSK Spink, and local Members who are on the Development Control and Conservation Committee in relation to the area under consideration be set up to authorise, project plan and – subject to approved resources and relevant human rights considerations - carry through direct enforcement action in relation to Travellers, with any other local Members who are not on the Committee and the Chairman and Vice-Chairman of the Committee being invited to attend as appropriate but not as members of the sub-committee; and
 - (2) that an item be included on the agenda for the Development and Conservation Control Committee meeting on 3rd November 2004 to enable Members to review operation of the sub-committee to date, and, if appropriate, to endorse its continuation as currently constituted
- Summaries of recent decisions of interest
 - Appeals received
 - Local Inquiry and Informal Hearing dates scheduled before the next meeting of the Committee on 6th October 2004
 - Appeals withdrawn or postponed
 - Advance notification of future local inquiry and Informal Hearing dates (subject to postponement or cancellation)

22. BRIDLEWAY NO. 5 - SOUTHERN BYPASS (PARISH OF CAXTON)

The Committee received a report on progress made in extinguishing the route of part of Bridleway no. 5 in the Parish of Caxton (where it crosses the Caxton southern bypass) and creating a replacement section of bridleway passing through an underpass.

RESOLVED that the Committee authorises officers to confirm the Extinguishment and Creation Order relating to part of bridleway no. 5 as described in the report from the Finance and Resources Director, to coincide with Caxton

southern bypass being adopted by Cambridgeshire County Council.

23. FOOTPATH NO. 7 (PARISH OF OAKINGTON)

The Committee received a report on progress made in extinguishing Public Footpath no. 7 in the Parish of Oakington in accordance with planning consent S/2491/03/RM.

RESOLVED that the Committee authorises officers to make an Order extinguishing Footpath no. 7 in Oakington and, subject to there being no objections to formal consultation, to confirm the Order in due course, and concurrently with Cambridgeshire County Council adopting the estate road and pavement at Coles Lane, Oakington and confirming creation of a proposed new bridleway between the northern most point of the adopted highway and further development to the north..

24. CAMBOURNE SECTION 106 LEGAL AGREEMENT - FACILITIES AND TIMING OF PROVISION

The Committee received a further report on progress being made by the Developers of Cambourne in complying with their obligations under the Section 106 Legal Agreement dated 20th April 1994.

The Senior Planning Assistant gave a verbal update indicating, among other things, that there were currently 1,411 homes occupied in Cambourne, and progress made with regard to the skateboard park, playing fields, extension of the Multi-Use Games Area, tennis courts and burial ground

A local Member expressed appreciation of the efforts made by officers in addressing the various issues outstanding in Cambourne, and summarised steps being taken by the new Parish Council to put it in a better position to play a greater role locally in that process.

Members discussed a proposal from officers that future reports be presented to Committee every three months, with the proviso that reports should be made more frequently, if circumstances dictated. There were some reservations that such a move might give the impression that the issue of non-compliance with the Section 106 Agreement was now seen as less of a priority. A Member proposed that future reports should contain a new section highlighting changes in circumstances since the previous report.

RESOLVED

- (1) that the Council reaffirm its stance in relation to seeking substantial compliance with the Section 106 Legal Agreement dated 20th April 1994;
- (2) that the next report on this subject be presented, upon the proposal of Councillor SGM Kindersley (seconded by Councillor Mrs DP Roberts) at the meeting on 3rd November 2004 and every two months thereafter, subject to the proviso that, should there be an urgent issue requiring Committee input, a report should be presented sooner; and
- (3) that future reports should contain an additional section, highlighting changes in compliance with the Section 106 Legal Agreement dated 20th April 1994 since presentation of the previous report.

The Meeting ended at 3.23pm

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DEVELOPMENT AND CONSERVATION CONTROL COMMITTEE

At a meeting of the Committee
held on Wednesday, 7 July 2004 at 10.00am

Councillors:	RE Barrett	DH Morgan
	JD Batchelor	Mrs JA Muncey
	RF Bryant	Mrs CAED Murfitt
	Mrs PS Corney	CR Nightingale
	SM Edwards	Dr JPR Orme
	R Hall	EJ Pateman
	Mrs SA Hatton	A Riley
	Mrs JM Healey	Mrs DP Roberts
	Mrs EM Heazell	NJ Scarr
	HC Hurrell	RGR Smith
	SGM Kindersley	RJ Turner
	RB Martlew	NIC Wright
	MJ Mason	SS Ziaian-Gillan

Councillors Dr DR Bard, Mrs J Dixon, Mrs CA Hunt, Mrs DSK Spink MBE, JH Stewart and TJ Wotherspoon sent their apologies for absence.

1. ELECTION OF CHAIRMAN

Councillor RF Bryant, Chairman of Council, took the Chair at the beginning of the meeting, and paid tribute to the high profile, which Councillor Mrs JM Healey had given the Development and Conservation Control Committee during her three years as its Chairman.

Councillor Mrs JM Healey nominated Councillor RGR Smith as Chairman of the Committee. Councillor SGM Kindersley seconded this nomination.

There being no other nominations, it was

RESOLVED that Councillor RGR Smith be elected Chairman of the Development and Conservation Control Committee for the coming year.

Councillor RGR Smith took the Chair, endorsed the comments of the Chairman of Council, and conveyed his good wishes to Councillor JH Stewart, who had declined the opportunity to stand for the Chairmanship, having served as Vice-Chairman during the past 12 months.

2. APPOINTMENT OF VICE-CHAIRMAN

Councillor RF Bryant nominated Councillor Dr JPR Orme as Vice-Chairman of the

Committee. Councillor JD Batchelor seconded this nomination.

Councillor Mrs JA Muncey nominated Councillor CR Nightingale as Vice-Chairman of the Committee. Councillor RJ Turner seconded this nomination.

Councillor Mrs DP Roberts nominated Councillor Mrs SA Hatton as Vice-Chairman of the Committee. Councillor SM Edwards seconded this nomination.

Upon a secret ballot being conducted, the votes cast were as follows:

Councillor Dr JPR Orme	- 13 votes
Councillor Mrs SA Hatton	- 8 votes
Councillor CR Nightingale	- 5 votes

As no candidate had secured more than 50% of the votes cast, Councillor CR Nightingale was eliminated from the contest and a second secret ballot was conducted. The votes cast in this second ballot were as follows:

Councillor Dr JPR Orme	- 18 votes
Councillor Mrs SA Hatton	- 8 votes

RESOLVED that Councillor Dr JPR Orme be appointed Vice-Chairman of the Development and Conservation Control Committee for the coming year.

3. MINUTES OF THE PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 2nd June 2004, copies of which had been included in the agenda for the Annual Council meeting on 24th June 2004.

4. APPOINTMENTS TO THE TRAVELLERS CONSULTATIVE GROUP

RESOLVED to recommend to the Cabinet

That the Leader of the Council (Councillor Mrs DSK Spink) become an ex-officio member of the Travellers Consultative Group.

RESOLVED

- (1) that the Chairman of the Development and Conservation Control Committee become an ex-officio member of the Travellers Consultative Group, with the Vice-Chairman of the Development and Conservation Control Committee becoming an ex-officio substitute for the Committee Chairman; and
- (2) that Councillors MJ Mason and TJ Wotherspoon be appointed to the Travellers Consultative Group by the Development and Conservation Control Committee.

5. S/0574/04/F - HEYDON

REFUSED contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members acknowledged that the proposed house was acceptable, but took the view that, by virtue of its height, bulk and position, the proposed garage/annexe building would be unduly overbearing in the street scene and would create a 'tunnelling effect' along this section of Fowlmere Road. It would thereby be out of keeping with the character and appearance of development on the west side of Fowlmere Road and would neither preserve nor enhance the character and appearance of the Conservation Area.

(Councillor Mrs Harris, Vice-Chairman of Heydon Parish Council, addressed the meeting.)

6. S/1018/04/F - GREAT SHELFORD

DEFERRED to enable more information to be sought about the application and for a site visit.

7. S/0840/04/F - PAMPISFORD

Members were **MINDED TO APPROVE** the application, contrary to the recommendation contained in the report from the Director of Development Services, subject to no objections being raised by the Highways Agency, it being referred to the Secretary of State, and not being called in by him for determination. Having visited the site, Members took the view that this was an appropriate location for the particular proposal, notwithstanding its location in the Green Belt, because they considered that kennels/catteries were an essential part of the service infrastructure. The proposal would go some way towards meeting an unmet demand in the area; away from residential properties, was appropriate for kennels/cattery buildings; and, importantly, would not detract from the openness or rural character of the Green Belt. The proposal therefore did not materially conflict with either Policy P9/2a of the Cambridgeshire and Peterborough Structure Plan 2003 or Policy GB2 of the South Cambridgeshire Local Plan 2004.

8. S/0989/04/F - STEEPLE MORDEN

Members were **MINDED TO APPROVE** the application, in accordance with the recommendation contained in the report from the Director of Development Services. Such approval would be subject to the proposal being advertised as a departure from the Development Plan, being referred to the Secretary of State, and not being called in by him for determination. Approval would be for the reasons set out in the report from the Director of Development Services and subject to the Section 106 Legal Agreement and Conditions referred to therein, and to a further Condition requiring that an archaeological assessment be carried out. Councillor Mrs CAED Murfitt, the local Member, expressed her appreciation of the high level of service and assistance given to the village in the past couple of years by the Area 4 Planning Officer and his team. (Councillor S Travers-Healy from Steeple Morden Parish Council addressed the meeting, and endorsed the comments of Councillor Mrs Murfitt.)

9. S/0445/04/F - LANDBEACH

REFUSED, contrary to the recommendation contained in the report from the Director of Development Services. Having visited the site, Members considered that the proposal represented an inappropriate use in the Green Belt, which would have an adverse effect on the rural openness and character of the countryside in the Green Belt. It conflicted, therefore, with Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies SE9 and GB/2 of the South Cambridgeshire Local Plan 2004. The Committee also **RESOLVED** to take appropriate enforcement action. A Member asked officers to investigate the height of the fence along the northern, eastern and southern boundaries.

10. S/0607/90/F - LITTLE GRANSDEN

DELEGATED APPROVAL in accordance with the recommendation contained in the report from the Director of Development Services.
(Councillor SGM Kindersley declared a personal interest as Clerk to Hatley Parish Council.)

11. S/1051/04/F - BAR HILL

This item had been **WITHDRAWN** from the agenda, having been determined in accordance with delegation procedures.

12. S/0578/04/F - SHEPRETH

REFUSAL for the reason set out in the report from the Director of Development Services.

13. S/0593/04/O - BASSINGBOURN-CUM-KNEESWORTH

DELEGATED APPROVAL of outline consent, subject to the prior completion of a Section 106 Legal Agreement securing the provision of affordable housing and an education contribution, and to safeguarding Conditions.
(Councillor RGR Smith declared a personal interest as an adjacent landowner.)

14. S/0470/04/F - BOURN

Unconditional **APPROVAL** for the reasons set out in the report from the Director of Development Services.

15. S/2570/03/F - CAXTON

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Condition referred to therein and an additional Condition prohibiting karting from taking place on auction days. Members asked officers to explore, with the applicant, the use of appropriate advance-warning information boards.

16. S/6232/04/RM - CAMBOURNE

DELEGATED APPROVAL of amended drawings date stamped 24th May 2004, for the reasons set out in the report from the Director of Development Services, subject to the prior completion of a Section 106 Legal Agreement and to the Conditions referred to therein. Members asked officers to discuss with the Local Education Authority the issue

of the adequate provision of education places within the village.

17. S/1895/03/O - COMBERTON

DELEGATED APPROVAL of site plan date stamped 18th December 2003 and layout plan date stamped 22nd January 2004 for the reasons set out in the report from the Director of Development Services, subject to the prior completion of a Section 106 Legal Agreement securing the provision of affordable housing and the requested educational contribution, to the Conditions referred to in the report, and an additional Condition prohibiting the operation of powered equipment in the evenings and at weekends during the construction period.

18. S/0701/04/F - COTTENHAM

APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein.

19. S/0560/04/F - GAMLINGAY

DELEGATED APPROVAL for the reasons set out in the report from the Director of Development Services, subject to the receipt of an amended layout plan showing sufficient space for landscaping on the northern boundary, the comments of the Local Highways Authority and the Conditions set out in the report.

20. S/2194/01/F - GAMLINGAY

DEFERRED, in line with the amended recommendation of the Director of Development Services, in order to explore the proposal's impact on ecology, access and the risk of flooding, and to evaluate the result of consultation on the revised drawings.

21. S/2193/01/F - GAMLINGAY

DEFERRED pending the results of outstanding consultations and the work required in respect of application reference S/2194/01/F (Minute no. 20 above refers).

22. S/0934/03/F - CALDECOTE

DEFERRED to enable officers to investigate, together with the Environment Agency, the issue of storm water drainage.

23. S/0951/04/F - HISTON

REFUSED for the reasons set out in the report from the Director of Development Services presented to the Committee at its meeting on 7th April 2004. The proposal to allow lunchtime takeaway sales on a permanent basis was defeated by 13 votes to seven. The proposal to allow evening takeaway sales on a trial basis was defeated by 18 votes to three with two Members not voting..

(Councillor Max Parish, Chairman of Histon Parish Council, addressed the meeting. Councillor R Hall declared a personal Interest because of the close proximity of his house to that of the local representative of the Federation of Small Businesses.)

24. S/1066/04/F - LONGSTANTON

DEFERRED for a site visit.

(Councillor A Riley declared a personal interest as having voted on this application when it was considered by Longstanton Parish Council.)

25. S/1122/04/O - LONGSTANTON

DELEGATED APPROVAL of amended plans, for the reasons set out in the report from the Director of Development Services, subject to the Conditions referred to therein and to the applicant being informed of the need to safeguard the Ash tree from development.

(Councillor A Riley declared a personal interest in this item as having contributed to the consideration of the application by the Parish Council.)

26. S/0891/04/A - FEN DITTON

DELEGATED APPROVAL of Sign H, subject to the applicant agreeing to install down-lighting and to the standard advertisement Conditions referred to in the report from the Director of Development Services.

Signs K and L **REFUSED** for the reasons referred to in the report from the Director of Development Services.

Sign B **REFUSED**, contrary to the recommendation contained in the report from the Director of Development Services, for the reasons stated therein for refusing consent for Signs K and L.

27. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **NOTED** the following from the report prepared by the Director of Development Services:

- Decisions notified by the Secretary of State

The Deputy Director of Development Services informed Members that this Council's record of winning appeals exceeded the national average. A significant reason for this was that the Authority regularly updated its planning policies.

- Summaries of recent decisions of interest
- Appeals received
- Local Inquiry and Informal Hearing dates scheduled before the Committee's next meeting on 4th August 2004
- Appeals withdrawn or postponed
- Advance notification of future local inquiry and Informal Hearing dates (subject to postponement or cancellation)

28. PLANNING TOUR OF THE NORTH OF THE DISTRICT

Members noted that the last tour, on 9th September 2002, had focused on new development in the south of the District. It was

RESOLVED that a tour of new development in the north of the District be arranged to take place on 14th September 2004, starting at 10.00am.

29. ENFORCEMENT ACTION - PROGRESS REPORT

The Committee **NOTED** an Index of current Enforcement Cases and a report, dated 7th July 2004, detailing progress being made with Enforcement Action.

For the benefit of new Members, the Deputy Director of Development Services explained that John Koch, Appeals Officer, was responsible, at Appeal Hearings, for giving evidence as a witness on behalf of South Cambridgeshire District Council.

In connection with 19/03 (Moor Drove, Cottenham Road, Histon), and following discussion by Members, the Enforcement Officer emphasised the importance of considering the outcome of the public inquiry on 10th August 2004 before taking further action.

30. 01/04/SC - 2 ERMINE STREET NORTH, PAPWORTH EVERARD

The Committee considered a report on Tree Preservation Order 01/04/SC, which had been made in Papworth Everard, under delegated powers, on 28th April 2004.

As the Council had not received any objections to the provisional Order within the permitted period, it was

RESOLVED that Tree Preservation Order 01/04/SC at 2 Ermine Street North, Papworth Everard be confirmed without modification.

31. 02/04/SC - 4 ORCHARD ROAD, HASLINGFIELD

The Committee considered a report on Tree Preservation Order 02/04/SC, which had been made in Haslingfield, under delegated powers, on 28th April 2004.

The Council had received one objection to the provisional Order within the permitted period. A site visit, involving the then Chairman of the Development and Conservation Control Committee (Councillor Mrs JM Healey), the local Member (Councillor Mrs EM Heazell) and the Trees and Landscape Officer thus took place on 23rd June 2004. In line with the recommendation from that site visit, it was

RESOLVED that Tree Preservation Order 02/04/SC at 4 Orchard Road, Haslingfield be confirmed without modification.

32. CAMBOURNE SECTION 106 AGREEMENT - FACILITIES AND TIMING OF PROVISION

The Committee received a further report on progress being made by the Developers of Cambourne in complying with their obligations under the Section 106 Legal Agreement

dated 20th April 1994.

The Senior Planning Assistant gave a verbal update.

RESOLVED that the Council reaffirm its stance in relation to seeking substantial compliance with the Section 106 Legal Agreement dated 20th April 1994, and that the Development and Conservation Control Committee request a further update at its next meeting on 4th August 2004.

33. DEPARTMENT OF THE ENVIRONMENT CIRCULAR 8/93 - AWARD OF COSTS IN PLANNING AND OTHER (INCLUDING COMPULSORY PURCHASE ORDER) PROCEEDINGS

The Committee **NOTED** the contents of this Circular, published on 29th March 1993.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

4th August 2004

AUTHOR/S: Director of Development Services

S/0511/04/F - Fowlmere
Extension and Conversion of Buildings into a Dwelling and Erection of
Garage/Carport, Mill Farm, Fowlmere Road, Melbourn, for Plum Developments

Recommendation: Delegated Approval

Departure Application

Site and Proposal

1. This application, registered on 12th March 2004, seeks consent for the erection of an extension and conversion of buildings into a 4 bedroom dwelling at Mill Farm, on the road between Melbourn and Fowlmere.
2. The existing buildings comprise three single storey elements and were formerly used as offices/labs and pig housing. The buildings are converted to a 4-bedroom dwelling with an internal conservatory link. A new garage and carport is to be erected to the north of the buildings. The dwelling will be accessed from an existing entrance on this side of the buildings.
3. The application shows the removal of one of two small bungalows to the south of the buildings. The site abuts the River Shep to the south.

Planning History

4. Planning consent was granted in 2003 for the conversion of these buildings to a dwelling and small B1 office unit, following demolition of one of the small bungalows (Ref: **S/0498/03/F**). At the same time outline consent was granted for the erection of a replacement dwelling for the other bungalow on land to the southeast of the current application site (Ref: **S/0499/03/O**).

Planning Policy

5. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
6. **Policy EM8** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") sets out criteria when considering the conversion, change of use or re-development of existing employment sites to non-employment uses within village frameworks.
7. There are no policies in the Local Plan 2004 that support the conversion of buildings in the countryside to residential use, other than as holiday lets.

Consultation

8. **Fowlmere Parish Council** recommends refusal. “The Committee recommend refusal of this application as the proposal is out of policy for the open countryside. The proposed dwelling is also far too large. The meeting would prefer all buildings to be demolished and replaced with a more modest bungalow in a better position with road safety in mind.
9. The **Local Highway Authority** has no objections to the scheme from a highway point of view although it points out that a small part of the land included within the application site appears to be within the public highway. Amended plans are required omitting this land. The existing access to Fowlmere Road should be permanently and effectively closed within 28 days of the new access being brought into use.
10. The **Environment Agency** points out that the proposed development is in a particularly sensitive location. Fowlmere Nature Reserve and Watercress Beds SSSI are within 0.5Km to the southeast. Fowlmere’s reedbeds and pools are fed by natural chalk springs and a chalk stream runs through the reserve, which runs adjacent to the proposed development site. The watercourse then flows northwest and provides the water supply for the fishery at Shepreth Mill trout farm, and subsequently to Willers Mill wildlife park (which includes a population of ornamental fish).
11. It is essential that the excellent quality of the water in this watercourse is maintained for the fish populations and associated pristine habitats.
12. It suggests that the site is subject to a detailed scheme for the investigation and recording of contamination and a report submitted together with detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless of any such contamination, as may be found.
13. Conditions should be attached to any consent requiring the submission and implementation of foul and surface water drainage.
14. The Agency also puts forward safeguarding comments.
15. The **Chief Environmental Health Officer** requests conditions restricting the hours of operation of power driven machinery during the construction process and requiring the submission of a scheme investigating any contamination of the site and putting forward any remedial works.

Representations

16. The occupier of “Paddleworth”, Fowlmere Road, has no objection.

Planning Comments – Key Issues

17. The principle of the conversion of these buildings to a dwelling was accepted at the time of the previous application. The narrow nature of the road between Fowlmere and Melbourn in my view make these buildings unsuitable for employment use and the associated traffic generation.
18. This application does not specifically include within its description the demolition of the existing small bungalow which currently stands in what would become part of the curtilage of the proposed dwelling, although this dwelling is shown as being removed. It is my view that this application can be considered on its own merits.

19. The previous approval for the conversion of these buildings showed the site accessed from an existing entrance close the River Shep. By accessing the buildings from the entrance to the north as now proposed it allows the area to the south of the buildings to become curtilage to the proposed dwelling down to the an approach this has been supported by the Ecology Officer. Although this alteration requires the erection of a garage and car port to the north of the buildings I am of the view that this should be supported given the improvements it allows to the land south of the building.
20. The applicant is in discussions with the Local Highway Authority concerning the boundary of the site. The area of land in dispute does not affect the principle of the scheme.
21. The requirements of the Environment Agency and Chief Environmental Health Officer can be dealt with by condition.
22. Having regard to the scale of the proposal and the recent history of approval, I do not consider it to be necessary to refer the application to the Secretary of State.

Recommendation

23. That delegated powers of approval be given to approve the application once the statutory period for the Departure Advertisement has expired and subject to safeguarding conditions.

Informatives

Reasons for Approval

1. In determining this application the Local Planning Authority has had regard to Policies in the approved development plan. In resolving to approve this application as a departure from the plan consideration has been given to the fact that the site benefits from an extant consent for the residential use of the buildings, to the scale of the proposed use and that the location of the site on a narrow road renders them unsuitable for employment use.
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.

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/0511/04/F

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