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29 March 2005

To: Chairman – Councillor Dr JPR Orme  
Vice-Chairman – Councillor NIC Wright  
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, 6 APRIL 2005 at 10.00 a.m.**

Yours faithfully  
**GJ HARLOCK**  
Finance and Resources Director

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## 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.)*

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<b>PROCEDURAL ITEMS</b>	
<b>1. APOLOGIES</b>	
<b>2. MINUTES OF PREVIOUS MEETING</b> To authorise the Chairman to sign the Minutes of the meeting held on <a href="#">2<sup>nd</sup> February 2005</a> as a correct record.	
<b>PLANNING APPLICATION - BOXWORTH AND CONNINGTON</b>	
<b>3. S/1663/04/F - BOXWORTH AND CONINGTON</b>	<b>1 - 44</b>
<b>TRAVELLERS ISSUES</b>	
<b>4. PLANNING ENFORCEMENT AND TRAVELLER ISSUES:DECISION MAKING ARRANGEMENTS</b>	

To seek the Committee's approval for setting up a new sub-committee for planning enforcement matters at Travellers' Sites. This will replace the former, temporary Direct Action Sub-Committee which has now lapsed at the end of the time-limited period. The report (to follow online) will propose that the new sub-committee takes a wider remit at all planning enforcement matters relating to traveller sites, not just preparations for direct action. It will also present options for the membership of the new sub-committee.

#### **ADDITIONAL PLANNING APPLICATIONS**

<b>5.</b>	<b>S/0121/05/F - FULBOURN</b>	<b>45 - 48</b>
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### **EXCLUSION OF PRESS AND PUBLIC**

The following statement must be proposed, seconded and voted upon. The officer presenting to report will provide the paragraph number(s).

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

### **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**

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**REPORT TO:** Development and Conservation Control Committee      6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/1663/04/F- Boxworth and Conington  
Wind Farm Comprising 16 Wind Turbines, Anemometry Mast, Substation and  
Associated Infrastructure, Land South West of Huntingdon Road (A14 Trunk Road) in  
the Parishes of Boxworth and Conington for Cambridge Wind Farm Ltd**

**Recommendation: Refusal  
Date for Determination: 30<sup>th</sup> November 2004**

Members will visit the site on Monday 4<sup>th</sup> April 2005.

**Site**

1. The 296 hectare application site is located adjoining and to the south west of the A14 Trunk Road. To the north west it extends to New Barns Farm; to the south west to public bridleway between Conington and Boxworth; and to the south east to the C184 Boxworth to Swavesey Road. At its maximum the site is approximately 2.85km long and 1.5km wide.
2. The site comprises largely arable agricultural land rising from 10m ODN in the north corner to a maximum elevation of 40m. ODN close to the south west boundary. The elevated spur of high ground has open easterly, northerly and westerly aspects.
3. Within the site lies Friesland Farm. Outside the site boundary lie Grapevine Cottages, Boxworth (some 300m distant), The Rectory (Boxworth House), Boxworth (some 400m distant), The Trinity Foot Public House and Cambridge Services of the A14T Swavesey interchange, New Barns Farm, Conington (adjacent the boundary), Marshalls Farm and four dwellings on the east side of Elsworth Road, Conington (some 500m distant). The closest points of the village frameworks of Conington and Boxworth villages are some 600m and 500m distant respectively. All distances are approximate to the application site boundary.

**The Proposal**

4. The application, received on 10th August 2004, proposes:
  - 16 wind turbines each consisting of 60m high tower and 40m blade (x3) giving an overall tip height of 100m
  - 60m high anemometry mast
  - Substation (9.85m x 5.35m x 5.2m high)
  - Temporary construction compound and new site access from the C184 road
  - On-site access roads
5. The application is accompanied by an Environmental Statement (ES), which describes the proposal, and a Planning Appraisal. Section 2, "Environmental Assessment," of the ES Non Technical Summary is attached as an appendix.

6. Each turbine has the capacity to generate up to 2 MW of electricity to provide a total installed capacity of 32 MW. The expected life of turbines is 25 years.

### History

7. **S/1045/03/F** – 50m high anemometer mast approved (4<sup>th</sup> July 2003) at land at New Barns Farm, Conington for a limited period expiry 31st July 2005.

### Policy

#### National Guidance

8. **Planning Policy Statement (PPS) 1 (2005)** aims to facilitate and promote sustainable and inclusive patterns of urban and rural development. It confirms that the Government is committed to protecting and enhancing the quality of the natural and historic environment, in both urban and rural areas.
9. **PPS 7** aims to promote more sustainable patterns of development by protecting the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all [para. 1 (iv)]. It advises that, in determining planning applications, authorities should provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in **PPS 22**.
10. **PPG 9** sets out Government's objectives for nature conservation.
11. **PPG 15** provides guidance in respect of development which will affect the historic and built environment.
12. **PPS 22, "Renewable Energy"** (August 2004) replaced PPG 22. It aims to increase the development of renewable energy resources. Amongst key principles are:
  - Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily.
  - The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.
  - Small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.
  - Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.
13. **"Planning for Renewable Energy: A Companion Guide to PPS 22"** (2004) identifies the key issues in determining planning applications. At para 5.10 authorities are advised to come to an objective view on:

- The extent to which the project is in conformity with the development plan;
  - The extent to which the reasons for any area based designations may be compromised;
  - The extent of any positive or negative impacts, and the means by which they may be mitigated, if negative; and,
  - The contribution towards meeting the regional target, but recognising that a small contribution cannot be in itself a reason for refusal of permission.
14. The Companion Guide includes a very detailed technical annex upon wind.
15. **PG 24 “Planning and Noise”**, states that noise can be a material consideration in the determination of planning applications. Development should not cause an unacceptable degree of disturbance.
16. **Regional Planning Guidance (RPG6) for East Anglia** supports renewable energy developments in appropriate locations. **Policy 60** indicates that small-scale schemes may be suitable in many rural areas.
17. The emerging **East of England Plan** (Draft revision to the Regional Spatial Strategy), December 2004, requires Local Development Documents to contain policies for promoting and encouraging energy efficiency and renewable energy. It contains a target of 10% of the region’s electricity to be provided by renewable resources excluding offshore wind by 2010.
18. Structure Plan 2003 Policies of relevance:
- **P1/2 Environmental restrictions on development**
  - **P1/3 Sustainable Design in Built Development**
  - **P7/1 Sites of Natural and Heritage Interest**
  - **P7/2 Biodiversity**
  - **P7/4 Landscape**
  - **P7/6 Historic Built Environment**
  - **P7/7 Renewable Energy Generation**
19. Local Plan 2004 Policies of relevance:
- **EN1 Landscape Character Areas**
  - **EN3 Landscaping and design Standards for New Development in the Countryside**
  - **EN4 Historic Landscapes**
  - **EN5 The Landscaping of New Development**
  - **EN8 Natural Areas**
  - **EN12 Nature Conservation: Unidentified sites**
  - **EN13 Protected Species**
  - **EN15 Archaeology**
  - **EN28 Development within the Curtilage or Setting of a Listed Building**
  - **EN30 Development in Conservation Areas**
  - **EN44 Supports Proposals for the Use of Renewable Energy Resources Subject to other Polices in the Plan**
  - **ES6 Noise and Pollution**

20. **Emerging Local Development Framework (LDF)**

The LDF is not statutory policy but its emerging policies considered at the Special Council Meeting on 15<sup>th</sup> March 2005 are likely to be put into the LDF and to be adopted on 9<sup>th</sup> May 2005. In respect of renewable energy, **Policy NE/2** and the supporting text states:

**Policy NE/2**

“The District Council will grant planning permission for proposals to generate energy from renewable sources, subject to proposals according with the development principles set out in DP/1 – DP/4 and complying with the following criteria:

- a. The proposal can be efficiently connected to existing national grid infrastructure;
- b. The proposal makes provision for the removal of the facilities and reinstatement of the site, should the facilities cease to be operational.

***[Text from Paragraphs 8.6 - 8.8 inclusive]***

Given the commitment by Government and the District Council to reduce the use of fossil fuels, opportunities to increase the proportion of energy, especially electricity, generated from renewable sources will be permitted unless there is clear adverse impact on the environment or amenity of the area.

In South Cambridgeshire, with greater than the UK average levels of sunshine, solar power can make a significant contribution. The District Council will seek the incorporation of measures such as solar panels or electricity generation from photovoltaic cells in new or converted buildings and structures.

Individual or small groups of wind turbines may also be appropriate. However, large wind farms would be likely to compromise the need to maintain the quality of the historic and natural landscape, which is an important part of the attractiveness of the area and underpins its economic vitality.”

21. The Development principles set out in DP/1 – DP/4 deal with issues relating to sustainable development, design, a checklist for development criteria and infrastructure demands.

**Consultations**

22. **Boxworth Parish Meeting** objects, (75 votes against, none in favour and one abstention). In summary the reasons are:

- Out of scale with and dominate the landscape
- Detract from setting of several Listed Buildings and the Conservation Area (NB. There is not a Conservation Area in Boxworth)
- Noise pollution in close proximity to several villages
- Distraction to drivers on the A14 Trunk Road
- Wildlife protection has not been fully addressed
- Not the best way to attain important CO2 reduction targets
- The ES lacks impartiality and rigour

A full copy is attached.

23. **Conington Parish Meeting** objects, (70 votes against, 4 in favour and one abstention). In summary the reasons are:

- Noise impact
- Distraction to motorists on the A14
- Shadow flicker to nearby properties
- Eviction of residents from New Barn Cottages would be against their will
- Unacceptable impact on bird life, particularly golden plovers
- Risk to badgers, bats and great crested newts
- Industrialisation and desecration of rural landscape
- ES provides misleading statements
- Non-inclusion of local people at the earliest opportunity
- Vehicle movement problems on local roads during construction

A full copy is attached

24. **Elsworth Parish Council** objects:

“It is the Parish Council’s view, supported by a questionnaire completed by over 60 households (in excess of 20% of the homes in Elsworth), that whilst there is support for renewable energy resources such as wind power there is little support for the proposed wind farm between Boxworth and Conington.

The main objections of the residents are the impact on the landscape and communities in terms of noise and visual intrusion as well as possible health hazards. There is also concern as to the potential damage to wildlife, the additional risk it may cause to an already hazardous A14 and the progressive development of the A14 corridor (Northstowe, Extra Services, Buckingham Business Park and now a wind farm). Sixteen 100-metre turbines will be totally out of scale and a massive intrusion into our rural landscape.

It has also been noted that on one of the maps in the planning application Elsworth is not attributed with any listed buildings. Please note that Elsworth is rich with listed properties as well as extensive conservation areas.”

25. **Knapwell Parish Meeting** objects:

“The Knapwell Parish Council, whose planning committee has given careful consideration to this application and who agree there is a need to develop sources of renewable energy, totally oppose this application on the grounds that the site considered is emphatically in the wrong location.

The area under consideration is far too densely populated and the site is too near to domestic buildings and would cause disturbance and possible health problems to residents. The seriously overpowering visual impact for those living in neighbouring villages is unacceptable, as is the certainty of continuous excessive noise levels.

It would become a distraction to drivers on an already heavily congested main trunk road, the A14, likely to add to the daily toll of accidents.

Knapwell is a designated conservation area, first designated in 1989. The important setting of fields and trees outside the boundary falls within what was an area of best landscape (designated by South Cambridgeshire Local Plan) and a site of Special Scientific Interest (designated by central government and protected under nature

conservation law). In the appraisal document KNAPWELL CONSERVATION AREA 28.9.2000 it states: “Views into, out of, and within this area are considered important, the loose texture and rural character are identified as the defining characteristics of this conservation area.”

This planning application cannot possibly meet these criteria.”

26. **Lolworth Parish Meeting** objects:

- a. “We support green energy but believe off shore wind farms have less impact on the quality of life and are more efficient.
- b. We are particularly concerned about its proximity to the A14. We regularly suffer from being unable to enter or exit the village without experiencing significant delays, since the A14 is our only means of access. Serving police officers, while unwilling for obvious reasons to put their concerns in writing, have confirmed our fears that the visual impact of these turbines will distract the attention of motorists. We should be doing all in our power to reduce the carnage on this stretch of road, not adding to it.
- c. Noise pollution is a major concern of many. We already experience significant noise from the A14 and to add to it, particularly as it seems this will inevitably increase when the road is upgraded, will have serious consequences.
- d. Visual impact on the village
- e. Adverse effect on the value of local properties.”

27. **Bar Hill Parish Council** objects

“..because of considerable loss of quality of life, visual and noise intrusion, also loss of amenity value. Safety issues as close to A14 as drivers will automatically slow down to look at the intrusion. House values will drop. Also too large an area to be taken away from residents.”

28. **Swavesey Parish Council** objects.

“Environmental impact on the surrounding landscape and residential areas. This includes the visual impact the turbines will make, potential hazard to wildlife and construction impact on the rural area.

Proximity of the site to the A14. The A14 is one of the most busiest and dangerous stretches of highway in the country, particularly between Huntingdon and Cambridge. The potential distraction the turbines will cause to motorists is considered to be an unacceptable risk.

Noise Pollution. From information received from Stop CWF it is considered that the impact of noise pollution on Swavesey village would be unacceptable.”

29. **Over Parish Council** objects:

“Concerns regarding noise and visual intrusion on Over. Also concerns over the impact this distraction will have on drivers using the A14 along this already accident ridden stretch of road.”

30. **Longstanton Parish Council**, supports the concept of renewable energy, but objects to this application.

- “1. The negative impact on the countryside when compared to the small gain in useable power. This is a marginal area for wind energy.
2. The visual intrusion on a rural landscape caused by these huge wind turbines.
3. The site is close to the existing A14 and will be even closer to the proposed ‘new A14’ and will be distracting to drivers, especially with ‘shadow/flicker’ from the sun’s rays being cut by the blades. The Parish Council believes that there is likely to be an increase in road traffic accidents on the A14 as a result, and there are an already high number of such accidents. The village suffers when there is an accident on the A14 as drivers try to use local villages as an escape from the delays on the A14 caused by these accidents and is currently having traffic calming measures installed under the ‘A14 Villages Scheme’.
4. Problems with radar cover for air traffic caused by the turbines.
5. Noise from the turbines to adjacent villages will be significant and the noise footprint indicates that parts of Longstanton (Home Farm development in particular) will be affected to about 30dB which, according to the WHO is the maximum for a good night’s sleep. Noise from the A14 can be heard in Longstanton now; will the residents have to suffer more noise?
6. There will be interruption to TV signals in the vicinity of the Turbines and Longstanton could be affected.
7. There is cause for concern at the possible destruction of wild life, especially birds, in the area.
8. Ice is known to form on blades during very cold windless periods and this ice could be thrown off the blades when later rotating to produce power. Ice could be thrown some distance and there will be roads (A14) and dwellings close by.
9. There is concern that there will be little local benefit from this development. The turbines will not be built in the area, monitoring will be done remotely, etc.”

31. **Papworth Everard Parish Council** supports the concept of renewable energy, but objects to this application. In summary the reasons are:

- a. Size overwhelming residents of Boxworth and Conington.
- b. Distraction to drivers on the A14.
- c. Contrary to Structure Plan, Local Plan and emerging LDF policies.

A full copy is attached.

32. **Dry Drayton Parish Council** objects (no reasons given).

33. **Childerley Parish Meeting** comments:

“We decided that this wind farm would have no direct impact on Childerely and that therefore we should make no direct recommendation one way or the other.

- a. In general we think it is an extremely expensive and inefficient way to produce electricity.
- b. It is clearly detrimental to the countryside as countryside (although not everybody would agree).
- c. The noise nuisance for houses close to the windmills would almost certainly be severe.
- d. Some concern was expressed about the proximity of the A14 and the dangerous distraction which the windmills might cause.
- e. Notwithstanding all this there was considerable support for the project.”

34. **Oakington and Westwick Parish Council** supports:

“ The Parish Council is very supportive of this application. Before steam power and the internal combustion engine, windmills were the prime source of power to drive flourmills and water pumps in this area, and so such things are not alien. Society has to find ways and means to satisfy its ever-increasing demands for energy and recognise that our oil and gas supplies are being exhausted at an alarming rate. We have been fortunate to have been able to enjoy the benefits of a mains electricity supply from sources at distant parts of the country, at the expense of those who have to put up with the associated adverse environmental conditions and risks that coal fired and nuclear power stations create. Nothing in this world is perfect, but wind turbines have many more advantages than disadvantages and many regard their stylish appearance and gentle motion as an asset in a landscape which has few features to commend it.”

35. **Fen Drayton Parish Council** objects. In summary the reasons are:

- a. Significant adverse visual and audible impact.
- b. Scheme would not integrate with existing landscape features nor conserve local landscape character.
- c. Change from rural to industrial landscape.
- d. Distraction to A14 road users thus increasing the high number of accidents.
- e. Landscape and visual assessment has not been carried out from the village of Fen Drayton
- f. Lack of noise monitoring from Fen Drayton, which is in-line of prevailing south westerly winds. Disturbance, discomfort and disruption to people living and working in the village.
- g. No proposals put forward to resolve poor quality television reception.

A full copy is attached.

36. **Hilton Parish Council** objects:

“Hilton is mostly Conservation Area and has 27 listed buildings. The Parish Council supports the letters sent to SCDC from Hilton parishioners, objecting to the Application, and objects itself on the following grounds:

- a. Increased risk to traffic on the A14 (strobe effect from lights through the turbines and general distraction of drivers viewing the spectacle).
- b. The precedence that more of the local attractive and highly productive agricultural land could be changed to a light industrial use.
- c. The visual and audio intrusion on neighbouring properties.
- d. Concern about the unknown effect on the internationally important golden plover roost. The species is a ‘Conservation Concern’ by the Government Biodiversity Steering Group.”

37. **Fenstanton Parish Council** objects:

- “1. The presence of the wind farm will further exacerbate congestion and be a further distraction on the A14 at a point which is already a well known accident area and increase the already poor safety record of this major trunk route.
2. The visual impact of the proposed Wind Farm will dominate a wide area surrounding the site and will be out of proportion with the surrounding landscape.
3. We believe the noise produced will be intrusive to the residents of Fenstanton which in itself will be a form of environmental pollution to the local community.

Fenstanton Parish Council fully supports sustainable energy and the construction of wind farms. The Parish Council feels other sites, that do not encroach on existing communities or raise safety issues, do exist and further consideration should be given to siting wind farms off shore.”

38. **English Nature** seeks conditions regarding:

- a. Badger mitigation - Walkover surveys prior to construction to ensure that the situation regarding badgers and reptiles has not changed in the time between the original survey and the intended construction period.
- b. Further bat surveys to be undertaken - pre-construction (May-September 2005) and once the turbines are in operation.
- c. It also requests a population and full, detailed mitigation for great crested newts to be submitted and approved before the application is determined.
- d. On the basis of the likely risk of bird collisions associated with the proposed wind farm site being low, English Nature does not object to this application in relation to birds.
- e. The application site is also less than 2km from Fen Drayton Gravel Pits, a County Wildlife Site, which is important for its breeding and wintering birds. The ES indicates to English Nature that there is not likely to be an impact on any important bird species associated with Fen Drayton Gravel Pits, as the surveys did not show any concentrations of birds of importance either using the area or flying over the site. In addition, it is unlikely that waterfowl would

be moving around the wind farm area as they will be confined to the wetland areas within Fen Drayton Gravel Pits.

- f. English Nature notes from the ES that very substantial numbers of lapwings and significant numbers of golden plover could be seen in the application area. English Nature considers that this application is unlikely to have a significant effect on either lapwing nor golden plover.
  - g. Should the application be approved English Nature proposes a number of conditions relating to the above points and also request that post-development bird monitoring is undertaken.
39. **The Wildlife Trust** is happy for English Nature and SCDC Ecology Officer to respond.
40. **Cambridgeshire Bat Group** has supplied detailed evidence to demonstrate that the impact assessment on bats in the vicinity of a wind farm is insufficient because:
- a. "There is inadequate spatial or temporal assessment of bat usage.
  - b. It does not address the issues and concerns raised by interested parties, and acknowledged by the wind power industry, regarding bats and wind turbines
  - c. On the basis of adequate assessment it should provide mitigation measures to limit bat impact to acceptable levels.
  - d. Post-development monitoring should be proposed and the results made public to ensure that mitigation has been adequate."
41. **RSPB** comments:
- a. "The application site is in an area of arable farmland that is used by nationally important numbers of golden plover, a species listed as of conservation concern under Annex 1 of European Directive 79/409/EEC on the Conservation of Wild Birds.
  - b. It is the RSPB's view that the Environmental Statement does not allow for the adequate assessment of the potential impacts of the Cambridge Wind Farm on golden plover.
  - c. The RSPB recommends that the Local Planning Authority requests further detailed survey work to be carried out to assess more accurately the likely impact of the proposed development, in particular the collision risk to golden plover and night-time use of the proposed site.

The RSPB has concerns regarding the potential impacts of this proposal on the population of golden plover although it is not possible to quantify these. Should the Council be minded to grant permission on the strength of the information currently presented, the RSPB would strongly recommend inclusion of a planning condition which incorporated:

A detailed programme of post-construction monitoring which includes a stream of work to better understand the movements of golden plover and specifically interaction between golden plover and the wind farm.

A full range of post-construction monitoring be undertaken to enable assessment of the effects of the operating wind farm on bird populations."

In an accompanying annex the RSPB states:

“The wintering bird survey of the proposed site revealed a roost of up to 7,000 golden plover, which represents nearly 3% of the national population of golden plover. As the ES correctly points out, this exceeds the threshold for nationally important populations of an Annex 1 species as defined in the SPA guidelines.

We would strongly recommend that the Council consider requesting an additional winter field season with fieldwork specifically targeted towards gaining a better understanding of golden plover movements and distribution within the area. This would enable a more definitive assessment of the potential impacts of this application on the significant population of golden plover in the vicinity.”

42. **SCDC Ecology Officer** has no objections in principle. He comments:

“I feel that the badger report is presently partially inadequate in so far that it does not detail the full mitigation measures. I accept that a strategy will have to be approved by English Nature once planning permission is granted. Nevertheless, in order to fully assess the impacts full mitigation measures should be provided within the ES (i.e. protective fencing be erected around open trenches during the construction period?).

I am slightly concerned at the proposal to undertake further nocturnal surveys for golden plover after consent is gained. If this information is required it should be presented in the ES to aid full evaluation. However, I am presently willing to accept that the wind farm is unlikely to significantly impact upon bird populations.

The measure to erect protective fencing around the great crested newt breeding pond is adequate given that the application site is largely cultivated land. The opportunity to enhance the breeding pond, and other ponds upon the site should be sought (supported by CCC Policy P7/2 Biodiversity).

*Conditions Required to Address:*

Impact upon breeding birds  
Impact upon badgers  
Impact upon great crested newts  
Protection of water features  
Return of land to arable (important for farmland birds)

*S106 Issues:*

The construction works may cause unforeseen impacts upon the local area, a legal agreement should include measures to address this.

The applicant states that they are wishing to enter into legal agreements to “...repair damage that may occur as direct result...” Any legal agreements must also include a commitment to replace hedging, return the farmland to arable production together with set-a-side land (as proposed in the ES), ensure protection and appropriate enhancement of the water environment specifically the ditches and ponds and provide biodiversity features within an agreed landscaping strategy.

A suitably qualified ecologist shall undertake a monitoring scheme, as agreed between the applicant and the local authority, for the first five years of the operation of the site.

1. The lapwings and golden plover have habitually used the site and surrounding fields for many years. The site was not used by the golden plover last year due to the crop type (winter bean). This year it is winter cereal which they tend to favour, thus a re-survey to assess the value should be undertaken, last year was just a snapshot if you like.
2. Barn owls are likely to be present just off site and tend to use the woodland edge and regenerated grassland below mast T4 for feeding. Thus possibility for disturbance during construction remains. Can T4 be removed or relocated?
3. Badger holes are more scattered and a revised winter survey may provide further data.

Further surveys should be undertaken this winter and spring to answer remaining questions.”

43. **Highways Agency** (responsible for the A14 Trunk Road) comments:

“Our main concern regarding this proposal is the extent to which it may distract drivers using the nearby A14 Trunk Road. With that in mind we asked our consultants, Faber Maunsell, to review the accident history for highways near to existing wind farm sites. They were unable to find any evidence that existing wind farms distract drivers leading to an increase in accidents. In the absence of such evidence we do not propose to issue an Article 14 direction in response to the proposed Cambridge Wind Farm.

With regard to existing conditions on the A14 we have examined the personal injury accident record on the stretch between the Girton Interchange and Godmanchester. The accident rate in the three-year period between 1<sup>st</sup> August 2001 and 31<sup>st</sup> July 2004 is low when compared to similar roads nationally. However nearly 60% of the accidents during this period involved ‘tail-end shunts’ or accidents caused by evasive action to avoid such shunts. These types of accidents are a feature of heavily congested roads such as the A14.

In the light of the existing congestion on the A14 and the high percentage of tail-end shunts we would have concerns with any proposed development that might cause drivers to temporarily avert their attention from the road ahead. We therefore provide your Authority with the following advice:

“Work should not start on the Cambridge Wind Farm until such time as the A14 between Huntingdon and Cambridge has been improved as part of the wider A14 Ellington to Fen Ditton Improvement scheme.

As you may be aware, the Ellington to Fen Ditton scheme is currently in Government’s Targeted Programme of Improvements. The next key stage will be Public Consultation on proposals for the scheme.

The reason for our advice is that the above improvement scheme will produce stable traffic flow conditions on the A14 and we feel that any temporary distraction would pose less of a risk to highway safety compared to the current unstable situation.

As a secondary issue the proposed locations of turbines T1, T2 and T3 are in conflict with our emerging proposals for the A14 Ellington to Fen Ditton scheme. We are

meeting the developer on 26<sup>th</sup> November to seek a way forward. I will write to you again to let you know the outcome of the meeting.”

In earlier correspondence with the applicant, further information was sought upon shadow flicker, and or strobe effect caused by shadows of rotor blades crossing affecting users of the A14, particularly when the sun is low in the sky.

44. **The Chief Constable** comments:

“You will no doubt be aware that I am concerned about safety and congestion on the A14 and that I am organising a meeting (date to be arranged) with a range of interested parties, including Huntingdonshire District Council, in the near future.

There has been some publicity about this issue and I have received a large number of letters and emails from members of the public. Amongst these letters I have received a number from residents concerned about the proposed wind farm adjacent to the A14 at Boxworth and Conington.

You will be aware that the Constabulary is not a statutory consultee in these matters and I have no expertise in this area. However, should there be evidence that the presence of a wind farm could impact adversely on safety on the A14, then I would be concerned.”

45. **South Cambridgeshire District Council Conservation Manager** objects:

In summary:

“I am of the opinion that the wind farm will in my opinion fundamentally compromise the area’s character by:

- a) Introducing a series of thrusting, kinetic industrial structures into this distinctive arable landscape. It is unlikely that the scale of this insertion into the landscape could be adequately mitigated, given the existing openness of the site, and the consequence would be that the wind farm would dominate the skyline and landscape of this part of the county.
- b) Removing the important visual separation between Boxworth and Conington in particular, by inserting a significant development into the gap between the two villages. This spatial separation is fundamental to the character of this historic landscape. The result will be to visually merge the settlements which will be particularly unfortunate given their relative prominence in the landscape.”

In a review of the Planning Appraisal he considers that the proposal has:

- a. Disregarded the horizontality of the landscape character
- b. Failed to present any evidence to demonstrate how wildlife species and habitat are to be protected or enhanced.
- c. Not achieved an adequate historic landscape assessment

He considers:

“The scale of the proposed wind farm will, in my opinion fundamentally alter the character of this historic landscape pattern by introducing an intrusive, alien industrial

form which will visually connect settlements, resulting in the apparent (and actual) spread of development across the landscape.

The landscape is evidently large and has its own distinctive character which is often considered to create dramatic panoramas, as outlined above. I would suggest that the sculptural (i.e. artistic interest) of the turbines is somewhat negated by their standardised form (which is not unique or innovative as they are replicated across the country) and their sheer numbers, which emphasises their mass production and functionality. The spread of the turbines across the arable fields will also tend to dominate, rather than contributing to its enhancement by adding interest to the character of the landscape.”

In conclusion he states:

“I would agree with the Applicants in their assertion (Para: 6.15 – Planning Appraisal) that, *“the proposal will have adverse effects on the landscape and visual amenity of the area”*. Where we differ is that, in my opinion, the development will have a significant and fundamentally detrimental impact on the character of the area and that any mitigating benefits of the proposal have not been convincingly demonstrated.

I would suggest that while a single turbine might be considered to be a curiosity or feature *within* a wider panorama, multiple structures would *redefine* the agricultural character of the area so that it becomes visually the subservient landscape setting for the wind farm. This would clearly conflict with the intention of environmental policies of both the structure plan and the local development plan.

Finally, I would accept that it is important to develop renewable energy sources to help reduce reliance on fossil fuels etc. However, in achieving this objective the claimed benefits of such ‘sustainable development’ should not be at the expense of other important environmental factors, including the very identity of the landscape on which it is imposed.

I would therefore suggest that this proposal is refused due to its negative impact on this historic agricultural landscape, contrary to the provisions of both the structure plan and the local plan.”

46. **Cambridge City Airport** objects. It states:

“As recorded in the ES, both the MoD and Cambridge City Airport have registered an objection to the wind farm and the reasons for doing so have been stated. Comment and counter arguments to the objection have been based largely on the Cyrrus Report and, in general, they imply that most (if not all) of the problems can be solved by software changes to the radar (which, at the time of writing are not available) and/or by procedural changes (which may or may not be possible) for the control of aircraft in the Cambridge area. Cambridge Airport procedures are designed centrally, and they are influenced by and must take account of the requirements of surrounding airspace users.

Section 3 of the Cyrrus Report explains realistically the situation at Cambridge and it goes on (at paragraphs 5.1.6 to 5.2.3) to explain the problems that will affect the radar and our ability to offer a radar service if the wind farm development were to go ahead. However, it dismisses any problems with operational issues and at a stroke concludes that, whilst there is a *potential* impact on the ability of Cambridge Airport to offer a *full* radar service in the vicinity of the development *under certain wind*

*conditions*, there are no significant problems. This is a somewhat superficial appraisal of the situation, particularly with regard to flight safety. A radar service that is limited because of restrictions imposed by the presence of a wind farm introduces an added risk to aircraft in the area and an added workload on the radar controller by forcing him to consider yet another variation to standard procedures.

If we could ring-fence the airport and ignore everything that happens outside our direct area of control, this particular wind farm may be less of a problem. However, the world of air traffic services does not consist of confined isolated areas of control and assistance. If it did, flight safety would be seriously jeopardized. Flight safety and our responsibility to create and maintain a safe air environment does not cease just because aircraft are not in the immediate vicinity of Cambridge City Airport or not under our direct control.

In general, pilots currently seek assistance from Cambridge ATC out to a range of approximately 30nm. Assistance frequently involves requests for some form of radar information or advisory service which helps the pilot to maintain separation from other aircraft in the vicinity, particularly when the weather is poor. There is little doubt that a wind farm at Boxworth would degrade such a service in that area.

Whilst not directly relevant to this application, I believe we should also consider the likelihood of wind farm 'creep' if this development were to be approved and used as a precedent. I currently have tentative enquiries for 30+ developments consisting of over 300 turbines within the CAA and MoD areas of interest around Cambridge. Probably many of these will not materialize; however, if they were to proceed and planning approval given, then we would be faced with a very serious flight safety problem."

47. **Civil Aviation Authority (CAA)** comments:

"The proposed wind farm would lie in relatively close proximity to several local aerodromes, the operations at which might be affected by such a development. Accordingly, I recommend that the viewpoints of the aerodrome operators at Cambridge Airport and Bourn Aerodrome are sought. Additionally, the input of National Air Traffic Services Limited should also be taken into account."

48. No comments have been received from the **Operators of the Airfields at Little Gransden, Fowlmere, Bourn or Fullers Hill**.

49. **Imperial War Museum, Duxford** has no comments on the proposal, which will not interfere with its operations in any way.

50. **National Air Traffic Services** comments that the proposal does not conflict with its safeguarding criteria. It therefore has no safeguarding objections.

51. **Defence Estates (DE)** objects:

"This site lies within coverage of the Airfield Radar at Cambridge Airport. The rotating blades on turbines have the potential to produce false radar returns, which could compromise flight safety requirements. At this juncture the Ministry of Defence wish to raise a formal objection to the development of this wind farm as we are not presently convinced that any potential mitigation offered by the developer would address our flight safety and radar performance concerns."

In addition DE states that the wind farm will have no impact upon military activities at Wyton.

52. **Orange PCS Ltd** has identified an existing microwave link that appears to transect the site. This could be severed although it should be possible to avoid this by careful siting of the structures.
53. **NTL** acting on behalf of OFCOM, which has a watching brief to protect television services, comments in general (summarised) that:

“Experience has shown that it is unlikely significant interference will be caused beyond about 5 to 10km behind the turbines or beyond 0.5km elsewhere around the wind farm.”

On this particular site it states:

“It is predicted that no ntl RBL (Rebroadcast Link) or SHF (Super High Frequency) links should be affected by the proposed wind farm.

With regard to domestic reception, people in this area are expected to be receiving their TV signals from Sandy Heath main transmitter (TL204494) to the south west of the wind farms. Homes to the north east of the wind farm site may experience interference problems due to the development. The area most at risk would be Swavesey and maybe Fen Drayton. It is unlikely reception problems will extend as far as Over although problems cannot be ruled out entirely.

Homes close to the development, where high level of reflected signals could be received, may experience reception problems irrespective of the direction. Fortunately, there appears to be very few dwellings nearby therefore large-scale problems are not expected. However, some isolated problems near to the site can't be ruled out entirely.

If viewers were affected by the development, the broadcasters/viewers would look to the developer to rectify any problems caused.

Ofcom are responsible for protecting television reception in this area of the country and ntl comments on behalf of them. Because of the small risk of potential problems, ntl is obliged to enjoin the Council to enter into an agreement with the developer (for instance under Section 106 of the Town and Country Planning Act 1990 or a similarly binding agreement) to meet the cost of investigating and rectifying any problem that may occur.”

54. **Head of Strategic Planning, Cambridgeshire County Council** has “significant concerns”. These are expressed as follows:

“In principle the County Council as strategic planning authority considers that proposals for renewable energy generation should be favourably considered as set out in Structure Plan Policy P7/7 and its supporting text (paras 7.18 to 7.20). However, as the Policy makes clear any proposals must not cause unacceptable impact on residential amenity or to the local environment.

Our significant concerns about this proposal can be summarised as follows:

- a. Lack of study in South Cambridgeshire defining areas of search for wind energy developments;

- b. Potential impact of scheme on the landscape and rights of way, subject to more detailed assessments of visual intrusion and planting schemes;
- c. Potential impact on local fauna, particularly the golden plover;
- d. Participatory planning with the local community;
- e. Safety on the A14 and any implications in relation to the anticipated offline upgrading.

The Structure Plan supporting text to Policy P7/7 suggests that Local Planning Authorities should define areas of search for generating energy from wind. An exercise of this nature has not yet been undertaken within South Cambridgeshire District, although I recognise that the District Council has contributed at officer level to a number of studies aimed at identifying the potential for renewable energy.

Detailed comments on the environmental impacts of the proposals are attached. We have a concern regarding potential loss of feeding habitat for golden plovers and further investigation is needed as to how the site should be managed in order to determine how best the site should be managed in order not to adversely affect this protected species.

From the point of view of Rights of Way, comments made in earlier consultation appear to have been taken into consideration although we have concerns regarding the provision of a continuous 200m buffer zone alongside the bridleway running from Boxworth to Conington and would wish to be assured that this will be provided.

In order to provide some mitigation for the visual impact from nearby existing rights of way we would request a contribution of £20,000 towards compensatory improvements to the rights of way network in the vicinity, in the event that the proposal is approved and implemented.

We are aware that there is considerable concern about the wind farm proposal particularly in the nearby village of Boxworth. It is important that the local community has been given adequate opportunity not only to comment on the proposals but also to shape them if they are given the go ahead.

I note that the material provided by the applicant suggests that drivers on nearby roads are not distracted by wind turbines situated in close proximity to the roads. However, I am concerned at the potential impact on safety on the nearby A14. This road is very heavily used and has a poor safety record. The County Council could not support any development where there was any likelihood that it could add to the dangers on this heavily congested route (detailed comments on highway issues are attached). Has there been any investigation of how to mitigate the visual impact of the turbines on drivers through offsite planting close to the A14?"

The detailed environmental comments relate to possible (though difficult) landscape mitigation, golden plover protection and rights of way (buffer zones, operator's responsibility not to endanger users by displacement of ice, information board and legal responsibilities.)

Detailed highway comments (advance warning signs on the A14, provision of a viewing area/lay-by on a country road (not the A14), avoidance of 'ice-throw', need for consultation with the Police and early consultation required in relation to abnormally large vehicles and which roads they might use during construction) are also made.

55. **T-Mobile** has no existing or planned sites in respect of the above proposal.

56. **BBC**, which is jointly responsible with Ofcom for domestic reception of terrestrial television services, comments:

“Where a new development causes reception problems, we look to the developer to rectify these, and planning authorities sometimes require a legally binding commitment under Section 106 of the Town and Country Planning Act 1990, in order to enforce this at the outset.

In the event of reception problems, there may be straightforward potential solutions such as improving the receiving aerials or providing the affected households with an alternative source of suitable television signals - off air from a different transmitter, from an existing cable system, or in certain circumstances from a satellite. An appropriate alternative source of television might be either analogue or digital. Given the various issues surrounding the identification and use of any alternative source, particularly the differences between the adoption of an analogue or a digital approach, the developer may require the services of a competent domestic television dealer to investigate, advise on, and implement the most appropriate solution.

If there are no available alternative sources of television, it might be necessary to investigate the provision of some sort of bespoke distribution system for the affected households - such as a local cable system fed from a point where satisfactory reception can be achieved.

Analogue television has already been rolled out to 99.4% of the UK population, and the broadcasters' programme for building new relay transmitters concluded several years ago. For digital television we are still in the process of exploring ways of extending the primary coverage of the service. It is no longer appropriate for broadcasters to consider building a new relay station specifically to overcome problems created by a wind farm development, however the possibility that one of the above approaches offers a practical way forward has been enhanced by the various sources of digital television now present in most areas.

Moving on to your specific case, the proposed wind farm on land in the parishes of **Boxworth** and **Conington (TL36)** is located within an area assigned to the Ofcom, and they should reply to you with the results of their assessment. The BBC reserves the right to comment in future should the Ofcom or NTL, not wish to do so.

The wind farm development is not expected to have a detrimental effect upon national or local BBC Radio reception.”

57. **British Horse Society** has no objections, noting that the proposal complies with the BHS guidelines for a safety margin of 200m.
58. **Countryside Agency** does not wish to comment upon the application, given that the proposal does not:
- a. Set a national precedent where national guidance is lacking;
  - b. Have a major impact on an important Countryside Agency initiative; or
  - c. Have a fundamental effect on the intrinsic character of a National Park, AONB or Heritage Coast.
59. **SCDC Landscape Design Officer** objects:

“The landscape into which these turbines is proposed is massive and open with clear views from Bluntisham. The massing of the masts will have a significant visual impact for several kilometres and a character impact locally. Is there a reason for the site to be so much larger than area for masts - is it envisaged they will want more? Note: the photos within the ES are in some instances misleading - in others, they have not been taken from best view points. If approved will land on site be available for mitigation planting at strategic points? Planting on site, whilst perhaps beneficial for local wildlife, would do little for either character or visual impact.”

60. **East of England Development Agency (EEDA)**

“Broadly supports the proposals as it helps to deliver a number of the key themes identified in the Regional Economic Strategy (RES). EEDA recognises the application to be one of strategic significance in its potential contribution to the achievement of the region’s target for the production of energy from renewable sources. The proposal may also bring added benefits via economic investment from businesses in the region. We wish to emphasise that the scheme should be considered in relation to the implementation of the improvements of the A14 as part of the Cambridge-Huntingdon Multi-modal scheme, one of the regional economic strategy’s priority infrastructure schemes.”

EEDA explains its role to improve the region’s economic performance, which sets the context for its comments on a planning application. It comments on the regional renewable energy targets:

“This application is a major one in its own right as well as an important potential contributor to the region’s adopted renewable energy target. As a member of the region’s Sustainable Development Round Table, EEDA is committed to assisting in the achievement of the regional target of 14% of its electricity generated from renewable sources by 2010, 10% of which needs to come from on-shore sources. This target is incorporated into the emerging RPG 14 for the region.

Progress towards this is being monitored by Renewables East, an EEDA funded agency established to promote the growth of renewable energy output in the region and capture the economic benefit of sector expansion for the region. The target was broken down in the original regional assessment, *“Setting a challenging target for the East of England”* to identify contributions from several renewables sectors. The target for wind power, as a mature technology, is of particular significance for the region. The contribution from onshore wind needs to reach 460MW of installed capacity by 2010. At present, adding together wind power projects built, those approved but not started, and those currently the subject of other planning applications or appeals, the region could deliver about 198MW (43% of the target). Approval of this scheme would bring this to 230MW (50%). This is both a significant increase in itself, and an important milestone in achieving a more sustainable region.

Considerable effort is being expended towards bringing forward other technologies so that their share of the target, albeit a smaller one, can also be delivered.”

EEDA welcomes commitments to actively consider regional companies in all aspects of the project’s construction.

In conclusion:

“EEDA recognises that there has been considerable public concern about this scheme. Nonetheless, the application and its ES have been prepared systematically

and with considerable thoroughness by experienced and well-respected specialist consultants. Their conclusions indicate that the wind-farm can be accommodated without unacceptable environmental impacts.

EEDA considers that the proposal will make a significant contribution to achieving the region's renewable energy target and may result in considerable economic benefit accruing to businesses in the region. As such taking into account the vision and themes as set out in the RES (2001), the proposals are supported by EEDA."

61. **Environment Agency** recommends the imposition of conditions relating to pollution control (including surface and foul water drainage) and landscaping and habitat mitigation works. Advice is offered in order that the conditions can be satisfactorily discharged.
62. **Huntingdonshire District Council (Landscape Officer)** has four main areas of concern:
1. "The ES is poorly structured and thought out, making it difficult to give proper consideration to its arguments and conclusion.
  2. Judgements on landscape character and impact assessment seem overly subjective, as they fail to rigorously employ the most recent best practice and guidance on the concept of landscape capacity.
  3. Although the ES admits that significant landscape impacts (and moderate to substantial visual impacts) would occur, no mitigation is proposed or deemed necessary. We are not convinced that possible mitigation measures have been fully explored, especially as so little evidence and argument is put forward to back up this position. This is of particular concern to this authority, in view of the wide geographical area potentially affected.
  4. The issue of "shadow flicker" affecting drivers does not seem to have been properly considered. Due to its siting immediately south of the A14, there may be possible effects for east and west bound drivers at different times of day, and these require more detailed scrutiny."
63. **Cambridge City Council** has considered the proposal against PPS22, Structure Plan Policy P7/7 and City Local Plan Policies. Comments are:

"The potential significant impacts on Cambridge City arising from this proposal are in the areas of landscape and visual impact, the radar at Cambridge Airport, local and regional employment, and CO<sub>2</sub> and other emission savings.

#### **Landscape and Visual Impact**

The greatest impact would be in the immediate vicinity of the proposed site. I believe the impact on Cambridge City would be negligible.

#### **Cambridge Airport Radar**

I understand that Cambridge Airport and the Ministry of Defence are considering a separate report on this technical issue, and in my view it is possible that it could be mitigated.

#### **Employment**

I consider that there are likely to be benefits to the city, particularly during the construction period.

## Emissions

I consider that there would be general benefits in the reduction of CO<sub>2</sub> and other emissions, in which the city would share.

In general policy terms, I feel the application should be supported and do not have any objections. I must stress, however, that this is purely an informal officer opinion. There has been no informal or formal consultation with, or decisions by, members of this authority on the application”.

64. **SCDC Strategic Development Officer** sets the context in terms of achieving a national shift to a sustainable energy path.

- i) The Government's first step towards reducing the UK's emissions and producing more renewable energy is represented by its goal to generate 10% of the UK's electricity from renewable energy sources by 2010 and to aspire to a doubling of that target to 20% by 2020.

At the regional level, the forthcoming RPG 14 is intended to help the eastern region progress towards energy self-sufficiency. It is also designed to ensure the region meets its 14% renewable target for electricity generation (*Note: currently only 0.45% of the region's energy demand is renewably sourced*). In terms of moving towards the 14% target, the region's 2010 **onshore** target for renewable energy has been increased to 10%. This represents the first step towards an eventual onshore target of 17% for the eastern region by 2020. In pursuit of this target, RPG 14 will require Local Development Documents to contain policies that will presume in favour of, and emphasise the wider sustainable development benefits associated with energy efficiency and renewable energy.

With regard to the region's 14% target, the aggregate target for Cambridgeshire is 9% which equates to 290 GWh being produced by onshore wind in Cambridgeshire. This target, identified in a report undertaken on behalf of the East of England Sustainable Development Round Table, recommends local planning authorities should:

*“..... continue to be involved in the renewable energy debate... [and that their Local Plans] .. more proactively reflect the potential for renewable energy production...”*

This target has been established at a time when South Cambridgeshire is set to experience unprecedented growth in housing and new development with 20,000 new homes planned for construction by 2016. The District's population will also increase by 26,000 and result in a greater demand for energy. Although the District does not currently contribute towards Cambridgeshire's 9% renewables target, there exists considerable scope for producing renewable energy including wind across the District. Such opportunities were identified in the recent study undertaken on behalf of the Cambridge Sub-Region partners. The Cabinet endorsed report, assesses the potential for various forms of renewable energy generation including wind across the Cambridge Sub-Region which mostly comprises South Cambridgeshire.

The proposed wind development at Conington presents South Cambridgeshire with an important opportunity to play its part in achieving the

County's 9% renewables target. It would do this by generating clean, zero emission electricity that will supply 37% of the District's total demand for domestic electricity.

It is also important to note that there is evidence indicating widespread public support for onshore wind developments. Recent surveys include those conducted on behalf of the RSPB and Scottish Power, and most recently, a national ICM poll that indicated 69% of those polled either support or strongly support the development of a wind farm in their area with only 16% either opposing or strongly opposing their local siting. (*Note: the results for the same question broken down for Eastern England revealed 75% in favour and 9% opposed.*)

He concludes:

"It is important to recognise that relatively small measures do make a difference and the development should be considered in terms of its contribution towards changing the UK's energy mix in favour of low carbon energy generation. Moreover, the UK's energy demand continues to increase and wind energy will need to play its part alongside other forms of renewables as well as nuclear and coal and gas-fired power stations.

It is suggested that members consider the application in terms of the Council's corporate commitment towards sustainable development and its ongoing efforts to address climate change. As a signatory to the Nottingham Declaration for Climate Change, the Council is committed to reducing the district's CO<sub>2</sub> and GHG emissions. The Council is seeking to do this by developing a climate change strategy as part of its Community Strategy and preparing a climate change action plan as part of its involvement in the European Climate Menu programme. Consequently, the Council needs to 'act locally' and support a planning proposal that will help reduce CO<sub>2</sub> and greenhouse gas emissions across the District.

Such action would help provide a more sustainable future for the residents of South Cambridgeshire and help promote the quality of village life."

65. **English Heritage** does not wish to make any representations.

66. **County Council's Principal Archaeologist** confirms that:

"The archaeological evaluation was undertaken in consultation with this office and that significant archaeological remains were identified in the vicinity of the proposed location of Turbine 7. Further investigation would be appropriate in this area in accordance with the mitigation proposal outlined in the ES Section 7.11.

We would recommend that this work is commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a negative condition (PPG16, para. 30) in any planning consent."

67. **SCDC Chief Environmental Health Officer** has appointed a Consultant to review the acoustic information provided in the application. Further information or clarification has been sought on the following matters:

1. "The manufacturer's data provides power levels with a tolerance of plus or minus 2dB(A). I believe you have used the stated figure for your calculations,

which means that the overall level could be 2dB(A) higher even if the manufacturer's data is correct and without any other propagation inaccuracies. I would appreciate clarification regarding this.

2. I am concerned that the background noise measurements were taken over a relatively short period of time during January, and feel that this is unlikely to represent conditions at other times of the year such as during the summer. Although no two sites are the same, we have been taking measurements approximately 30 miles west of this site for approximately six months and are finding a considerable variation between the measurements during autumn and winter compared with the late summer.
  3. It may be that quieter conditions will only pertain when there is insufficient wind for the turbines to be operational. However, I am unclear from the information provided as to how wide a range of wind conditions have been covered and what the relationship is between wind speed, direction and ambient noise level. I would, therefore, appreciate further information regarding this if it is available, although it appears that, as with the relatively limited measurement period, the data available may not cover a sufficiently wide range of conditions.
  4. Although the measurement positions were agreed with the Local Authority, objectors have subsequently shown that other locations in the vicinity of some measurement positions appear to benefit from lower levels of background noise but are likely to be exposed to similar levels of noise from the wind farm. I am therefore concerned that the differential you have shown between background noise and wind farm noise maybe eroded by several db at alternative locations. I would therefore appreciate any further information you can provide regarding this.”
68. **The University of Cambridge (Cavendish Laboratory)** has no objections in respect of impact upon the operation of the Radio Telescope at Lords Bridge.

### **Representations**

69. An extensive public consultation exercise was undertaken, including all residents living in the Parishes of Boxworth and Conington, residents of Middleton Way and Mill Road, Fen Drayton and businesses in the vicinity of the Swavesey A14 junction.
70. In addition the application was advertised in the Cambridge Evening News as an application accompanied by an ES. Several site notices were posted in the villages of Knapwell, Lolworth, Swavesey, Elsworth, Boxworth, Conington and Fen Drayton.
71. Stop the Cambridge Wind Farm (StopCWF) is an Action Group formed specifically to oppose the application. It has prepared a consultation response consisting of four volumes of documentation and a 1:200 scale model. Volume 1, the Objection Summary, is attached in full. Volume 2 is the objection statement; Volume 3 is a commentary on the methods and processes in the production of the ES; Volume 4 is a critique and analysis of the ES and its contents; and Volume 5 is a response to the applicant's Addendum (see Paragraph 80 below).
72. In summary StopCWF objects to the proposal for the following reasons (see Section 17 of Volume 1):
  1. “Increased safety risk on the A14

2. Visual intrusion for local residents
3. Industrialisation of a rural landscape
4. Adverse impact on radar safety at Cambridge Airport
5. Potential noise and health impact on local residents
6. Conflict with national, regional and local planning policies
7. Adverse impact on bird, bat and other wildlife
8. T.V reception degradation

A number of these issues (e.g. A14, aviation, noise, visual intrusion) would be sufficient on their own to warrant rejection, consequently the cumulative effect is overwhelming. Furthermore:

- The Environmental Assessment produced by the Applicant is flawed, inaccurate and lacks the required rigour and objectivity.
- The Applicant has undertaken no meaningful consultation with local people or the local parishes.
- Public opinion is implacably opposed to this development.”

73. In addition StopCWF is concerned that loss of amenity will have an adverse impact on property values and that no objective appraisal has been carried out in respect of congestion at the site access on a minor rural road, caused by slow turning movements every 4 minutes during the construction period.

74. StopCWP (Volume 5 of Response) indicates that the applicant’s ES Addendum does not alter its previous objections. Specifically it considers that:

- a) The responses relating to landscaping and visual effect are unconvincing;
- b) The applicant has failed to demonstrate that local residents will not be adversely affected by noise;
- c) The Addendum does not address air safety; and
- d) The substandard design and uniquely dangerous nature of the A14 road are not given due consideration.

75. Andrew Lansley M.P. objects. He states:

“I have been contacted by a substantial number of constituents with their concerns regarding the proposal for a wind farm in this location. I have also met the applicants to discuss their proposals, and I have attended a meeting with Boxworth, Conington, Fen Drayton and Swavesey Parish Councils to discuss their views.

I wish to object to the proposed development. My view is that this is an inappropriate location for such a development; it would severely impact on the landscape and environment of neighbouring villages, and is not justified by wider energy policy needs. There is a lack of longer-term data on wind speeds on which to base informed judgements about the reliability and efficiency of inshore wind farms. It is instructive that Lord Sainsbury of Turville, the Government’s Science Minister, told the House of Lords on 3<sup>rd</sup> February 2004, in relation to the Danish move to offshore wind farms, that “they have done so for the good reason that offshore wind farms can be larger, which is more economical”. The Government’s Renewables Obligation needs to be met through a range of energy sources, including, for example, biomass.

The contribution of wind power will be significant but can be most effectively met through offshore wind farms.

The large scale of the proposal would take a major part of the open countryside at this location and the impact of the turbines on the landscape would be dramatic. The constraints and demands on the open countryside in South Cambridgeshire are exceptional. If open countryside is not required for our development needs, then I believe it is important that it not be developed. The loss of open countryside which this proposal would cause, on a major route within the sub-region, and affecting so many villages, is in my view unacceptable.

In addition, I am concerned at the road safety issues arising from the erection of such a prominent and significant development adjacent to the A14, where traffic pressures are already too high and where any distraction for drivers could see an increase in accident levels. I have not yet seen the Highways Agency's consultation on the A14 reconstruction, but it seems to me that this may be inconsistent with the location of the proposed wind farm.

I have been aware of substantial concerns expressed, at other wind turbine locations, at the effects of noise, especially low-frequency noise, and its effect on residents."

76. County Councillor Mrs Shona Johnstone objects. She states:

"I do not believe that the application conforms with the Cambridgeshire and Peterborough Structure Plan 2003. **Policy 7/4** states that:

- Development must be related sensitively to the local environment and contribute to the sense of place, identity and diversity of the distinct landscape character areas.

The location of the proposed windfarm lies in an area unique in character. It forms the boundary of the rolling countryside that characterises the west of the county and the flat Fens to the north and east. Section 7.14 of the structure plan states:

- Proposals for prominent structures will only be permitted if they are essential in the countryside and if the location, siting and design minimise adverse impact on the environment. Special attention needs to be paid to:
- The need to integrate proposals with the existing landscape features to conserve and enhance local character;
- The scale of the development, its siting, design and the materials and colours used, which must be in sympathy with the surroundings.

I fail to see how this application can meet those criteria. Wind farms can equally and more effectively be sited offshore, rather than in the countryside, no amount of mitigation would enable the turbines to be integrated with the local environment and the design, materials and colours are not in sympathy with the surroundings. There are many listed buildings in the area upon which the proposed application would impact adversely.

- **Policy P7/7** states:

Local Planning Authorities will consider areas of search for generating energy from wind in locations that:

- Attain adequate wind speeds;
  - Do not cause unacceptable impact on residential amenity or to the local environment;
  - Can be efficiently connected to new or existing energy demands.
- Section 7.20 of the Structure plan goes on to say that:

Supplementary Planning Guidance may be needed to define areas most suitable for generating energy from wind, particularly the potential for wind farms. Account should be taken of the local ecology and sensitive landscapes or where radar coverage for aviation may be affected.

I am not aware that Supplementary Planning Guidance has been prepared and this application should not be determined until this has happened. As mentioned above, the location of the proposed wind farm is in a unique part of the county and I believe that its impact on the local environment and amenity (eg footpaths) is unacceptable.

#### **A14**

I believe that the location of the development is unacceptably close to the A14. This stretch of the road is the busiest trunk road in the country, with traffic frequently in excess of the capacity of the road. The 2003 Traffic Monitoring Report shows that the 12 hour flow at Swavesey was 58,539 vehicles (an increase of 28% since 1993), of which some 11,571 were HGVs, a figure well above average. It is well known that wind farms are a distraction to drivers and I believe that the risk of causing accidents is unacceptable. The road already has a poor accident rate. Between July 1994 and December 2003 (presumably July-December 2003) there have been 11 fatal accidents, 103 serious accidents and 598 slight accidents on the stretch between Hinchingbrooke and Girton. The wind farm will be visible for much of this part of the road and I believe this will lead to further accidents.

The A14 is due to be upgraded later this decade, with a new line from Fen Drayton and widening between Fen Drayton and Cambridge. The proposed route may come much closer to the wind farm than the existing road and I do not therefore believe that the application should be determined until the Highways Agency has published its preferred route.

#### **Visual Intrusion**

The height of the proposed turbines means that they will be visible from a wide area and I believe that the visual intrusion will be unacceptable. Given the height and nature of the application, it will not be possible to provide planting to mitigate the effects of the turbines.

#### **Health**

The effects on health of wind turbines has still to be adequately researched, but there is much anecdotal evidence to suggest that people living near to wind farms have suffered negative impacts on their health. I do not believe that this application should be determined until further studies have been carried out into the health impact of the proposed development.”

77. In addition 512 individual letters of objection have been received. The main points are summarised below, although these are also addressed in the StopCWF documents:

1. The turbines will be of industrial appearance and will dominate and adversely affect the landscape, which should be protected for future generations.

2. Off-shore renewable energy projects are preferred or in areas where efficiency of turbines is maximised.
  3. Viability of the scheme is questionable given efficiency levels. Other renewables are more efficient.
  4. The scheme is contrary to development plan policies and emerging LDF policies.
  5. Moving blades will be a danger to birds, particularly Golden Plover and Barn Owls, and bats.
  6. Proximity of the turbines to the A14 will be a visual distraction to drivers exacerbating dangers and increasing the potential for accidents on this road.
  7. The turbines will interfere with the effectiveness of radar installation, and hence air safety, at and in the vicinity of Cambridge Airport.
  8. Adverse noise and vibration effects will arise.
  9. Quality of life and health particularly flicker, emissions, stress and sleep patterns for villagers will be seriously affected by reason of proximity of turbines to housing.
  10. Increased run-off from concrete foundations would increase the risk of flooding in the River Great Ouse drainage system.
  11. No local benefits.
  12. Priority should be reduced consumption of fossil fuels.
  13. Ice thrown off the blades would be a considerable risk to passing traffic, pedestrians and buildings.
  14. Construction will cause traffic congestion and have a major effect on local hedgerows, flora and fauna.
  15. Turbines may well affect programme reception.
  16. Precedent both for the extension of the proposed development and for additional, similar developments in the surrounding area.
  17. Damage and permanent loss of archaeological matter.
  18. Amenity of the Boxworth-Conington bridleway will be seriously compromised.
  19. The occupier of New Barns Farm Cottage, Conington does not wish to be evicted.
  20. The setting of Listed Buildings in surrounding villages will be damaged.
78. The source of these letters are as follows:
- Conington 92, Boxworth 89, Fen Drayton 67, Swavesey 57, Elsworth 48, Fenstanton 24, Lolworth 21, Knapwell and Papworth Everard 15 each, Hilton 14, Dry Drayton and Bar Hill 13 each, Over 12, Oakington 4, Kingston and Longstanton 2 each and Others 23.
79. 726 letters of support have been received. 21 of these were written by residents, including from Oakington 1, Conington 2, Elsworth 2, Fenstanton 2, Hilton 1 and Over 2. The remainder (705), including 3 from non-existent addresses in Cambridge and Boxworth comprise signed pre-prepaid 6 standard letters. The arguments in support are summarised:
1. Wind energy is the only viable renewable resource capable of tackling global warming and reducing the reliance on fossil fuel burning power stations.
  2. Turbines near major roads do not increase accidents.
  3. Independent opinion polls show the majority of people do not oppose wind farms.
  4. Wind Farms are graceful and aesthetically pleasing structures. They will be a point of interest in a relatively bland landscape.
  5. Local communities should have their own localised forms of generation.

6. It is understood that English Nature and RSPB have not objected to this site. In general these bodies support well sited wind farms.
  7. Construction impact is minimal.
  8. Given the proximity to the A14, the proposal will not be a noise nuisance to local villages. The A14 is already a major industrialised structures.
80. These arguments are supported by Cambridge Green Party Chairperson, who considers that this application appears to fulfil all its criteria for approval. It will continue to press for reduction in energy use as a key strategy in reducing climate change.

### **Applicant's Response**

81. The applicant has responded to various issues and concerns raised by consultees. This response is included in an Addendum to the application and ES (February 2005). It has been structured to address the main points of the following consultees:
- IEMA (Institute of Environmental Management and Assessment) review (see paragraph 84(a) below)
  - CBA (Chris Blandford Associates) landscape and visual assessment (see paragraph 84(c) below)
  - SCDC Noise Consultant's response (see paragraph 67 above)
  - Highways Issues (see summary in paragraphs 82(i) below)
  - Ecology in response to comments from English Nature, RSPB and Cambridgeshire Bat Group
  - Additional responses to material noise points raised by StopCWF and results of further Golden Plover Surveys.
82. Appendices to the Addendum include:
- Great Crested Newt Mitigation Plan (April 2004)
  - Golden Plover Study (March 2005)
83. On 18th March 2005 the applicant's submitted a "position paper" for the Wind Farm and Cambridge Airport. Its conclusions are incorporated at paragraph 84(g) below.

### **Planning Comments**

84. Having regard to the provisions of the development plan, the nature of the proposed development and representations received the main issues are considered to be as follows:
- a. The adequacy of the Environmental Statement and site selection
  - b. The contribution to renewable energy targets and need
  - c. Impact on landscape character and visual appearance
  - d. Impact on the historic landscape
  - e. Noise
  - f. Impact on wildlife and ecology
  - g. Efficient operation of radar installations and aircraft safety
  - h. Health effects
  - i. Access and highway safety
  - j. Impact on T.V. reception
  - k. Impact on safety through Icing
  - l. Shadow Flicker

**(a) The adequacy of the Environmental Statement and Site Selection**

85. The Environmental Statement has been evaluated on behalf of the Council by IEMA (Institute of Environmental Management and Assessment). The main conclusions of IEMA are summarised below:

- (i) It would have been useful if the ES had described the level of contribution the development will contribute to the regional targets e.g. as a percentage.
- (ii) It would have been useful if the ES had also provided the additional area of land use that is required for the construction period which 'will be returned to its former use' (page 26, section 3.4.2.2) once operational.
- (iii) It would have been useful if the ES had identified how many staff will be required on site during the construction phase and their transportation requirements. This would have helped to identify whether there will be any potential impacts to the local road network, access to the site and parking.
- (iv) The ES should have provided a brief summary of the location of the proposals in relation to nearby settlements, e.g. the distance from Boxworth, Cambridge.
- (v) It would have been useful if the ES had provided information on how long the actual wind monitoring has occurred, at what height the measurements have been taken and to have specified the average wind speed that has been measured. This would have justified the claim that wind speeds are exceeding the database predictions.
- (vi) The closest residences have been identified as part of the noise assessment and their locations are shown in Appendix 5. It would have been beneficial if the ES had clearly stated the proximity of each residence to the nearest turbine. It appears, by comparing the illustration in Appendix 5 and Figure 1 (the site location), that not all of the nearest properties are located in the application area. It would have been useful if the ES had been clear as to who owns the nearest residences. This is important as it may have a bearing upon the perceived acceptability of the proposal and its associated impacts.
- (vii) The ES does not provide any information on whether any issues have been scoped out of the assessment. Section 3.2.3 discusses the electricity connection to either a substation at Oakington or St Ives. The ES states that "The connection to the grid is subject to a separate planning application' (*sic*, page 18) and has not been further discussed. Given that the proposal is reliant upon a grid connection, the potential environmental impacts associated with the grid connection should have been outlined. It would have also been useful if the ES had stated whether the issue of noise impacts from the construction phase of the proposals had been considered.
- (viii) The ES mentions that a public exhibition was held on Wednesday 19th May. It would have been helpful if the ES had provided information on the number of local representatives and the locality of residents that were invited, and the number of people who attended the exhibition.
- (ix) Chapter 2 discusses the site selection and project evolution. With the inclusion of the application site, three sites were considered for the proposed

development. The ES clearly describes the reasons for discounting two of the sites (page 11). It would have been useful if the ES had provided the positive aspects of each site (including the application site) as well as the negative ones. This would have helped the reader to fully understand the reasons for choosing the preferred option.

- (x) It would have been useful if the ES has provided a brief summary of the baseline noise survey results.
- (xi) In the landscape assessment, it would have been useful for further information on the methodology that has been used to determine the landscape sensitivity (see issue specific comments).
- (xii) It would have been helpful if the magnitude of change for the noise environment could have been clearly stated within the main ES.
- (xiii) The ES should have provided a stronger commitment to the mitigation measures and monitoring that have been described. More information could have been provided on the monitoring that is envisaged for golden plover, arable flora and great crested newts. Mitigation measures for great crested newts (Appendix 6) was not provided in the ES.
- (xiv) It is suggested that an environmental audit of the site could be conducted on a periodic basis, especially after the construction phase, where the majority of impacts will have occurred. This can be used to check the accuracy of impact predictions made within the ES, e.g. noise, landscape and visual and ecological impacts and results used by the developer in further improving the development of wind turbines and predicting environmental impacts.
- (xv) It would have been useful if the ES had stated the impact during the worst case when HGV vehicles movements will be at their greatest during construction and the period of time in which the maximum number of vehicles is expected.
- (xvi) A 20 km study area for the landscape and visual assessment has been identified as being 'sufficient for the purposes of these 100m high to tip turbines'. The ES acknowledges that this differs from the guidelines of a 25km study area. It would have been helpful if a reasoned justification for the reduction in the study area had been provided within the ES, especially as the ZVI map indicates that a considerable amount of turbines can be seen at the 20km boundary.
- (xvii) The methodology in determining landscape sensitivity could have been described more clearly.
- (xviii) There is an apparent contradiction on what is classified as a 'near view', for which clarification would be welcome.
- (xix) In order to demonstrate a worst case impact assessment, the effects of summer vegetation screening should not have been included in the assessment on the landscape of Madingley Hall.
- (xx) It should be noted that the assessment does not illustrate the potential cumulative landscape and visual impacts from other wind turbine developments. The ES should have provided a justification for this omission.

- (xxi) It would have been useful if the ES had summarised the potential cumulative landscape and visual impacts of the proposed development with proposed A14 transport developments and major housing and new village developments.
- (xxii) It would have been helpful if the magnitude of change of noise impact could have been clearly stated within the main ES. This would have been beneficial as it would give an indication of the change in noise levels that the receptors will experience and would identify a significant change in the noise environment that could still be below the thresholds set out in the guidance. In addition, the ES should have provided a brief summary of the baseline noise level.
- (xxiii) The ES should have defined terms which predict level of magnitude of impact upon ecology.
- (xxiv) The assessment of the nocturnal use of the site by golden plover should have either been undertaken and results included within this ES, or a reasoned justification provided for its omission.
- (xxv) A badger survey has been undertaken. The study area is identified as being 'an area covering at least a 50 metre radius of the proposed site for each of the ten wind turbines'. As the current proposal is for 16 wind turbines, it is not clear if the survey area is appropriate for the proposed development.
- (xxvi) The ES provides information that an independent aviation study was submitted to Cambridge Airport and has been provided in Appendix 7. The report was produced before the alteration of 15 wind turbines to 16. It would have been useful if the ES had stated whether there are to be any implications to the outcome of the report and therefore any potential significant impacts from the increase in the number of wind turbines.
- (xxvii) In certain regards the objectivity of the ES is question. For example:

The ES concludes that 'adverse and significant effects that have been identified in this landscape and visual impact assessment are judged to be both localised and acceptable'. It should be noted that the purpose of the ES is to provide decision makers with sufficient information regarding the predicted environmental impacts associated with the project and for them to determine the acceptability (or not) of the proposals. The above statement could be viewed as pre-empting this judgement.

**(b) *The contribution to renewable energy targets and need***

86. Government policy supports raising the proportion of electricity generated by renewable energy development to 10% by 2010. At the regional level, the emerging RPG14 aims to achieve 14% renewable target (including off-shore wind) for electricity generation with the aggregate target for Cambridgeshire of 9%. The proposed development would have the capacity to generate up to 32MW, which would make a measurable contribution towards these targets. The Council's Strategic Development Officer estimates that it will supply 37% of District's total demand for domestic electricity. The recently published PPS22 also states that targets should be expressed as the minimum amount of installed capacity for renewable energy and should be set for achievement by 2010 and 2020. The potential to generate substantial amounts of renewable energy from off-shore

projects, should not be used as a justification to set lower targets for on-shore projects. The PPS indicates that applications should not be rejected simply because the level of output is small.

The contribution the scheme would make towards meeting regional targets for renewable energy production is therefore a material consideration, which should be weighed in the balance. The benefit associated with renewable electricity production has to be assessed on the basis of its overall efficiency which is significantly lower than more conventional forms of electricity production.

**(c) *Impact on landscape character and visual appearance***

87. The Council commissioned Chris Blandford Associates (CBA), landscape architects specialising in wind farm development, to provide an assessment of the landscape and visual effects. In addition the consultants have provided an assessment of the likely impact on the historic landscape.

CBA has reviewed the methodology adopted in the ES to assess landscape and visual impact. Several criticisms are highlighted, for example:

- (i) No explanation of why some sites have been rejected on landscape and visual grounds.
  - (ii) No explanation of whether a smaller scale scheme could be viable and more satisfactorily accommodated within the landscape.
  - (iii) Number of omissions in the methodology used for landscape and visual assessment.
  - (iv) Study area of 20km is too small.
  - (v) Variations within the Claylands landscape character type have not been sufficiently analysed.
  - (vi) No assessment is made of impact on the historic landscape character or fabric of the area.
  - (vii) Inadequate discussion of the setting and character of Conservation Areas, Listed Buildings and Registered Parks and Gardens - indeed, there are inconsistent descriptions of Listed Buildings within the ES.
  - (viii) The twelve photomontage viewpoints do not fully represent the viewpoints defined in the Scoping Report
  - (ix) Visualisations underestimate the true visual impact from certain viewpoints.
- (x) Impact on landscape character is likely to be more significant than stated in the ES due to visual scale (height/size, distance between turbines and the fact that they will be new elements in the landscape).

The conclusions of CBA are as follows:

- (i) "In relation to the conclusions of the landscape and visual assessment, it is agreed that there will be long-term change to landscape character within the study area. The ES states that the

change to landscape character will be slight to moderate. Review of the quality, value and sensitivity of the described landscape character types, suggests, however that the overall effect will be moderate to substantial. It is considered that the turbines will form a new element of the landscape (i.e. resulting in a fundamental change to character and views), and that the visual scale of the proposal has been underestimated.

- (ii) It is arguable that the effects identified in the landscape and visual assessments are 'localised' and 'acceptable'. However, due to the scale of the proposed development, effects on visual amenity are likely to be widespread (in some instances up to 10km and slightly further) from the site. Whilst the effects on landscape character are considered to be significant at distances of up to 3.0 to 5.0 km from the site.
- (iii) On the basis of the review of the ES, our initial preliminary landscape and visual appraisal there will undoubtedly be impacts on the landscape. In this particular case, however, it is considered that the impacts will be greater than suggested by the ES particularly as the quality/value of the landscape has been underestimated and therefore the effects of the scheme have been underestimated. The scheme will result in significant negative impact on the existing open and gently undulating rural character of the area and on the perception of the scale in the landscape.
- (iv) It is acknowledged that the level of acceptability of the wind turbines can be based on a number of aspects such as:
  - a) That, as a landscape feature, their acceptability is subjective;
  - b) That their impact on the landscape cannot be fully mitigated;
  - c) That the landscape effects will have to be weighed against other planning/energy benefits of renewable energy as a 'proven national interest' and;
  - d) That the majority of the visual effects could be reversed in a 25 year (relatively short-timescale) period.
- (v) However, in this instance it is considered that the introduction of a cluster of 16 No. x 100 metre high wind turbines would be unacceptable and have an adverse impact given the open rural character of the area, the sites proximity to the A14(T) and extensive opportunities to obtain views of the proposals from roads, public rights of way and tourist routes and notable visitor attractions within the vicinity of the Site. For these reasons, the proposal could be refused on landscape grounds."
- (vi) These conclusions concur with the opinions of the Conservation Manager and Landscape Design Officer. The former considers that the scale of the Wind Farm would dominate the skyline and landscape and would remove the important visual separation between Boxworth and Conington.
- (vii) In terms of that separation, the approximate distance between Conington (Grange Farm) and Boxworth (Church) along the alignment of the public bridleway is some 3km. Along the spur of higher ground

between these villages the three rows of turbines would extend for a distance of some 2km, which in my opinion, represents a significant erosion of the rural and open gap between these villages.

- (viii) I conclude, having regard to the advice received from CBA, the Conservation Manager and Landscape Design Officer, that the introduction of 100m high wind turbines would have a detrimental and adverse impact upon the landscape. It is considered that the size and scale of the development is incapable of being satisfactorily assimilated and fails to respect the particular local landscape characteristics. The wind turbines would lead to the introduction of alien, man-made and large scale vertical features, which would fail to respect the landform and extensive views of the site, particularly from the surrounding ring of villages and the intervening countryside.

(ix) As a consequence the scheme would fail to comply with Structure Plan Policies P7/4 and P7/7 and Local Plan Policies EN1 and EN44.

**d) Impact on the historic landscape**

- 88. CBA does not consider that the impact on the historic landscape has been adequately addressed by the ES.

Indeed, I have advised the applicant that factual information in the ES regarding Conservation Areas and Listed Buildings is not entirely accurate.

The Conservation Manager concurs with CBA advice. The form, appearance, height and scale of the proposed wind farm fails to recognise that a key to the historic character of the area is the cumulative effect of its scattered clusters of modest settlements and estates, enclosed by mature planting and expansive arable fields.

Although neither Boxworth or Conington have conservation areas, there are such designations in Elsworth, Knapwell, Fen Drayton, Swavesey, Hilton and Fenstanton. The most significant impact in terms of distance to nearest turbine will be from Elsworth (approx 2.4km), Fen Drayton (approx 1.2km), Knapwell (approx 2.0km) and Fenstanton (2.1km). Direct line of sight views over a relatively short distance from Fen Drayton, in particular, will fail to preserve the character and appearance of this Conservation Area. In addition it is considered that the turbines will be prominent in views over Elsworth Conservation Area from elevated land on the minor road south west of the village.

As a consequence the scheme would be contrary to Structure Plan Policies P7/6 and P7/7 and Local Plan Policies EN4 and EN30.

**e) Noise**

- 89. The Council commissioned acoustic consultants, Belair Research Ltd to review the acoustic information provided in support of the application. At the time of preparing this report insufficient information/data has been provided by the applicant for the consultant to prepare an informed opinion. In summary he comments on the applicant's Addendum:

- (i) Construction noise is unlikely to cause problems (if properly managed).

- (ii) It is understood that the analysis have been carried out on the basis of down wind propagation to each noise monitoring location, in comparison with the background levels measured under the wind conditions prevailing throughout the survey period. There is insufficient information provided to assess the likely variations in background noise with varying wind direction such as at Conington where the downwind direction could be considered to be between north east and south east. Although this is unlikely to worsen the situation there is insufficient data to verify this and in view of the potential sensitivity of other locations and variability of meteorological effects this requires further consideration.
- (iii) Data measured at an acoustically similar location approximately 30 miles west of this site, beside the A14 indicates that the background noise level in this area is likely to fluctuate by several dB(A) depending upon meteorological conditions not generated by foliage noise.
- (iv) Data is provided showing wind speed and wind direction, but there does not appear to be sufficient information to correlate wind conditions and background noise levels.
- (v) The other noise sensitive locations have been raised as a concern, for the reasons stated in paragraph 67.4 above. This indicates that the Applicant has not provided sufficient information.

**f) *Impact on wildlife and ecology***

90. It is clear that, in certain regards the ES has not adequately surveyed protected species or demonstrated that appropriate mitigation measures have been considered.

Further bat surveys are necessary to properly assess bat usage over the period of a year. This cannot be the subject of a planning condition because such material should be incorporated in the ES and should inform any necessary mitigation measures, which could be conditioned or which might entail changes to the proposed scheme.

The same principle applies to golden plovers. A detailed survey and assessment is included in the Addendum to the ES. Golden Plover numbers and movements were recorded in the vicinity of the proposed wind farm between 5<sup>th</sup> November 2005 and 30<sup>th</sup> January 2005. The assessment recommends that a programme of post-construction monitoring should be undertaken.

A Great Crested Newt Mitigation Plan has been agreed by English Nature, although this necessary information was not submitted with the ES. (It is included in the Addendum to the ES).

English Nature is satisfied that the site is unlikely to support protected reptile sites but recommends a further walk-over survey prior to any construction taking place.

Mitigation to any works affecting badger setts is still required to be agreed by English Nature.

In its present form, therefore, the proposal does not comply with Structure Plan Policies P1/2, P7/1 and P7/2 and Local Plan Policies EN12 and EN13. Further advice is awaited in this regard from the relevant consultees.

**g) Efficient operation of radar installations and aircraft safety**

91. The Defence Estates have commented that the site lies within coverage of the Airfield Radar at Cambridge Airport. The rotating blades on the turbines have the potential to produce false radar returns, which could compromise flight safety requirements. The Ministry of Defence, therefore, raises an objection to the development. This objection is endorsed by Cambridge City Airport.

The applicants commissioned a report by Cyrrus Associates “to determine the potential effects of the wind turbines on the aircraft operations at Cambridge Airport and to demonstrate/suggest mitigation that exists or could be employed (if appropriate).” The report is included in the ES at Appendix 7.

The Report concludes, inter alia, that “it is accepted that there is a potential impact on the ability of Cambridge Airport to offer a full radar service in the vicinity of the development under certain wind conditions.”

Members will have noted above the response to this by Cambridge Airport. In essence it considers flight safety would be jeopardized if the Airport could not provide a comprehensive radar information service.

Despite some discussions between the applicant, its Consultants, the Airport and Defence Estates, no agreement has been reached. The Airport position remains that approval would seriously compromise airport operations, including the potential loss of MOD approvals.

The applicant, in its position paper, concludes:

“It has been determined that the development is likely to have minimal impact on aircraft using Cambridge Airport as the flight paths of published Instrument Flight Rules procedures are well clear of the proposed development. It is accepted that there is a potential impact on the ability of Cambridge Airport to offer a full radar service in the vicinity of the development under certain wind conditions. However, changes to local Air Traffic Control (ATC) operating procedures to take account of the wind farm development would maintain the safety of the ATC service”.

It considers that the Airport has not shown any urgency in discussing the matter further.

I conclude that, in the absence of this objection being withdrawn, the scheme would potentially interfere with safe operation of the radar at Cambridge airport and this would undermine the safety of aircraft in the region contrary to advice in Circular 1/2003 *Safeguarding aerodromes, technical sites and military explosive storage areas*, which states at paragraph 15:

“The issue of these maps (safeguarding) recognises the fact that the introduction of wind powered generator turbines within the United Kingdom as part of an alternative energy policy can create certain problems for aviation. In addition to their potential for presenting a physical obstacle to air navigation, wind generator turbines can affect signals radiated from and received by aeronautical systems. The rotating blades create electromagnetic disturbance, which can degrade the performance of these systems and cause incorrect information to be received. The amount of interference depends on the number of wind turbines, on a wind turbine’s size, construction materials and location and on the shape of its blades.”

Further PPS22 (Paragraph 25) indicates that it is the responsibility of developers to address any potential impact before applications are submitted.

**h) Health effects**

92. Third parties have raised the issue of potential adverse health effects associated with noise and low frequency infrasound emissions. The impact of noise on sleep patterns is being considered by the Chief Environmental Health Officer.

The Companion Guide to PPS 22 indicates (Paragraph 45 of technical annex on wind) that “there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health.”

At Paragraph 65 the annex indicates that electromagnetic radiation from turbines “is at a very low level, and presents no greater risk to human health than most domestic appliances.”

I conclude that the scheme would be unlikely to pose a serious health risk.

**i) Access and highway safety**

93. This is one of the principal issues which has exercised the vast majority of third party objectors. The Highways Agency, which is responsible for the A14 Trunk Road, and the County Council, as Local Highway Authority, are both clearly concerned that the siting of these turbines could lead to an increase in rear-end shunt accidents, by virtue of distraction and volume of traffic using the A14. Moreover, STOPCWF detail the features along the A14 carriageways which already adversely affect road safety.

The Highways Agency clearly objects to the wind farm until the A14 has been improved. This is based upon a Report prepared by Consultants for the Agency: “Review of Accident Data Surrounding Wind Farms Across the U.K., December 2004.” This included before and after studies at five sites in Cornwall, a one turbine site at Kings Langley and the Angel of the North. Overall no relationship was found between road accidents and the installation of wind farms. However, the report analyses traffic flows during 2003 on the A14 at Swavesey:

**A14, Swavesey: - Traffic Flows During 2003**

	<b>AADT (Annual Average Daily Traffic)</b>	<b>% HGV</b>	<b>No. of HGVs</b>	<b>Vehicles over 5.2m AADT</b>
<b>A14 Swavesey WB (2003)</b>	35602	23.8	8473.3	8594.8
<b>A14 Swavesey EB (2003)</b>	36278	23.9	8670.4	8862.2

It also reports accidents for the most recent three year period (1<sup>st</sup> August 2001 to 31<sup>st</sup> July 2004 inclusive): 220 (82 eastbound carriageway; 122 west bound carriageway and 16 unclear) personnel injury accidents occurred in the study area during this period. One was fatal; 24 were serious; and 195 slight.

The Report concludes:

“High traffic volumes combined with significant numbers of heavy goods vehicles, many of which are foreign, lead to stressful driving conditions on this section of the A14. However, the accident rate is relatively low. Rated by EuroRAP as having a low to medium accident rate. This equates to between 15 and 61.5 fatal and serious accidents per billion vehicle kilometres. However, the high throughput of traffic results in a high total number of accidents.

The low accident rate and high traffic volume suggests drivers operate at peak concentration in order to avoid accidents as the road is operating close to capacity. In the peak hour, the presence of short on slips and regular queuing traffic create a confusing driving environment where the driver must concentrate intensely.

The accident record shows a high number of rear-end shunt type accidents, which is a pattern consistent with driving conditions on this section of road.

The proposed turbines will be 100m high, this makes them some of the largest wind turbines yet proposed in the UK. PPG 22 requires that such turbines should be sited at a distance at least equal to their height from roads, to reduce driver distraction, in this instance they are sited at more than twice that distance from the A14. (PPS 22 Companion Guide advises a set back of at least fall over distance to achieve maximum safety).

At the A14 site the wind farm will be visible from a considerable distance due to the open flat nature of the landscape. When drivers first see the wind farm the turbines will appear less prominent as they will be viewed from a considerable distance. This means that there will be no element of surprise as drivers approach the site.

However, they may be the object of curiosity and the introduction of a potential distraction along this already complex section of road may cause drivers to temporarily divert their attention from the road ahead, leading to an increase in the number of accidents.

Notwithstanding the lack of evidence of an effect on safety, the PPG22 guidance and the long preview that drivers have, the wind farm is likely to add an element of distraction however the assessment of distraction is subjective and difficult to quantify.

The Cambridge to Huntingdon Multi-Modal Study CHUMMS (2001) report highlighted the need for upgrading of the A14 between Cambridge and Huntingdon. Current proposals, A14 Ellington to Fen Ditton improvement as part of the Governments' targeted programme of improvement (TPI) include upgrading to a three-lane dual carriageway and provision of a parallel distributor road for local traffic between Fenstanton and the Girton Interchange. The next stage in the development process is public consultation. It is the Highways Agency's intention to progress the scheme through its design and statutory processes to be considered for construction when the next round of funding becomes available in 2008 and onwards.

It is therefore concluded that the wind farm should be delayed until after the upgrading of the A14, when a safer environment for drivers has been constructed on this complex section of road.”

In response the applicant commissioned a planning assessment of highways safety and wind farm development. The Author has had relevant experience since 1992. Many sites, developments and appeal decisions are referred to. The principal summary points are:

1. No empirical evidence has been brought forward to demonstrate that there has been a direct causal link between the presence of wind turbines and accidents on major or indeed minor roads. The only two appeal cases where a possible risk was cited by an Inspector were not based on any evidence but on the particular nature of the turbines involved or the topography of the ground and alignment of the roads involved.
2. In the present case, unlike an appeal decision in Northumberland, the terrain is very different, such that the turbines come into view very much earlier and remain in view almost throughout the journey past the site. The road itself is straight and level such that the turbines do not appear and disappear and then come into view in an unexpected place.
3. Turbines are becoming a more and more common feature of the countryside such that it is highly unlikely that drivers on the A14 would never have encountered one before.
4. The precautionary principle cannot be applied in a case where there is ample opportunity for the risks to have occurred at sites elsewhere and where despite detailed research no such evidence has been uncovered. Sites adjacent to motorways and trunk roads across the country have been developed already and more are the subject of current proposals where no Highway Agency objection has been raised. The issues of both driver distraction and shadow flicker are not ones that could ever be supported in the present case both on the basis of the past record of turbines in relation to roads and the nature of the terrain and road system involved here.

The applicant's assessment quotes Paragraph 54 from the Technical Annex for Wind in the Companion Guide to PPS22:

"Concern is often expressed over the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades. Drivers are faced with a number of varied and competing distractions during any normal journey, including advertising hoardings, which are deliberately designed to attract attention. At all times drivers are required to take reasonable care to ensure their own and others' safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous. There are now a large number of wind farms adjoining or close to road networks and there has been no history of accidents at any of them."

Nevertheless, having regard to the particular circumstances experienced on the A14 Trunk Road, the scale and proximity of the proposal to the road, the nature of representations on this issue and the Government's recognition of the need for improvements, I believe the Highways Agency's caution is well founded.

On 9<sup>th</sup> March 2005 the Department for Transport announced that public consultation will start on 30<sup>th</sup> March with public exhibitions to start from 4<sup>th</sup> April 2005. However, the earliest that a start can occur has been stated to be 2008/09 with completion in the period 2011-2015, beyond the five year life of any planning permission. DOE

Circular 11/95, "The Use of Conditions in Planning Permissions", advises at Paragraph 40 that:

"It is the policy of the Secretary of State that such a condition (depending on others' actions) may be imposed on a planning permission. However, when **there are no prospects at all** of the action in question being performed within the time-limit imposed by the permission, negative conditions should not be imposed. In other words, when the interested third party has said that they have no intention of carrying out the action or allowing it to be carried out, conditions prohibiting development until this specified action has been taken by the third party should not be imposed."

A footnote adds:

"A policy of refusing permission where there was no reasonable prospect of planning conditions being met could be lawful, but sound planning reasons for the refusal should be given and it should be made clear that this was only a starting point for consideration of cases."

I conclude that a planning condition could not be imposed in this particular case and that there are sound reasons for objecting to this application on highway safety grounds.

**(j) Impact on T.V. reception**

94. The response from NTL, on behalf of Ofcom, indicates that homes to the north east of the site, particularly in Swavesey and Fen Drayton, may experience interference problems. The same may be said of homes close to the development, irrespective of the direction. However, large scale problems are not expected.

The ES indicates that interference can only occur to the analogue system, not digital. Solutions (including improvements to aerial installations, aerial alignment, replacement by satellite services or the boosting of the network signal) would be carried out at the developer's expense. An appropriate planning condition requiring a scheme for investigation and alleviation of any such interference could be imposed.

**(k) Impact on safety though icing**

95. This is referred to by many third party objectors. Advice from the Companion Guide to PPS22 (Paragraph 79 Technical Annex on Wind) indicates that:

"The build-up of ice on turbine blades is unlikely to present problems on the majority of sites in England. For ice to build up on wind turbines particular weather conditions are required, that in England occur for less than one day per year. In those areas where icing of the blades does occur, fragments of ice might be released from the blades when the machine is started. Most wind turbines are fitted with vibration sensors which can detect any imbalance which might be caused by icing of the blades; in which case operation of machines with iced blades could be inhibited." An appropriate planning condition requiring the fitting of such sensors could be imposed.

**(l) Shadow flicker**

96. In certain circumstances the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. The shadow will flicker when the blades rotate.

It only occurs inside buildings where the flicker appears through a narrow window opening. Only properties within 130 degrees either side of north, relative to the turbines can be affected in the U.K. In this case the potential effect could be felt up to 800m from a turbine (10 x rotor diameter).

The ES assessment of such properties concludes that four properties in Conington and Grapevine Cottages, Boxworth may experience a passing shadow from turbines 11 and 16 respectively. It is concluded that times can be programmed into the controllers, which, along with light and wind sensors, will result in those turbines automatically being shut down under worst case conditions.

A planning condition could be imposed to ensure the implementation of such measures.

## **Conclusion**

97. In assessing this scheme, the Council must take into account the benefits claimed by the applicant in support of the proposal. The applicant has identified the main benefits as follows:
- Significant contribution to the savings in the emissions of carbon dioxide, sulphur dioxide and oxides of nitrogen.
  - Production of renewable electricity from wind energy which would produce virtually no emissions during their operation life. Over their lifetime they can repay up to 50 times the energy used in their manufacture and installation.
  - The electricity generated is likely to be equivalent to the needs of over 19,000 households, which is equivalent to approximately 37% of the District's domestic needs.
  - Suitably qualified local contractors will have the opportunity to bid for the civil and electrical works and the provision of site services.
  - Provision of permanent part-time employment for a Site Manager and Fitter during operation and maintenance.
  - Reliable income stream for the landowner and an educational resource for local schools and colleges.
  - Following construction the developer would register local interest in a community energy efficiency scheme.
98. In weighing these matters it is important to note that the identified savings may be exaggerated together with the overall level of efficiency when compared with conventional electricity generation. Although there would be some economic benefits, it is not clear to what extent this would benefit the local economy.

Set against the scheme's ability to contribute to renewable energy targets, is the predicted adverse harm to landscape and open rural character, the impact to the historic landscape of this part of the District, the adverse effect on the airfield operation of the radar installation at Cambridge City Airport; and the adverse impact upon safety for users of the A14 Trunk Road.

99. This balance reflects the difficulties in reconciling two of the environmental issues highlighted in PPS1:
- (a) Adaptation to climatic change through the reduction of greenhouse gas emissions and use of renewable energy; and
  - (b) The protection of the wider countryside and impact of development on landscape quality.
100. In this case I consider that the landscape and visual harm of a development of this scale, in this location, outweighs the benefits. Furthermore the harm to highway and air safety adds weight to the conclusion that the application is unacceptable.
101. I consider that the scale of the proposal is such that the predicted impacts are not entirely capable of being mitigated through the use of conditions.

102. **Recommendation**

Refuse

1. The scheme, by virtue of the size, scale and extent of the wind turbines, would dominate and adversely affect the landscape character of the area, particularly the open and gently undulating rural character of the area. As a consequence it conflicts with Structure Plan 2003 Policies P7/4 and P7/7, South Cambridgeshire Local Plan 2004 Policies EN1 and EN44 and national advice in PPS1, PPS7 and PPS22.
2. The scheme, by virtue of the size, scale and extent of the wind turbines, would adversely affect the historic landscape pattern by introducing intrusive and standardised industrial forms which will visually connect Boxworth and Conington, in particular, and by virtue of its dominating impact upon the setting of and views from Conservation areas, particularly Elsworth and Fen Drayton. As a consequence it fails to comply with Structure Plan 2003 Policies P1/2, P7/6 and P7/7, South Cambridgeshire Local Plan 2004 Policies EN4, EN30 and EN44 and national advice in PPS1, PPS7 and PPG15.
3. The scheme would harm the effective operation of the radar installation at Cambridge City Airport and therefore be detrimental to the safety of aircraft in the area contrary to national advice in Circular 1/2003 "Safeguarding aerodromes, technical sites and military explosive storage areas" and PPS22.
4. The scheme, by virtue of the size, scale and extent and proximity of the wind turbines to the A14 Trunk Road, would be likely to cause drivers to temporarily avert their attention from the road, thereby increasing the risk to highway safety on this road, which is subject of high volumes of traffic, congestion and a high percentage of tail-end shunt accidents. Further the imposition of a condition precluding work from starting on the wind farm until such time as the A14 Improvement Scheme has been completed is considered to be unreasonable, given that there is no prospect of the scheme being completed during the time limit of a permission.
5. The applicant has failed to demonstrate that the operation of the wind turbines would not be likely to give rise to unacceptable noise levels to residents by reason of insufficient information having been provided upon variations in

background noise with varying wind direction, alternative locations and varying meteorological conditions.

6. The applicant has failed to demonstrate that the operation of the wind turbines would protect or enhance wildlife species and habitat, particularly in regard to bats, golden plovers and badgers. The proposal would not therefore comply with Structure Plan Policies P1/2, P7/1 and P7/2 and South Cambridgeshire Local Plan Policies EN12 and EN13.

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

- Planning Policy Guidance and Statements.
- Regional Planning Guidance 6: East Anglia
- East of England Plan (Draft revision to the Regional Spatial Strategy – December 2004)
- County Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning Application File Reference: S/1663/04/F

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## 2. ENVIRONMENTAL ASSESSMENT

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### 2.1 Introduction

Following the Scoping Consultation, a number of assessments were carried out to inform the Environmental Statement. These assessments are discussed in detail below.

### 2.2 Site Selection

The selection of the Cambridge Wind Farm site has come about through careful consideration of a number of economic, technical, planning and environmental factors. In particular, the site has:

- the agreement of the landowners for the construction of a wind turbine project;
- a good wind resource;
- good road access; and
- good geological strata for the construction of wind turbines.

In terms of the environmental considerations, the Cambridge Wind Farm site has the following merits:

- it does not lie in an area designated for ecological protection;
- it does not lie in any nationally designated areas for landscape; and
- there are no nationally important archaeological sites within the project boundary.

A number of potential areas in the Cambridgeshire region were considered and investigated by the developer using Geographical Information Systems (GIS) through which technical and environmental parameters in wind farm planning can be mapped. The Cambridge site was considered to be the most suitable for the development of a medium sized group of turbines. The other areas considered were largely compromised by the presence of the Area of Best Landscape, airsafeguarding zones around Cambridge Airport, RAF Witton and RAF Mildenhall, several small airfields and a host of other environmental and technical constraints that

would preclude the feasibility of a wind farm development.

The final selection of the Cambridge Wind Farm site was then dependent on a number of factors that would ensure its technical and economic viability. These are discussed in detail below.

#### *Land Availability*

The complete site area for the wind farm proposal is under the ownership of three landowners, all arable farmers. Agreements have been put in place with these landowners to secure lease of the land for the construction and long-term operation of the wind farm.

#### *Wind Resource*

Interrogation of the National 'NOABL' wind resource database, produced by the DTI, provided indicative wind speeds for the site. The figure for the centre of the site is 6.40 metres per second at 45 metres height. Consequently, there is clearly a viable windspeed available at the location of the proposed wind farm as higher windspeeds would be expected at the hub height of 60 metres, which this proposal is based upon.

A planning application for a temporary wind monitoring mast was granted by South Cambridgeshire District Council in July 2003. Average wind speed data from this mast has to date exceeded the prediction made by the wind resource database.

#### *Site Access and Land Considerations*

In the construction of a wind farm, large structures such as tower components and blades need to be delivered to a site, and these parts can be considerable in size. The wind turbine blades will be 40m metres in length. This can present considerable problems in terms of vehicle movements on public highways and especially the 'cornering' of such vehicles, which is often constrained by hedgerows and stone walls.

Access to the site is relatively straightforward and will require minimal disturbance to traffic

movements and road systems in the area. The turbines, the associated infrastructure and construction materials can be delivered to the area directly from the A14, which is designed to host large Heavy Goods Vehicles. This will present no difficulties in terms of delivering the 40m blades and tower sections.

The turning off the A14 would be at junction 28, Cambridge Services, Boxworth.

The delivery route then continues around the service station roundabout towards the village of Boxworth. The temporary removal or permanent relocation of one lamppost is required to accommodate the oversailing components as the load circumvents the roundabout.

The site entrance is located some 750m along the road from the Cambridge Services roundabout, just before it bends twice into Boxworth. The bends in the road are very open, giving both local and construction vehicles excellent visibility.

### ***Electrical Grid Connection and Ancillary Works***

Wind power is a form of embedded generation that connects into the local electricity distribution network rather than the National Grid. The site should be close enough to a grid connection point, at preferably 33kV or 11kV, to minimise the amount of off-site works required to make the connection.

Each wind turbine will generate electricity at 690V within the nacelle. This will then be stepped up to the connection voltage by a transformer hosted within the turbine and transmitted to the wind farm substation via underground cables where the connection to the distribution network will be made.

The site substation is split into two principal sections. Access to one half is only granted to the developer, and access to the other half is only granted to the connecting utility. It is at this 'junction' where the developer's responsibility for the grid infrastructure ends, as the distribution network is the sole responsibility of the connecting Distribution Network Operator (DNO).

The responsibility for the connection from this point to the local network falls under the remit of the DNO, EdF Energy. The connection is outwith the developer's control and is planned, wayleaved if necessary, and installed by the DNO which will investigate the options for the most suitable connection point. However, the cost of connection falls to the developer.

Provisional investigations carried out by the developer indicate two possible connection points. It is envisaged that the connection would follow the roadside verge to the A14 and then either head towards a primary 33kV substation at Oakington, or towards a primary substation at St Ives. The connection to the grid is subject to a separate planning application procedure under the Electricity Act 1989.

## **2.3 Project Evolution**

Once the site selection process described above identified the Cambridge Wind Farm site as a suitable location for wind development, provisional designs and layouts of the wind farm were drawn up. The designs informed the Scoping Exercise whereby South Cambridge District Council and the statutory undertakers could review the provisional layouts and provide guidance on the issues to be covered by this environmental impact assessment.

Many iterative changes to the site design and layout have occurred since the Scoping consultations. This is because the individual assessments have informed the generation of new wind farm designs and layouts so that environmental and technical media, particularly existing telecommunications links, highways and footpath provisions, ecological considerations, and feedback regarding visual characteristics of the site can all be accounted for.

### **▪ Telecommunications and Utility Services:**

Consultations with the telecoms operators identified seven microwave links crossing the site from various locations and at various angles. These links are owned and operated by Cable and Wireless (2 links), Castle Transmission (2 links on the same

path), Orange (1 link), O<sub>2</sub> (1 link) and BT (1 link). The network operators requested buffer zones around the centre of each link to the centre of the turbine towers, to ensure that there would be no interference caused by the structures. These links have been accommodated within the layout.

- Two gas mains have also been identified. These are owned and operated by Transco and Connect Utilities. The positions of the pipes have been micro-located with Transco engineers and appropriate clearances built into the layout.
- Finally, an 11kV line crosses the north west corner of the site near to the Conington road. A minimum of 6m clearance from the line is required - this has been built into the wind farm layout. Given that the wind turbines will be erected using cranes, safe working practice and risk assessments under Construction Design and Management (CDM) Regulations will be required when works are carried out proximate to the line. This will be undertaken utilising the services of the DNO (EdF Energy) site engineers during the construction of the project.
- **Highways and Public Rights of Way:**  
The Highways Agency was consulted at the early stages of project development to establish the appropriate safeguarding buffer from the A14. In general, it is normal to expect a clearance of wind turbine tip height from the carriageway as with many operating wind farms around the UK. However, in order to account for the preferred plan under the Cambridge-Huntingdon Multi-Modal Scheme, which plans for potential widening of the carriageway and a potential junction near to the existing turn off to Conington, a buffer from the carriageway of 250m was agreed at a meeting with the Highways Agency in December 2003. At that point in time the Highways Agency had not formalised plans for the A14 redevelopment and they expressed a willingness to work with and around the wind farm proposal.

The County Bridleway's Officer and British Horse Society were consulted following the scoping meeting. A 200m clearance from the bridleway running from Boxworth to Conington was requested. Due to restrictions on turbine spacing it was very difficult to accommodate this requirement. However, data from the temporary anemometry mast has confirmed the prevailing wind direction to be South West. This allowed turbine spacing across the wind to be reduced and the site to be redesigned to accommodate the bridleways interest.

- **Visuals:**

At the scoping stage, it was observed from the wireframe visuals that the layout appeared to be fragmented. A single turbine sited adjacent to a telecom's buffer zone appeared to stand alone from the main array. Concerns raised by both the planning office and the landscape and visual consultant resulted in the relocation of this turbine to the north-west end of the site.

At this point, a constraint on the western end of the site was lifted. The dwelling known as New Barns Cottage, wholly owned by the principal landowner of the site, is to be taken out of residential use, should the site be permitted. This allowed a further turbine to be located at the north-west end of the site, further realising the site's potential. Before this amendment was made, the landscape and visual consultant was asked to assess the suitability of the site for sixteen wind turbines. At this point a crosscheck was also made to the locations of the wind turbines closest to Boxworth and Conington. It was confirmed through landscape and visual assessment that the relocation of the single turbine improved the site design; the site and landscape were assessed to be able to accommodate both this extra turbine and also the complete array, with appropriate separation distance from the nearest settlements.

The layout now formed a parallel arc, following the landform off the main ridge,

sweeping in a gentle curve from the south-east to the north-west corner of the site.

At the public exhibition on 19<sup>th</sup> May 2004, several personal views were presented, suggesting that the wind farm was potentially too large for its position. The developer, mindful of this feedback, reviewed the comments and analysed them against the environmental assessments conducted in the formulation of this wind farm proposal. Most pertinent to this issue are the findings of the landscape and visual consultant who, as described above, established at a very early stage upon reviewing the landscape type and character in the area, that the scale of the wind farm is appropriate to this form of landscape and that the overall capacity is well sized. Further to this, the developer has considered the balance between this limited number of public views stating that the wind farm is out of scale with the area with the objectives of National policy and also renewable energy, namely to optimise areas with good wind energy potential as tools in combating global warming, climate change, environmental pollution and human health effects from the emission of harmful emissions that arise from fossil fuel use. All views are worth considering, but the assessments presented in this report comprehensively state that effects to local residents will not exceed acceptable thresholds and that amenity will not suffer. Having carried out the assessments contained within the study and having weighed the impacts against the benefits the developer feels that the right balance has been achieved.

- **Ecology**

The ecological assessments highlighted three main areas on the site showing signs of badger activity and the presence of greater crested newts. Turbine locations and sections of access track were relocated to avoid the principal areas of badger activity and newt habitats. In accordance with English Nature consultations to protect the badger, all details which may highlight the position of badger setts are contained within a separate confidential document.

As a result of the site selection procedure employed by the developer and briefing to the professional consultants employed to assess the Cambridge Wind Farm proposal on the wind farm design and layout, the following results were identified:

## 2.4 Construction, Operation and Decommissioning

Overall, the developer has incorporated a civils design and layout for the wind farm that would be technically viable and, as can be gauged from the assessments included in this Environmental Statement, environmentally acceptable; in addition, construction and operational requirements will be undertaken in accordance with relevant legislation and guidance, and in consultation with the planning authority and other relevant consultees.

The following design modifications and considerations have been incorporated into the Cambridge Wind Farm proposal:

- Track routes have been selected to utilise existing farm tracks where possible, in order to ensure minimum damage to the agricultural and ecological value of the site.
- Stone and other aggregates will be sourced from a local quarry. This minimises construction traffic beyond the site boundary and ensures that the stone used in construction is of similar acidity to the surrounding soils.
- The turbine would be of modern design (please see Figure 3) with an expected operational availability of 97%.
- The transformers would be contained within the turbines so that additional external features are not present in the landscape.
- After commissioning of the wind farm the areas around the tracks and the hardstandings will be partially reinstated to match the surrounding habitat in accordance with details to be approved by the Council.
- The developer is willing to enter into a legally binding agreement to undertake any modifications that may be required

and to repair any damage that may occur as a direct result of the temporary highways works.

- The construction of the wind farm would incorporate a turbine communication system, which would enable remote monitoring of numerous turbine functions and minimises the need for on-site attendance.

## 2.5 Landscape and Visual Assessment

A Landscape and Visual Assessment (LVA) has considered the likely effects of the proposed Cambridge Wind Farm on the landscape and visual amenity of a 20km radius study area centred on the site; it also provided a cumulative assessment in the context of the operational and permitted wind turbines in the study area.

The approach used for the LVA was based on three methodologies. Firstly, The Guidelines for Landscape and Visual Impact Assessment published by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA) (1995 revised 2002); secondly, the Countryside Agency's Landscape Character Assessment Guidance (1999 revised 2002); and thirdly the Guidelines on the Environmental Impacts of Windfarms and Small Scale Hydroelectric Schemes (2001). The method of assessment involved information review, fieldwork observations and photography, computer-based data processing, modelling and analysis, and professional judgement.

This assessment has considered the potential impacts that would be brought about through the introduction of sixteen wind turbines in to the Cambridgeshire landscape at the proposal site. It has been systematically demonstrated that this development will have the potential to affect the landscape and visual amenity of the study area.

### *Effects on landscape fabric*

This assessment concludes that there will be long-term, but reversible effects on the landscape fabric of the site during the operational life of the development, through

the development of the turbines and the associated infrastructure. However, on decommissioning these effects will be reversed and the landscape will be able to be fully restored to arable cultivation. There will be no loss of inherently characteristic features, such as hedges or ditches, and therefore no long-term or permanent adverse effects on the landscape fabric of the site are anticipated.

### *Effects on landscape character*

Generally it has been demonstrated that the landscape quality of the study area is medium to low in the open arable land and high in the generally traditional village, town and city settlements. The landscape value has been assessed as being medium to low over most of the land, with the exception of the Open Fen to the east and the towns and villages with a traditional and intact character. The scale of the landscape is generally medium to large, and large in the Claylands, the landscape type within which this development is proposed. The condition of the landscape is very variable, with good, fair and poor areas. Most of the poor areas are those which have undergone a high degree of change over the last century.

The introduction of sixteen turbines with an overall height of 100m to tip will be a long-term, but not permanent change to the landscape. The local landscape character will be changed through this development, with the character within the vicinity of the site, up to 3km from a turbine, becoming Claylands with wind turbines. This change will be long-term over the 25 year operational life of the project, yet reversible on decommissioning.

Whilst there are no national landscape designations, such as AONBs or National Parks, within the study area, the effects on the historic landscape have been broadly assessed. These included an assessment of effects on parklands, conservation areas and listed buildings. The landscape assessment has informed the extent of this assessment as significant effects are not predicted to be likely to the landscape character and characteristic features over 3km. The likely effects on the settings of these buildings and areas have been assessed as being moderate within 3km of a turbine. Beyond this distance, the effects on

these designated areas have been assessed in the overall landscape character assessment. This is in part due to the inward looking nature of these developments and the well-wooded setting of buildings in the area. They are assessed as being negative as the protection of the settings of historic features, that are an integral aspect of the cultural patterns that define landscape character, is an objective of national government policy of landscape conservation and enhancement. Therefore there are assessed to be moderately significant adverse effects on the settings of cultural features within 3km of the proposed development.

Overall the change on the landscape character is assessed as being slight to moderate. Any significant effects are concentrated within an area with a radius of approximately 3km from a turbine.

### ***Effects on visual amenity***

The proposed development has the potential to be seen over very long distances. The turbines have been designed to appear as a consistent and coherent group of simple structures. Only in very near views will the anemometry mast be visible, and in very few near views will the access tracks be seen post-construction. A single photomontage predicting views from Conington is presented in Figure 4.

The 20km study area was chosen to effectively assess all of the potential impacts likely to be brought about through this development. Whilst it is possible to see turbines of this scale at distances over 20km on very clear days, and with no clutter on the horizon, effects are unlikely over 15km. The development will be most likely to be seen from within a radius of 8km from the site, on clear days subject to the degree of localised enclosure, such as vegetation and development, as described in the landscape character assessment. The viewpoint analysis has indicated that the magnitude of change of view will be high in the near-views reducing to medium over a distance of approximately 3km. At greater distances and within the more undulating landscape of the Claylands landscape type, the magnitude of change further reduces. This viewpoint assessment

has informed the assessment of impacts on the landscape character of the study area.

The sensitivity of the receptors assessed ranged from high to low, with sensitivity increasing in areas of high numbers of receptors of a high quality and in areas of few other features or few discordant elements. The effects are assessed as ranging from slight in distant locations and moderate on middle-distance village edge and footpath locations, to some substantial effects from clearly visible locations within near settlements.

Some significant effects have been identified near to the site, as informed by the viewpoint analysis, these effects are not necessarily assessed as being negative. This is expanded below.

### ***Assessment of significance of effects***

Through the assessment process recorded in this document, the potential landscape and visual impacts likely to be brought about by the development of the Cambridge Wind Farm, have been systematically analysed and evaluated in detail. The levels of significance of these potential effects have been recorded as being either substantial, moderate to substantial, moderate, slight to moderate, slight, slight to negligible or negligible.

Due to the nature of the proposed development and the character of the receiving landscape, some substantial effects have been recorded. The acceptability of these substantial effects is now evaluated. Substantial effects are not necessarily adverse or unacceptable. Within the development framework of the local and structure plan, there are three main planning policies which define what changes to the landscape through development are acceptable. These policies set out that development must be sensitive to the local environment, contribute to the sense of place and local distinctiveness and not have an adverse effect on the local character and distinctiveness of the area. Through any development of this scale and form some adverse and substantial effects are likely to result. Through the evolution of the site selection of this development, and the design evolution, the extent of adverse effects on the landscape and visual amenity of the area have

been considered. The estimation of these potential effects has influenced the project development. Tools such as wireframes and ZVIs have been used to inform these design decisions.

Substantial effects have been identified from some near public rights of way and from dwellings in close proximity to the site. They have also been recorded for traffic on the adjacent A14(T). These substantial effects are concentrated on the local visual receptors, and are broadly contained within 3km of a proposed turbine location. Moderate to substantial effects have been recorded for receptors generally from 2-4km from a proposed turbine. These effects on the visual amenity of the receptors are assessed as being significant and yet acceptable. Moderate effects have been recorded up to 6km distant; these effects are not assessed as being significant. The scale of the landscape is large, particularly in the local area of the Claylands landscape type, and the simple and sculptural form of the development will add interest to a relatively bland landscape without creating clutter or detracting from the simple agrarian patterns.

The assessment of effects on the landscape has demonstrated that there are unlikely to be any substantially adverse effects on the landscape fabric of the site, and that the slight to moderate effects assessed as being likely to be brought about on the landscape character of the study area are well within a range of acceptability. Nearer to the site the effects are greater, and the assessment has concluded that there will be a localised change in character through the addition of this development within the Claylands landscape type. This assessment has taken into account the scale and form of both the landscape and the proposed turbines. This is an exposed and open landscape and these characteristics relate well and directly to the form and purpose of wind turbines.

A detailed landscape character assessment has been undertaken of the site which formed the baseline against which the magnitudes of change, sensitivity of receiving landscape and visual receptors have been assessed. It has assisted in the judgement that the changes

likely to occur will bring about a change in the local landscape character, from the Claylands to the Claylands with wind turbines landscape type. This change will be broadly perceived to have an effect on the landscape over a distance of approximately 3km from a turbine in the Claylands landscape type. This change is assessed as being acceptable. It has been concluded that the development relates well to the receiving landscape character and the perception of the landscape. A development of this nature in this location will not adversely detract from the sub-regional landscape character or the diversity of landscape character beyond the local context.

The scale and design of the development has been carefully considered through the development of the proposals. The scale, design and layout of the scheme and materials are appropriate to the landscape character and development proposed.

In conclusion, those adverse and significant effects that have been identified in this landscape and visual impact assessment are judged to be both localised and acceptable.

## 2.6 Noise Assessment

An assessment of the likely noise impact of the proposed Cambridge Wind Farm has been carried out. Baseline noise levels were measured at locations representative of the nearest residential properties in the area and worst case turbine noise levels at these locations were predicted based on sound power level data for a Vestas V80 wind turbine which will be warranted by the manufacturer.

The assessment has been carried out by comparing the predicted noise levels with noise limits described in ETSU-R-97, Assessment and Rating of Noise from Wind Farms, the published recommendations of the Working Group on Noise from Wind Turbines.

The assessment shows that the predicted noise levels at the nearest residential locations to the site meet the night time limit under all conditions.

The assessment also shows that these predicted noise levels meet the lower daytime noise limit under all conditions.

A warranty will be sought from the manufacturers of the turbine for this site that the noise output will not require a correction under the ETSU-R-97 scheme.

In the area around Marshall's Farm, where predicted levels are closest to the ETSU-R-97 noise limits, the worst case predicted levels of turbine noise corresponding to down-wind propagation will only occur for conditions when noise from the A14(T) is highest. The baseline noise data used as a basis for derivation of the noise limits was acquired under predominantly south-westerly winds leading to lower levels of background noise due to road traffic than will occur for the predicted levels of turbine noise, which assume downwind conditions i.e. a north-westerly wind.

## 2.7 Ecological Assessment

Following consultation with relevant consultees, extensive ecological surveys took place at the site of the proposed Cambridge Wind Farm. These focused particularly on wintering birds, flightline assessment, breeding birds, mammals and amphibians. In addition, a detailed Phase I habitat assessment was carried out.

A number of species protected by legislation were found to use the site, namely badger, great crested newt, golden plover, barn owl and pipistrelle bats. In addition, other species were listed as Biodiversity Action Plan species, mostly on account of their population declines rather than their rarity. Consequently most of the BAP species are relatively widespread in Cambridgeshire. Overall as a result of this assessment, the site was considered to be of district/borough level of ecological value.

Impacts on the various species were considered, with potentially major negative pre-mitigation impacts considered possible for farmland breeding birds, ponds and ditches, great crested newt and badger. In many cases mitigation has been inserted at the design stage

to avoid serious impacts, and for badger and great crested newt, application for disturbance licences from DEFRA and English Nature respectively are proposed in order to implement appropriate mitigation.

Mitigation to avoid adverse impacts is stated. This includes extensive mitigation during construction to avoid mortality to badgers and great crested newts, and avoidance as far as possible of important site features in both design and construction for all species. Works will be timed to avoid disturbance to important species.

Provided this mitigation is adhered to, the construction and operation of the wind farm is only likely to result in a level of negative ecological impact which will not permanently affect the integrity of any species or habitat. There are also opportunities for positive impacts through provision of arable flora habitats.

## 2.8 Archaeological Assessment

The archaeological assessment of the location for the proposed development of the Cambridge Wind Farm has revealed that the current proposal poses a significant impact to known archaeology only in the area of Turbine 7 and its adjacent crane hardstanding and access track. This can be mitigated by an archaeologist being present during the initial clearance works on the area of the proposed turbine and the area of hardstanding for the works cranes, which should only be excavated to a depth of the first intact archaeological layers. Any archaeological features/deposits should then be fully excavated by a qualified archaeological team prior to any further development.

The access tracks on the immediate approaches to the area of Turbine 7 should also be constructed on the surface of the field and not cut into it. If planning consent is awarded, the developer will undertake this work as a condition of development; in this way the development will not have a significant effect on archaeological resources.

## 2.9 Electromagnetic Interference and Air Safeguarding

A wide range of operators of microwave and other communication links has been consulted in the early phases of this environmental impact assessment. Several of the EMI operators raised issues regarding the proposed wind farm development, including the ITC, BT Wholesale, Crown Castle and Cable and Wireless. The safeguarding requirements of each of these organisations have been factored into the layout. The solutions to television interference, if it occurs, are well understood and it is normal for a scheme to identify and resolve potential television interference through planning conditions.

The CAA has been consulted utilising the standard proformas produced by the DTI Aviation Working Group. In the response from the CAA Safety Regulation Group, the developer was asked to consult six aerodromes within 30km of the proposal. The nearest aerodrome, Bourn, responded with no objection, as did Fowlmere Aerodrome. Cambridge Airport responded with an objection which has been addressed by the developer through an independent aviation study. The airport is still considering this study. The remaining three aerodromes and NATS have not responded to consultation.

The MOD has been consulted on the wind farm proposal utilising the standard proformas produced by the DTI Aviation Working Group. As Cambridge Airport is a dual use facility, the MOD provided a response on their behalf. The MOD issued an objection in September 2003, which was addressed by the same independent aviation study submitted in October 2003.

This independent study produced by Cyrrus Associates states that the only issue pertinent to Cambridge Airport is the potential effect on the AR15 radar and subsequent effects on the Air Traffic Control Service. It goes on to state that the foundation for any planning objection raised by Cambridge Airport must be based on safety issues. Considering the relative position of the proposed development to the airport

operations, it is difficult to envisage a robust objection in terms of safety that could not be mitigated by changes to operational procedures.

The developer has expressed a willingness to work with both the airport and MOD to resolve their concerns. These bodies are still considering the study submitted to them

## 2.10 Land Use, Public Access, Recreation, Driver Distraction and Shadow Flicker

All the factors that could compromise private and public use, safety and amenity have been assessed in respect of the Cambridge Wind Farm proposal. These factors include private use of the land, public access and amenity, public safety, driver distraction and shadow flicker.

With regard to land take resulting from the wind farm, upon completion of construction, the areas occupied by the wind turbines, mast and substation and tracks would be unavailable for agricultural purposes, and would total approximately 4.06ha. Where new access tracks would need to be constructed to access the turbine locations, they will be routed alongside field boundaries wherever possible to minimise the loss of area to agricultural areas. They will, however, not be suitable for a return to agricultural use once the wind farm is constructed as suitable access will still be required in the event that cranes are required on site for essential maintenance purposes. Of the 294ha in the site application area, only 1.4% of the area will be taken out of agricultural use for operation of the wind farm. Once decommissioned, the wind farm can be removed in its entirety and the land would revert to agricultural use.

In respect of icing on the blades, the local climate and operational requirements will prevent the displacement of the ice from affecting public safety on the public footpath. There have been no accounts of public injury through ice displacement from turbine blades, nor any incidents of public injury through damage to turbines blades as a result of

damage through high winds or lightning. Usually, in the event of poor weather conditions, the turbines are shut down (over wind speeds of 25 metres per second) in order to protect them and the public from damage. It is undeniable that the wind farm will constitute a partially new visual aspect in the landscape for users of the bridleway.

In the event that the planning authority deems it worthwhile, the developer would comply with a condition to erect information boards relating to renewable energy generation on the public rights of way, highlighting important ecological and archaeological features in the area as a means to increasing public knowledge and the appreciation of the purpose of wind farms and the general ecological and archaeological status of the area.

There is no evidence to date in the history of wind farm development of distraction impacts to vehicle drivers despite a large number of UK wind farms being clearly visible from major roads. The flat nature of the landscape in this area indicates that drivers would not be surprised by sudden appearance of turbines in their view. Drivers would recognise the presence of the turbines well in advance of getting close to the site thereby avoiding any startle effects that could present a danger and will not therefore 'surprise' drivers whilst travelling on nearby roads. Occasional hedgerows and trees, as well as usual infrastructure in the form of walls and properties will provide some screening. The combination of long distance views of the proposed wind turbines to users of the A14 and the absence of any evidence for driver distraction arising from wind farms adjacent to trunk roads and motorways, combine to provide a high level of confidence that safety on the roads would not be compromised.

In respect of reflective light, the colour of the turbine towers, blades and nacelle will be subject to agreement with the planning authority. However, there is an expectation that they will have a semi-matt, light grey surface finish, which will ensure that the potential to reflect light is minimised.

An assessment of the potential for shadow flicker effects to properties within 800 metres

of the locations of the turbines (10 times the rotor diameter) has been conducted under worst case conditions.

Potential disturbance from shadow flicker only occurs at frequencies between 2.5Hz and 40Hz (or cycles per second). The proposed turbines are variable speed and the blades would rotate at between 13 and 19rpm, giving blade passing frequencies of less than 1Hz, well below the frequencies of concern. This infers that shadow flicker nuisance is unlikely to occur within any nearby properties.

Only four properties in Conington and Grapevine Cottages may experience a passing shadow. Due to the limited number of hours that a shadow can be potentially cast from turbine 16 and turbine 11, the developer will program these times into the turbine controllers, and along with a light and wind sensor these turbines will automatically shut down under worst case conditions.

In conclusion, it has been established that public access, private residences, recreation and public safety would not be significantly affected by the Cambridge Wind Farm proposal: there are no recreational uses to the site except in the form of a single bridleway to the south on the perimeter of the site, for which adequate safeguarding zones from turbines have been provided. An assessment of potential shadow flicker effects has shown that none of the nearby properties will be affected.

## 2.11 Socio-Economic Effects and Environmental Benefits

The Cambridge Wind Farm proposal would provide substantial benefits, both financially and environmentally. Suitably qualified local contractors will have the opportunity to bid for the civil and electrical works and the provision of site services; a potential investment of up to £1,800,000. The proposal would also provide permanent part time employment for a site manager and fitter during Operation and Maintenance.

The proposal would provide a reliable income stream for the landowners, an educational resource for local schools and colleges, and

following construction the developer would register local community interest in a community energy efficiency scheme. Such a scheme would aim to facilitate, either through the local Parish Councils or the Energy Advice Centre, the distribution of funds for home energy efficiency measures in the locality. For a 32MW wind farm, a total of approximately £460,000 will be made available to the community through operational revenues. This could potentially be doubled with matched funding from grants.

The Cambridge Wind Farm would make a significant contribution to the reduction of emissions that are known to cause global warming and acid rain. Based conservatively on a 2 MW turbine, these would amount to:

CO <sub>2</sub>	72,322 tonnes p.a.
SO <sub>2</sub>	840 tonnes p.a
NO <sub>x</sub>	252 tonnes p.a

Over a 25 year lifetime it will displace:

CO <sub>2</sub>	1,808,050 tonnes
SO <sub>2</sub>	21,000 tonnes
NO <sub>x</sub>	6,300 tonnes

It has been argued by some that wind energy projects, particularly small proposals, would produce an insignificant amount of electricity and only a fraction of the total electricity needs of the UK. However, previous public inquiry decisions do not support this claim. In the case of a decision to allow a proposal near Lowca, in Cumbria (Ref T/APP/Z0923/A/98/301037/P2, 19 March 1999), the Inspector made the following comments:

“23. .... Merely because a scheme would produce only a small fraction of total electricity needs does not in my view mean that it would not be worthwhile, .... Furthermore, this position is clearly not part of the government’s renewable energy strategy since there has been an increasing trend in the

*award of NFFO contracts to smaller projects .....which, cumulatively, will contribute to overall targets.*

An Inspector, in allowing an appeal for 6 turbines overlooking Carmarthen Bay in South Wales (Ref APP/M6825/A/99/513157, 1 February 2000), had this to say:

“14. .... The Government recognises that renewable energy has an important role to play in the reduction of greenhouse gas emissions and in the provision of electricity and has set targets to be achieved. The existence of a NFFO contract for the project is recognition that it is capable of making a contribution towards this target. In national terms the output from the scheme would be small, but this would be the case with any local renewable energy proposal. What is significant is that in local terms it would make a significant contribution, as it is capable of providing electricity to 11,495 households.”

And more recently an inspector, on allowing an appeal for an 8 turbine scheme at Mablethorpe, said:

*“Clearly, at its optimum ‘rating capacity’...this wind farm would contribute some 3.9% to the Regional and 10% to the County target for 2010. It would thus make a significant contribution to meeting the aims of Government policy here.”*

In this context, the Cambridge Wind Farm proposal comprises sixteen turbines and will produce sufficient electricity to provide for the equivalent needs of over 19,000 households. This is equivalent to approximately 37% of the total District’s domestic needs. It will also provide benefits through its ‘embedded value’ as a local generator. Lastly, wind turbines are recognised as having a positive energy balance. Over their lifetime they can repay up to 50 times the energy used in their manufacture and installation.

## 12.12 Overall Conclusions

In pursuance of ensuring conformity with planning policy guidance at the national, regional and local level guidance and in compliance with statutory regulations for the assessment of impacts likely to arise from the proposal, namely environmental impact assessment (EIA), the developer has accorded with all regulatory and guidance criteria in the formulation of this proposal. EIA provides for a systematic procedure for the assessment of a project's likely significant environmental effects, thereby ensuring that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and relevant statutory bodies.

Cambridge Wind Farm Ltd has conformed with EIA requirements and has been openly consultative on this project from its inception. The local planning authority and statutory undertakers were consulted at the early stages of the project and their views on the proposal were incorporated into establishing the scope of assessments required for a planning application. In addition, Cambridge Wind Farm Ltd has undertaken local public consultation and exhibitions on the proposals.

During the undertaking of the EIA, the advice of the assessment consultants has been factored into the design of the wind farm extension so that sensitive environmental media are well protected. Several wind farm extension layouts were considered and the final layout, as stated in the planning application, is the culmination of this exhaustive approach. In this way, the developer has sought to balance the potential global objectives of wind energy development and local community benefits against the potential environmental impacts. The result is a proposal that has minimised potential environmental negative impacts whilst maximizing the global and local benefits.

StopCWF - Stop the Cambridge Wind Farm

## OBJECTION SUMMARY



## Consultation Response Volume 1

October 2004  
[www.stopcwf.org.uk](http://www.stopcwf.org.uk)

## PREFACE

StopCWF (**Stop** the **C**ambridge **W**ind **F**arm – [www.stopcwf.org.uk](http://www.stopcwf.org.uk)) is an Action Group formed specifically to oppose a planning application (reference S/1663/04/F) submitted by Your Energy Ltd (“the Applicant”) for a proposed wind farm located between Boxworth and Conington in the district of South Cambridgeshire.

StopCWF opposes the proposed wind farm because:

- There is strong evidence that local residents would be adversely affected by various types and levels of noise during the day and at night.
- The proposed development is totally out of scale with the surrounding villages and rural landscapes and will intrude unacceptably on the landscape and on a large number of properties.
- The A14 is a major road carrying very heavy traffic and it experiences a high level of accidents. “Driver distraction” will increase the number of accidents.
- The safety of aeroplanes and their passengers would be adversely impacted.
- The construction effects will permanently damage the local environment.
- Property values and transactions will be adversely affected.
- The wind farm proposal contravenes a wide range of planning policies.

These are just some of the factors that would unacceptably degrade the quality of life in the affected villages and the amenity that local residents derive from their rural environment if this wind farm were to be constructed.

As a non-statutory consultee, StopCWF have prepared a Consultation Response consisting of 4 volumes of documentation and a 1:200 scale model. The model contrasts the proposed turbines with the existing Wood Green turbine, Boxworth Church and the large oak tree on Boxworth green. The documentation consists of;

- Volume 1 – Objection Summary
- Volume 2 – Objection Statement
- Volume 3 – Planning Application Commentary
- Volume 4 – Environmental Statement Critique

This document is Volume 1 of our Consultation Response, the Objection Summary. It summarises our explanation of the reasons why StopCWF, on behalf of many hundreds of local residents, oppose the wind farm application.

Comments on StopCWF’s Consultation Response or requests for further information should be directed to:

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## 1. Introduction

The purpose of this report is to set out in detail the reasons for STOPCWF's objections to the proposed wind farm.

StopCWF believe the proposed site is inappropriate for a wind farm for a wide range of reasons. These reasons all relate to valid planning issues that are specific to the proposed site.

None of these reasons relate to any prejudice against renewable energy or wind as a source of renewable energy.

Our case is very simple: "***The Applicant has selected an inappropriate site***".

It has been our experience whilst conducting this campaign that the majority of people greet the possible arrival of a wind farm with the comment, "*it's green, it's free, it's renewable – what's the problem?*"

Well the answer is: "*There isn't a problem with wind farms – but putting a wind farm next to the A14, close to a lot of villages could be a problem*".

So we looked into it.

We discovered that the proposed turbines are taller than "Big Ben" and that there would be 16 of them – this discovery exposed other issues i.e. the impact on landscape and visual amenity.

Then we discovered that the wind turbines will create a new accident risk in our skies.

And then we heard about health issues occurring in communities already living in close proximity to a wind farm and we discovered that there are no health and safety regulations protecting residents from encroachment by wind turbines.

Eventually, the obvious question arose, "*What are we going to do?*" The result was the creation of StopCWF. That was in early June (2004). In the intervening months, we have canvassed in 12 of the affected villages, delivered over 40,000 leaflets, raised nearly £10,000, attracted more than 1,000 members, built our web-site (twice) and featured in the local press/radio many times, visited 7 different wind farms around the UK, held over 30 exhibitions and 10 public meetings, met with many of the statutory consultees, employed a number of technical specialists and held countless committee meetings.

This Consultation Response is one of the results of our work. We ask you to read it all carefully. Please let us know if you disagree with any of our statements, conclusions, calculations etc. We have aimed to inform, not mislead because we fervently believe this planning application is misguided.

On a balanced evaluation of the facts and an objective weighing of the benefits against the adverse impacts, we believe it is patently obvious that this planning application should be refused.

## 2. Background

The Applicant using a shell company named "Cambridge Wind Farm Limited" has submitted a planning application (S/1663/04/F) for a wind farm to be located on the ridge between Boxworth and Conington which runs parallel to the A14.

In outline;

- The planning application is for a period of 25 years.
- The proposed wind farm consists of 16 wind turbines and associated infrastructure.
- Each turbine is 60m high with a blade length of 40m, giving a total height of 100 metres. This is taller than "Big Ben" and the swept area of the blades of each turbine will be bigger than a football pitch. This will be significantly bigger than the largest wind farm currently built in England.
- Each turbine will have a nominal generating capacity of 2MW giving a total nominal capacity of 32MW.
- The wind farm covers an area of land approximately 1½ miles long and ¾ mile wide. The nearest turbine will be only 250m from the A14.
- There are 7 villages within 2.5kms and some 20,000 people identified by South Cambridgeshire District Council as being potentially affected.

The following sections of this Objection Summary outline the reasons for StopCWF's objections and explain why we believe this planning application should be rejected.

## 3. A14 safety

The A14 is already unacceptably dangerous and the Chief Constable has launched a campaign ("Operation Tornado") to improve its safety record.

The high volume of traffic, (69,000 AADT), includes an abnormally high percentage of HGVs. This, combined with sub-standard entry/exit points and continual sudden changes in speed mean that an additional distraction represents an unacceptable increase in risk with potentially fatal outcomes.

It is undeniable that 16 turbines with rotating blades (each over 120 feet long) will attract the attention of drivers. This is admitted in the planning appraisal: "*Significant effects will be experienced by users of the A14(T) and on minor roads in the vicinity of the site where prolonged and unobscured views of the turbines are available*".<sup>1</sup>

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<sup>1</sup> Cambridge Wind Farm Planning Appraisal, p44

Previous planning appeals have upheld this point. E.g. Mr D R Cullingford concluded<sup>2</sup>: *“Even if the proposal was finely balanced in relation to its effect on the landscape, I think that the risk that the scheme would distract drivers on an awkward stretch of road, and so exacerbate the road hazards here, serves to conclusively tip the scales against it.”*

An additional problem, (which was not even considered by the Applicant), is that at sunset, the problem of shadow flicker will affect drivers on a 2.9km stretch of the A14.

Given the unacceptably dangerous nature of the A14 and the proximity of the proposed wind farm, the precautionary principle must be applied and the application should be refused.

#### 4. Aviation Risks

The proposed turbines will adversely impact the radar safety service provided by Cambridge Airport to planes passing through the skies above the proposed site.

This will have two effects. Firstly, aircraft in the vicinity of the wind turbines may simply “disappear” off the radar screen. Secondly, “false targets” may be generated on the radar screen, thus appearing as aircraft that may be in conflict with other real aircraft.

Cambridge Airport and the M.O.D. have both lodged objections to this planning application as a result of concerns over these problems. In an attempt to overcome these objections, the Applicant has appointed consultants, Cyrrus Associates, to assess the impact that the proposed wind farm might have on operations at Cambridge Airport, the significance of that impact and any mitigation measures that could be put in place

Their report concludes that there is an adverse impact on the ability of Cambridge Airport to offer a full radar safety service in the vicinity of the wind farm and admits that there are no certain technical solutions.

This clear evidence shows that the wind farm will cause a reduction in air safety in the skies around Cambridge, thus putting the lives of people in the air and on the ground at risk.

As David Still, Chairman British Wind Energy Association says *“We work in partnership with government and the aviation communities to ensure that the delivery of clean, green energy does not cause any adverse effects to our national defence or air safety”*

Therefore this application should be rejected.

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<sup>2</sup> Planning Appeal Reference APP/Q2908/A/02/1099718 – 3 x 91m turbines near Alwicks.

## 5. Landscape and Visual Amenity

The turbines will be completely out of scale with the surrounding landscape and will represent an industrialisation of an agricultural site.

At 100m high they will dwarf all other structures in Cambridgeshire and will be seen for over 20km.

In addition, as they will involve movement which unconsciously draws the eye, they will be significantly more intrusive than a static building.

The proposed site lies where the Claylands Landscape transforms into the various Fenland types on relatively open ground close to village centres. This landscape is not capable of accommodating such large structures.

Landscape is part of the general amenity of life in small villages. Destruction of the essential qualities of the landscape reduces the quality of life of local people.

These issues are sufficient to warrant refusal of the application.

## 6. Noise Assessment

Wind turbines produce two types of sound – normal aerodynamic noise and low frequency infrasound.

Research has shown that low frequency sound causes extreme duress to a number of people who are sensitive to its effects. People living near wind turbines have been shown to experience health problems including sleep problems, headaches, irritability and stress.

As part of our research, StopCWF commissioned an independent consultancy, Campbell Associates Ltd, to undertake noise modelling and additional noise measurements in order to properly evaluate the content of the Applicant's own Noise Assessment.

The key conclusions from our analysis of the Applicant's data and our additional measurements were:

- 1) The baseline surveys reported in the Noise Assessment do not cover a sufficient spread of locations, seasons and wind conditions to allow proper judgement of the case.
- 2) The prediction in the Noise Assessment contains significant errors and unwarranted adjustments.
- 3) Even using the existing baseline noise survey and allowing for errors and measurement uncertainties 75% of the cases presented do not meet the recommended limits.
- 4) Sound levels from the proposed wind farm are highly likely to exceed the guidelines in ETSU-R-97 under many common circumstances. There will therefore be a loss of amenity by many neighbouring residents due to noise

These conclusions show the Applicant's Noise Assessment to be fundamentally and irredeemably flawed and inaccurate.

This provides justifiable cause to reject this planning application.

## 7. Visual Intrusion

There has been no attempt by the Applicant to quantify the level of visual impact on the surrounding villages. To rectify this, StopCWF undertook a survey of every road and sub-road within a 3km radius and lines of sight were used to determine the visibility of the turbines. The results show:

- 1,224 houses within the 3km radius will have a view of the wind farm from their property.
- 83% of properties in Conington will have a direct view.

From these figures it is clear that the proposed wind farm will severely intrude upon the existing visual amenity enjoyed by local residents and that this impact will be very significant.

Given that the wind farm will be visible for at least 20kms<sup>3</sup> in many directions, then it is inevitable that many more properties outside the 3kms will be adversely impacted.

## 8. Health

The impact of noise on health has been explained in Section 6 above.

To date, wind farms have been placed in areas of low population density. Consequently, there are no major studies of health impacts.

However, Dr Amanda Harry, a Plymouth G.P. studied the people who lived near the Bears Down wind farm and found that 93% had been adversely affected by the effects of the turbines and 70% were having problems sleeping and suffering anxiety symptoms.

It is proven that wind turbines produce infrasound and that people living near wind farms experience health problems. Although no large scale study has been done on these effects yet larger wind farms are proposed close to areas of high population density. Furthermore, there are no health and safety regulations governing the construction of wind farms in populated areas.

Given that the proposed wind farm would be the most extreme example of this trend to date, the risk that local residents may experience health problems is too great.

The precautionary principle must apply and the planning application rejected.

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<sup>3</sup> ES Vol 3, Figure 17a

## 9. Wildlife

It is well known that birds and bats are susceptible to wind turbine kill as the tips of the blades are travelling at around 180mph.

The proposed site is less than 2.5km from the Fen Drayton Gravel Pits and is the winter roosting home to 2% of the national population of Golden Plovers.

The Cambridgeshire Bat Group have concluded that "*the proposed development requires a comprehensive study for the presence of bats to include roost locations, flight paths, feeding areas and migration routes.*" This has not been carried out by the Applicant.

English Nature has submitted an objection due to worries over the well-being of the badgers and great crested newt that live on the site and inadequacies in the Applicant's Environmental Statement.

These are sufficient grounds on which to refuse the application.

## 10. Impact on TV

The BBC and Ofcom recognise that wind farms have a disruptive effect on television reception.

The proposed wind farm would create a "barrier" 1.5 miles wide and 330 feet high. This barrier will create problems for the villages of Fen Drayton, Swavesey and possibly Over, affecting between 1,300 and 2,300 houses.

If the wind farm were built, any signal degradation would be instantaneous and universal. The Applicant has said that this can be resolved through a planning condition, but has provided no analysis of the problem or possible solutions. There are documented examples of communities having to wait months and years to get problems sorted.

Given the number of households affected, and the importance of T.V. viewing to most households, it is a major weakness in the planning application that no attempt has been made to analyse the problem and institute plans for solving the problems once they arise.

This is an unsatisfactory response, is symptomatic of the lack of rigour of the Applicant, and means the application should be refused.

## 11. Property Values

The loss of amenity in an area will have an adverse impact on property values.

A court case in January 2004 where a judge ruled that the value of a property fell by 20%, provides concrete evidence that the presence of a wind farm will reduce local quality of life and hence impact property values.

## 12. Construction

The construction phase is stated as lasting 6 months, but similar schemes from other developers quote 9-12 months.

The Applicant states that the delivery of ready mixed concrete for the bases would require about 55 truck deliveries per day but that this was “*unlikely to cause any significant inconvenience to users of the highway network in the area.*”

Given that this would mean a slow turning movement every 4 minutes, it would clearly lead to congestion at the site access on a minor rural road and on the approaches to the site. Added to this will be the problem of delivering 40m long loads and the over 3000 lorry trips during the construction phase.

As the Applicants have dismissed this so lightly, there is real concern that an objective appraisal has not been carried out.

## 13. Conflict with Planning Policies

This proposed wind farm contravenes various local, regional and national policies. These are summarised below:

- 1) South Cambridgeshire Local Plan No 2: Policies EN1, EN3, EN4, EN12, EN13, 44, ES6.
- 2) South Cambridgeshire Local Development Framework: policy CS61, CS64
- 3) South Cambridgeshire Local Performance Plan 2004: Corporate Objective No. 2 – Quality of Village Life
- 4) Cambridgeshire and Peterborough Structure Plan 2004: policies P1/2, P7/1, P7/4, P7/6, P7/7.
- 5) Regional Planning Guidance Note 14: Policy ENV2, Appendix C: Strategic Principles paragraph 2.1 and 3, Technology-Based Criteria paragraph 4.6
- 6) PPS 22: Key Principle vii, viii: paragraph 11, 21, 22, 25

The proposed wind farm is in significant conflict with a wide range of planning policies. On this basis the application must be refused.

## 14. Benefits Appraisal

The calculation of the potential benefits that the wind farm will produce is a vital part of calculating whether they outweigh the negatives. Electricity production from wind farms is inefficient because wind is randomly intermittent.

StopCWF's calculations show more realistic figures for the generation of electricity, numbers of homes supplied and reduction of CO<sub>2</sub> emissions.

Electricity produced:	56,064 MWh	reduction of 33%
Homes supplied:	11,929 homes	reduction of 38%
CO <sub>2</sub> emissions reduced:	24,100 tonnes	reduction of 66%

The amount of CO<sub>2</sub> saved in a year by all 16 turbines is the equivalent of only that produced by 32 lorries running 24 hours a day.<sup>4</sup>

These figures show that the proposed wind farm will produce relatively little energy and environmental benefits compared to their massive negative impact on the surrounding area and local residents.

It is clear that the Applicant's claims are over-stated.

## 15. Local Consultation

The Applicant states in their brochure, "*We are committed to working together with the local community and ensure that they are consulted and informed of developments*".

The reality has been the complete opposite.

Since July 2003, after receiving planning approval for an anemometer mast, despite prompting from SCDC, they have only held one exhibition, to which only residents of Boxworth and Conington appear to have been invited.

There has been no true discussion, merely a fait accompli. No significant, if any, changes were made post the exhibition where considerable concerns and opposition were expressed and no attempt afterwards to engage with the thousands of people who will be affected.

The Applicant's approach is direct conflict with the guidelines produced by the BWEA and the Applicant's own published procedures.

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<sup>4</sup> Standard Road Transport Fuel Conversion Figures, DEFRA

## 16. Public Opinion

The wind farm Planning Application was circulated to 16 local Parish Councils for their consideration. The recommendations of these Parish Councils is shown in the table below and represents an overwhelming rejection of the wind farm.

Village	Response	Population
Bar Hill	Refuse	3,761
Boxworth	Refuse	206
Childerley	No Recommendation	28
Conington	Refuse	126
Dry Drayton	Refuse	552
Elsworth	Refuse	604
Fen Drayton	Refuse	750
Fenstanton	Refuse	2,870
Hilton	Refuse	850
Knapwell	Refuse	86
Lolworth	Refuse	117
Longstanton	Refuse	1,799
Oakington	Approve	1,244
Over	Refuse	2,499
Papworth Everard	Refuse	2,030
Swavesey	Refuse	2,267

- Over 300 letters of opposition have been sent to the SCDC planning Department.
- Over 1,000 people have joined the StopCWF campaign and donated over £10,000 to fund the campaign against the proposal.
- Over 75% of both Boxworth and Conington have signed up as members of StopCWF.
- South Cambridgeshire's MP, Andrew Lansley unequivocally opposes the proposed wind farm.
- 92% of respondents to Elsworth's questionnaire opposed the wind farm.
- 76% of respondents to Fen Drayton's questionnaire opposed the wind farm.
- The MOD, Cambridge Airport, English Nature, CPRE have all objected to the wind farm.

There can be no doubt that the opposition to this scheme is widespread, deeply held and represents public opinion in the affected villages.

## **17. Conclusions**

The proposed location for this wind farm is totally inappropriate due to:

- 1) Increased safety risk on the A14
- 2) Visual intrusion for local residents
- 3) Industrialisation of a rural landscape
- 4) Adverse impact on radar safety at Cambridge Airport
- 5) Potential noise and health impact on local residents
- 6) Conflict with national, regional and local planning policies
- 7) Adverse impact on bird, bat and other wildlife
- 8) T.V. reception degradation

A number of these issues (e.g. A14, aviation, noise, visual intrusion) would be sufficient on their own to warrant rejection, consequently the cumulative effect is overwhelming. Furthermore:

- The Environmental Assessment produced by the Applicant is flawed, inaccurate and lacks the required rigour and objectivity.
- The Applicant has undertaken no meaningful consultation with local people or the local parishes.
- Public opinion is implacably opposed to this development.

## **18. Recommendations**

This Planning Application be rejected for the reasons outlined above

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Development and Conservation  
Control Committee

6 April 2005

**AUTHOR/S:** Development Services Director

**TRAVELLER ISSUES AND PLANNING ENFORCEMENT**

**Purpose**

1. To seek the Committee's approval for setting up a new sub-committee for planning enforcement matters at traveller sites.

**Effect on Corporate Objectives**

2.	Quality, Accessible Services	Traveller Issues have implications for all four corporate objectives. In particular, the Council's commitment to firm, fair and consistent planning enforcement is central to maintaining Quality Village Life and treating all sections of the community equitably. This is also reflected in the Council's Policy on Traveller Issues, which was agreed in July 2004.
	Village Life	
	Sustainability	
	Partnership	

**Background**

3. On 1 September 2004, this Committee resolved to set up a temporary sub-committee (sometimes known as the 'Direct Action Sub-Committee'). Its purpose was to:
 

"authorise, project plan and – subject to approved resources and relevant human rights considerations - carry through direct enforcement action in relation to Travellers."
4. It was agreed that the membership of this Direct Action Sub-Committee should comprise Councillors Dr DR Bard, Mrs DP Roberts, Mrs DSK Spink, and local Members on the Development Control and Conservation Committee (D&3C) in relation to the area under consideration. Any other local Members not on the Committee, and the Chairman and Vice-Chairman of the Committee, were invited to attend as appropriate but not as members of the sub-committee.
5. The Sub-Committee convened a number of times between September – December 2004 to prepare for possible direct action at Victoria View, Smithy Fen. In addition to the three Cabinet portfolio-holders, meetings were attended by Councillors Dixon, Edwards and Wotherspoon (as local Members for Cottenham) and Councillors Orme and Wright. The Sub-Committee last met on 6 December 2004, following a High Court ruling in November 2004, that planning for direct action at Smithy Fen should be put 'on hold' until after the outcome of relevant planning inquiries. Confirmation of the date for the planning inquiry in relation to Victoria View is still awaited.
6. The Development and Conservation Control Committee, on 3 November 2004, authorised the Sub-Committee to continue its work for another three months until February 2005, when a further continuation of the Sub-Committee could be considered. As this was overtaken by the High Court ruling, a report was not made at that time and the Direct Action Sub-Committee has now expired.

7. However, on 11 March 2005, the Deputy Prime Minister announced his decision on the planning inquiry regarding Pine View, Smithy Fen. The appeals relating to the unauthorised traveller plots there have been turned down, and the travellers have been given three months to move off Pine View. Working with the Ormiston Trust, the Council is liaising with the travellers to make them aware of the advice and assistance available in order to help them to move off.
8. Whilst the ball is now in the travellers' court - to comply with the Deputy Prime Minister's decision, a number of councillors have called for another meeting of the Direct Action Sub-Committee in order to start forward planning now for alternative possible scenarios that might arise in June 2005. As the Direct Action Sub-Committee has now expired, however, the Development and Conservation Control Committee needs to revisit the decision-making arrangements in relation to its regulatory powers on traveller sites.

## **Considerations**

9. The Council faces two sets of considerations, which need to run in parallel:
  - the development of a long-term strategy on all aspects of Traveller Issues; and
  - operational matters in relation to specific planning control issues at traveller sites.
10. The Strategy is likely to reflect the three main themes which underpin the Council's policy on Traveller Issues: firm, fair and consistent planning enforcement; community development and strengthening relations between the settled and travelling communities; and lobbying for changes in planning law and for a clear & co-ordinated national policy.
11. Whilst responsibility for the Council's Policy was assigned to the Council Leader and portfolio-holders for Planning Policy and Community Development, the Cabinet last December agreed to take on responsibility for determining the Strategy, whilst also involving other interested Members. As part of the preparations for the Strategy, a workshop for councillors took place on 18 March. This is likely to be followed by further workshops and reports to both this Committee and the Cabinet. The Strategy (and related financial implications) will need to be agreed by the full Council.
12. In line with the Council's Constitution, planning control matters - come under the domain of the Development and Conservation Control Committee. Specific decisions to take planning enforcement or direct action at any traveller site falls into this category, although the authorisation of resources for such purposes rests with the Cabinet and Council.

## **Options**

13. The Strategic Officer Group on Traveller Issues, chaired by the Development Services Director, has reviewed this Committee's options on the way in which planning control decisions in relation to traveller sites are made in future. This is a case of either reinstating the former Direct Action Sub-Committee or establishing a new sub-committee, which could build on learning points and recent developments on Traveller Issues from the last six months. In exploring the options, the Strategic Officer Group has considered a number of key questions.

### ***Is a sub-committee still needed?***

14. Yes. Whilst decisions on planning applications relating to traveller sites should continue to be made by D&3C, the Strategic Officer Group recommends that this Committee should delegate decisions on planning enforcement and direct action

matters to a smaller sub-committee (of, say, 5 – 7 Members). This is particularly important given the complexity of the issues under discussion (and the amount of time required to consider them fully) and the need to arrange urgent meetings quickly in response to fast-changing circumstances.

***What should be the Sub-Committee's purpose?***

15. Rather than re-instate the previous Direct Action Sub-Committee, the Strategic Officer Group recommends that this Committee take the opportunity to introduce a new sub-committee instead.
16. The new Sub-Committee should have a wider role in planning enforcement matters at Traveller sites in general, not just on the narrower issues on direct action. This reflects the need for an on-going process, rather than just one-off events.
17. Whereas the Direct Action Sub-Committee focused almost exclusively on unauthorised traveller plots at Smithy Fen, the new Sub-Committee should have a more explicit, wider remit to consider planning enforcement matters at traveller sites across the district. This is particularly pertinent in the case of the unauthorised traveller encampments at Chesterton Fen and Swavesey, which have now run the course of normal planning control measures.
18. It also worth reflecting on the name of the Sub-Committee. Feedback received from partner organisations last autumn suggests that the term “direct action” was perceived to have negative and aggressive connotations, with which some agencies were reluctant to be associated. Taking this into account, the Strategic Officer Group would suggest that the new sub-committee be named the Planning Enforcement Sub-Committee (Traveller Sites).

***Who should be involved in the Sub-Committee?***

19. In order to reinforce the distinction between the strategic and specific planning control considerations on Traveller Issues, the Strategic Officer Group recommends that the sub-committee should more fully reflect its ‘roots’ in Development and Conservation Control. This can most easily be demonstrated by making the Chairman and Vice-Chairman of this Committee full members of the new Sub-Committee (with them possibly taking up those same roles on the Sub-Committee).
20. Given the suggestion, in paragraph 17 above, that the new Sub-Committee should have a wider geographical remit, the Strategic Officer Group recommends that the membership should be drawn from councillors on D&3C representing wards from across the district (that is, not just wards currently facing planning control issues at traveller sites). Any local Members of wards facing such issues, but not on this Committee, would be invited to attend, though not as members of the Sub-Committee.
21. The proposals for a new Sub-Committee provide an opportunity for D&3C to consider whether there are merits in being seen to be making a clearer separation between executive and regulatory powers. That is, this Committee is asked to consider whether or not it is still appropriate for those Cabinet members with specific responsibility for the Council’s Policy on Traveller Issues to make planning enforcement decisions relating to traveller sites. If it is deemed no longer appropriate, the Strategic Officer Group would recommend that the portfolio-holders also be invited to attend, but not as members of the Sub-Committee.

### **Financial, Legal, Staffing and Risk Management Implications**

22. There are no specific financial implications arising from either establishing the new Sub-Committee or re-instituting the old one. However, Traveller Issues in general have major financial implications for this Council. The related staffing and legal costs in 2004/05 are estimated to be in the region of £200,000 and this could be repeated in 2005/06. In addition, the Council has allocated a further £450,000 for possible direct action at traveller sites in the coming year.
23. Members are already aware of the considerable legal process associated with planning enforcement and plans for direct action at traveller sites. More specifically, it is understood that either option for the membership of a new Planning Enforcement Sub-Committee (ie. with or without portfolio-holders) would be in keeping with the Council's Constitution.
24. The Strategic Officer Group on Traveller Issues will oversee preparations for, and implementation of, planning enforcement action at traveller sites. The new Corporate Project Officer takes up her co-ordination role on Traveller Issues full-time on 11 April, and this will help greatly. Members do need to be aware, however, of the significant workload pressures on Traveller Issues that are likely to remain on key Service Heads in the context of competing service priorities. These include: an official Audit Commission inspection of Environmental Services (understood to be largely planning-related), expected later this year; Gershon efficiency savings requirements; Government intentions for council tax capping; and, not forgetting, the Council's wider responsibilities for planning application processing and planning control throughout the district.
25. Traveller Issues are highlighted as one of the key corporate risks facing the organisation (currently rated 'very high likelihood' / 'critical impact') on the Council's Risk Register. The main implications were brought to the attention of the Council and Direct Action Sub-Committee in confidential reports last autumn. Consideration also needs to be given to the heightened impact if this risk was to combine with other major ones on the Corporate Risk Register (eg. the threat of council tax capping).

### **Consultations**

26. This report takes account of comments received from councillors during and after the recent Member workshop on Traveller Issues – on the need for a greater emphasis on on-going planning enforcement.

### **Recommendations**

27. That this Committee:
  - a. Establishes a new Planning Enforcement Sub-Committee (Traveller Sites), which is authorised to make decisions on planning enforcement matters relating to traveller sites across the district (see paragraphs 14 – 18).
  - b. Agrees that the new Sub-Committee should comprise 5 – 7 Members and include the Chairman and Vice Chairman of the Development and Conservation Control Committee (see paragraphs 14 and 19).
  - c. Agrees that the membership of the new Sub-Committee should be drawn from councillors serving on the Development and Conservation Control Committee, representing wards from across the district (see more details in paragraph 20).

- d. Considers whether or not it is appropriate for those Cabinet members with specific responsibility for the Council's Policy on Traveller Issues to be members of the Planning Enforcement Sub-Committee (Traveller Sites) (as set out in more detail in paragraph 21).

**Background Papers:**

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

- Council's Policy on Traveller Issues, SCDC, July 2004.
- Report to Development and Conservation Control Committee, 1 September 2004.
- Report to Development and Conservation Control Committee, 3 November 2004.

**Contact Officer:** Tim Wetherfield – Head of Policy and Communication  
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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee6<sup>th</sup> April 2005**AUTHOR/S:** Director of Development Services

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**S/0121/05/F - Fulbourn**  
**Chlorine and Sulphur Dioxide Cylinder Storage Building at Fleam Dyke Pumping Station for Cambridge Water Company**

**Recommendation: Refusal**

**Site and Proposal**

1. Fleam Dyke pumping station is located off Balsham Road to the southeast of Fulbourn approximately 1/3<sup>rd</sup> of the way between Fulbourn and Balsham. The pumping station itself is located at the end of a 400 metre long vehicular access. This access is shared with a pair of semi-detached cottages, one of which is owned by Cambridge Water sited immediately outside the site entrance. The site itself (2.4 hectares) is within the Green Belt and adjacent to Fleam Dyke, which is a Site of Special Scientific Interest (SSSI) and a Scheduled Ancient Monument. Within the formal 2m high steel security railings that mark the site is an area of grassland recognised as a County Wildlife site.
2. This full application, submitted on the 24<sup>th</sup> January 2005 seeks planning permission for a new chlorine and sulphur dioxide bottle storage building. The new structure would be located on an existing raised concrete plinth to the northwest side of the existing building. The new structure (single storey) would adopt an 'L' shape with a 2.95m high flat roof. Two doors would be used to access the new building which would house two separate bottle storage areas giving additional floor space of 22m<sup>2</sup>
3. The application is required in connection with the relocation programme of Cambridge Water from the Rustat Road site to the edge of Cambridge at the new Cherry Hinton site. This relocation will result in permanent staff at Fleam Dyke, where, at present there are currently none.

**Planning History**

4. None relevant

**Planning Policy**

5. Structure Plan 2003 **Policy P1/2** restricts development in the countryside unless they can be demonstrated to be essential or would adversely affect nature conservation areas or Scheduled Ancient Monuments.
6. **P1/3 'Sustainable Design in Built Development'** of the Cambridgeshire and Peterborough Structure Plan 2003 ("Structure Plan") states that a high standard of design and sustainability should be adopted for all new forms of development.
7. **P9/2a 'Green Belt'** of the Structure Plan sets out the purpose and limitations of development within the area designated as the Cambridge Green Belt.

8. **GB2 ‘Principles of Development’** of the South Cambridgeshire Local Plan, 2004 (“Local Plan”) sets out forms of development considered to be appropriate in the Green Belt.
9. **GB3 ‘The Location of Development’** of the Local Plan requires appropriate Green Belt Development to be located within or adjoining existing complexes in order to protect the rural nature and openness of the Green Belt
10. **EN9 ‘Nature Conservation: Identified Sites’** of the Local Plan requires decisions affecting County Wildlife Sites and SSSIs to safeguard and wherever possible enhance the intrinsic features of natural and/or geological interest.

### **Consultation**

11. **Fulbourn Parish Council:** Approves
12. **Environment Agency:** No planning comment
13. **Ecology Officer:** The proposal can be permitted without any loss or impact to the grassland interest of the site as the application appears to utilise an area that is currently hardstanding and suitable access tracks are already in place. If the application is approved conditions must be used to ensure no damage occurs (during construction).
14. **The Wildlife Trust:** While having no objections to the proposals, the CWT wishes to point out that the grasslands within Fleam Dyke pumping station are recognised as a County Wildlife Site because they are one of the few remaining examples of species-rich chalk grasslands in the County. It is therefore essential to ensure that during construction activities no accidental damage occurs to the species-rich grassland. This can be achieved through the use of appropriate conditions.

### **Representations**

15. Cambridge Water Company, in support of the application, notes the following points
  - **“Existing situation** Fleam Dyke is an operational water producing site where treatment already takes place using chlorine and sulphur dioxide cylinders which are delivered from our Rustat Road Depot by our own lorry, using our own staff, on a weekly basis.
  - **Proposal** The need is to provide a store. To make one outward delivery around specified sites, and one return journey back to the store once each week. We currently deliver from Rustat Road to Fleam Dyke most weeks and some of the other 24 sites in the company supply area. Not all of the sites require bottles of chemical every week; this depends on water demand and speed of treatment at each site. Fleam Dyke is one of our highest producers.
  - **Current transport arrangements** We deploy an average of 10 bottles to sites every week and a preferred route is chosen from Rustat Road. It could well be that Fleam Dyke is the first delivery point as it is near to Rustat Road. So all 10 bottles travel up the track to the site and all 10 bottles (1 or 2 empty) come back down the track. The vehicular movement is already established as part of what we do.

- **Proposed transport arrangements** With the proposal to locate the store at Fleam Dyke there will be no perceived delivery to the same place. The deliveries will be to the other sites as necessary, but still every week. The proposed chemical store will relinquish full cylinders and accept empty ones. Fresh Cylinders are delivered by our supplier on a fortnightly basis. Approximately 22 chlorine cylinders and 12 Sulphur Dioxide cylinders. The number of vehicular movements in respect of this entire process will be six per month.
- **Reasoning** Transportation of chemical cylinders in the Cambridge Water Company area is ongoing; at the moment journeys commence and finish at Rustat Road. We do not use chemicals at Rustat Road or in Cambridge, but every week we make journeys with cylinders through Cambridge. Every fortnight another delivery to Rustat Road is made by our supplier. The proposal to commence journeys with cylinders made from Fleam Dyke would not, by design, generate a route-plan that involved Cambridge.
- **Other Vehicular Movements** Because Fleam Dyke is an operational pumping station, there will always be other vehicular movements associated with the processes that take place there, these are also established and do not relate to this proposal to construct a bottle store.”

#### **Planning Comments - Key Issues**

16. The key issue to consider in respect of this application is the intensification of the site and its use as a storage depot within the Green Belt and the Countryside location.
17. ***Impact on the character and appearance of the Green Belt and countryside.***  
The site is accessed along a 400m long established road and the curtilage is screened on all sides by 2m high-security railings, painted green and softened with various large shrubs and hedging. The presence of the pumping station is not significantly noticeable when travelling along Balsham road even though the building is of substantial size (floor area 933m<sup>2</sup>).
18. Criteria 2 of GB2 accepts the principle of buildings providing essential facilities for uses of land, provided they preserve the openness of the Green Belt. It is argued that this storage building is not essential to this site, as it has been operating without such a need before hand. Although it is unlikely that the proposed storage building itself would detract from the open character and appearance of the Green Belt given it is a low key, single storey, structure sited on a large area of existing hardstanding, the use of the storage space as a depot has wider implications.
19. The new space will allow the distribution of gas cylinders to the other 24 sites within the catchment area as part of the wider operations of Cambridge Water Company (CWC). This particular site is located within a fairly isolated part of the Countryside and although Cambridge Water intends to locate permanent staff at the site (beyond the Council's control) on account of their relocation programme it is not something I would encourage given the sensitive nature of the surrounding area.
20. Notwithstanding CWC's ongoing relocation programme it is considered that the proposed storage facility would increase activity at the site, including timetabled pick-ups and drop off's which, by the applicants own admission, is not something that can necessarily be controlled as it is based on the water demand and speed of treatment. In essence if more water is being produced/distributed it could result in more frequent or larger visits/deliveries. I am not convinced that this storage building is essential in this Green Belt location. The principle of encouraging and allowing increased activity

at the site as a result of the storage facility would be inappropriate given the location within the Green Belt and countryside which could potentially harm the character of this rural location.

21. **General**

The applicant has not provided sufficient information or justification regarding the site selection process to outweigh the potential harm that may be caused. It is therefore recommended that the application be refused and that CWC liase with the Council to assess a potential alternative site for this type of distribution.

**Recommendation**

22. Refuse on the following grounds

- 1) Fleam Dyke Pumping Station is located within the Countryside and Green Belt and comprises a designated County Wildlife Site. The creation of a new storage facility within the site would result in additional activity and traffic movements at the site causing an unacceptable level of intensification that would be a direct result of the proposed storage facility and would be inappropriate in the Green Belt and this countryside location. The application is not considered to be essential development as part of the use of the land and is therefore contrary to Policy GB2 of South Cambridgeshire Local Plan 2004 and Structure Plan Policy P1/2.
- 2) The application provides insufficient information and justification regarding the site selection process and therefore the Council is unable to consider whether all other alternative solutions have been considered to avoid the potential harm of the proposed scheme. The Council can only assess the application on the information provided and it is considered the justification submitted does not outweigh the potential harm that may be caused to the character, openness and appearance of this Green Belt countryside location. No very special circumstances have been demonstrated to outweigh the harm of this inappropriate development in the Green Belt. The application is therefore contrary to Policy GB2 of South Cambridgeshire Local Plan 2004 and Policy P9/2a of the Structure Plan 2003.

**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 Application File S/0121/05/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/0242/05/F - Girton****Erection of 17 Metre High Telecommunications Monopole and Associated Development, Land off Wellbrook Court, Wellbrook Way, Girton for Orange PCS**

**Recommendation: Delegated Approval**  
**Date for Determination: 6<sup>th</sup> April 2005**

**Site and Proposal**

1. The site lies outside of the village framework of Girton within the Green Belt. The site, located adjacent to the A14, abuts the Wellbrook Court office development. There is an existing mast 17 metres high close to the site which is partially screened by trees/hedging that line the southeast facing and northern boundary of the site.
2. The nearest residential properties, Nos. 100 and 102 Girton Road are located to the west, approximately 140 metres away from the site. There are other nearby residential properties located further south along Girton Road and to the north of the A14. Wellbrook Court office development is sited approximately 70 metres from the application site with the existing mast located in between.
3. This full planning application received on 9<sup>th</sup> February 2005 proposes the erection of a 17-metre high monopole telecommunications mast and associated development. The mast is a slim line monopole structure with three antenna and 3 microwave dishes sited on a 'Y' shaped head frame.

**Planning History**

4. The siting and appearance of a 15 metre high lattice tower with equipment cabins and surrounding fence compound was approved as part of a Prior Notification Telecommunication Approval in 2001 reference **S/0716/01/PNT**. This mast is located approximately 20 metres south west of this proposal.
5. Planning permission was granted in 2001 for two replacement telecommunication towers each measuring 15 metres in height, reference **S/2051/01/F**. At part of this approval it was proposed that the existing structure be removed with the two replacement masts sited on either side of the existing tower, located 21 metres apart. Whilst this permission remains extant until the 28<sup>th</sup> March 2007, this approval has yet to be implemented and the existing structure remains on site.
6. Planning permission was granted on the 9<sup>th</sup> February 2004 for the excavation of a balancing pond to serve the nearby office development, (Wellbrook Court), reference **S/1992/02/F**. The pond is to be located adjacent to the proposed mast and associate development.

7. In March 2004 planning permission was refused for the erection of 17-metre high monopole with associated development, reference **S/2539/03/F**. Whilst the design and siting of the mast was identical to that now proposed, permission was refused as the applicant had failed to justify very special circumstances to support the erection of a mast within the Green Belt. Objections were also raised as this development would, if the extant consent was implemented, result in an unnecessary cluster of masts that would detrimentally affecting the amenity of the surrounding area

#### **Planning Policy**

8. **Policy CS8 'Telecommunications'** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") lists the criteria, essentially amenity, sharing, visual and future sharing, against which applications for telecommunication development should be considered.
9. **Policy 6/5 'Telecommunications'** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The Structure Plan") states that the growth of new and existing telecommunications system will be encouraged to ensure people have equitable access to a wide range of services and the latest technologies as they become available.
10. **Planning Policy Guidance Note 8 (PPG8) 'Telecommunications'** 2001 provides guidance on the assessment of applications for telecommunication facilities.

#### **Consultations**

11. **Girton Parish Council** - Refuse, the Parish Council is not convinced that there is a need for a new compound, which is the result of a commercial disagreement that should be resolved by arbitration.
12. **Chief Environmental Health Officer** - No objections received. Standard advise offered regarding ICNIRP guidelines
13. **The Environment Agency** - Confirmed verbally that the proposed development will not interfere with the adjacent balancing pond. Written confirmation is awaited
14. **The Highways Agency** - Comments will be reported verbally to Members.

#### **Representations**

None received

#### **Planning Comments - Key Issues**

15. The site is located outside the village framework of Girton, within the Green Belt. The main issues to consider in relation to this application are the impact of the proposed mast on the openness of the Green Belt and the amenity of the surrounding area.
16. **Green Belt**  
As stated in paragraph 65 of PPG8 telecommunication development sited within the Green Belt is likely to be inappropriate unless it maintains openness. Inappropriate development may proceed only if very special circumstances are demonstrated which outweigh the degree of harm to the Green Belt. The lack of suitable

alternative sites to accommodate telecommunication equipment required to meet the needs of the networks coverage or capacity, might be considered as a very special circumstance.

17. As for most forms of telecommunication development, this 17 metre high monopole fails to maintain openness and is therefore, by definition, considered an inappropriate form of development. In both this application and the previous submission that was refused, (ref S/2539/03/F) alternative sites in the defined search area have been considered. Coverage plots identifying the need for this development and area this mast will serve have been submitted, as has a summary of the site search report. These plots clearly illustrate the need for the development.
18. The purpose of this development is to improve coverage along the A14 whilst enhancing signal strength within the village of Girton. The details of the site search submitted refer to 5 alternative locations which have been considered within the search area. These sites at Dodford Lane, Washpit Road, Cambridge Road, Whitehouse Lane and Oakington Road are either not technically suitable or the land cannot be acquired, (more detail provided on file). In the absence of a suitable alternative this reasonably well-screened, secluded site, located adjacent to the A14, is considered a good location for further telecommunication development required to serve this sensitive search area that extends across the village.
19. Members should note that an extant permission exists on the site for the erection of two replacement 15 metre high masts, reference S/2051/01/F. When permission was granted in 2002 it was stated that 3 service providers would be accommodated on these two masts, one of which is Orange, the applicant to this application. This permission remains extant until the 28<sup>th</sup> March 2007 and can be implemented at any time.
20. When considering the previous application, (S/2539/03/F) reference was made to a commercial dispute between Orange and T-mobile and it was stated that the extant permission for 2 replacement masts would not be implemented. In the absence of a legal agreement revoking the earlier consent however both approvals could be implemented and a total of 3 masts sited within the Green Belt. In refusing application S/2539/03/F reference was made to the resultant unnecessary intrusion a third mast would cause within the Green Belt and the detrimental impact this would have on the amenity of the surrounding area. This view remains and Officers do not support the principle of siting a third mast in this location.
21. Orange has again stated that for commercial reasons, the extant T-mobile consent will not be implemented. This view is supported by the agent acting on behalf of the owners of the land in a letter dated 5<sup>th</sup> October 2004, "Our client has instructed us to advise the Council that it is not in any negotiations with T-mobile nor does it intend to implement the 2002 consent." T-mobiles recent notification of a proposed upgrade of the existing mast seemingly supports this statement.
22. As the assurances of the land owner carry little weight within the Planning System, Orange has also stated it is now prepared to enter into a legal agreement which would require this Orange mast to be completely removed from the site and land made good, if the two T-mobile structures granted consent under application S/2051/01/F are constructed. If this legal agreement is signed the Council can ensure that at no time will there be more than 2 masts located on this site, a principle of development already agreed by the Council. Such an agreement would, in the opinion of Officers, safeguard against the concerns raised by the Parish Council.

23. Having regard to the absence of suitable alternative sites, the extant consent on the site and the willingness of the applicant to enter into an Agreement, it is considered that very special circumstances do exist to justify the development in the Green Belt.
24. ***The amenity of the surrounding area***  
The land to the rear of Wellbrook Court is located on the edge of the village framework of Girton and, as stated above, is considered one of the more suitable sites within Girton to accommodate additional telecommunication equipment. The nearest residential properties, 100 and 102 Girton Road are located approximately 140 metres away and are partially screened from view of the site by the Wellbrook Court office development, sited 70 metres south west of the site. The existing T-mobile mast is sited in between Wellbrook Court and the application site. Whilst views are provided from the north, across the A14, these are mainly long distance views which are partially screened by the landscaped embankment of the A14. This planting is however not well established and is sited within close proximity of the proposed mast. Additional landscaping should therefore be secured to provide additional screening to the equipment cabins and lower sections of the mast.
25. The Girton Town Charity housing development is sited to the southeast of the site. The boundary of this development is sited approximately 110 metres away. Some natural screening is again provided by trees and established hedgerow planting.
26. The head frame of this mast is considerably more bulky than that of the existing T-mobile structure. The head frame is 'Y' shaped with both the antenna and microwave dishes sited at the same height. The agent confirmed in an e-mail dated 8<sup>th</sup> March 2005 that for technical reasons the microwave dishes must be sited at the height specified on the plan. If a less bulky head frame is to be adopted, the overall height of the mast would have to be increased by 2.5 metres. On balance it was considered that the proposed design represents the more sympathetic form of development. Members should note that the extant permission, S/2051/01/F also had a 'Y' shaped head frame of a similar diameter.
27. ***Health implications***  
Having regard to the health implication of telecommunication development, this proposal meets with the International Commission on Non-Ionizing Radiation (ICNIRP) guidelines for public exposure.
28. ***Flooding***  
The proposed red edge site is located directly adjacent to the balancing pond granted consent in 2004. The fenced compound however is sited some 6 metres from the embankment of the pond. The Environment Agency has indicated this development will not raise potential flooding concerns. Written confirmation of this has been requested but, at the time of writing the report, had not been received.

### **Recommendation**

29. Delegated Approval subject to the signing of a S106 agreement requiring the mast and all associated development hereby approved to be completely removed from the site and land made good, if planning consent S/2051/01/F for the erection of two 15 metre high lattice towers and associated development, is implemented.
1. Standard Condition A - Time limited permission (Reason - A).

2. Within one month of the development hereby ceasing to be used the Local Planning Authority shall be notified accordingly in writing. Within four months of such notification all apparatus (including any mast), equipment, fencing and hard surfacing shall be removed from the land; and all buildings and structures shall be demolished and removed from the land; and the land shall be restored in accordance with a scheme submitted to and approved by Local Planning Authority.  
(Reason - To ensure the mast and associated equipment is removed from the site when the need for the structure ceases in order to avoid dereliction in the countryside).
3. No development shall commence 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 measures for their protection in the course of development  
(Reason - To enhance the quality of the development and to assimilate it within the area).
4. SC52 - Implementation of Landscaping (RC52).

#### **Informatives**

1. The provisions of the telecommunications code indicate that the operator is not entitled to keep apparatus if it is no longer required for telecommunication purposes.

#### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**  
**P6/5** - Telecommunications;
  - **South Cambridgeshire Local Plan 2004:**  
**CS 8** - Telecommunications
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - The need for the development

**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/0242/05/F, S/2539/03/F, S/1992/02/F and S/2051/01/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/0045/05/F - Great Shelford**  
**Extension and Alteration of Clubhouse and Erection of New Golf Professional Shop at**  
**Gog Magog Golf Club**

**Recommendation: Approval**  
**Date for Determination: 8<sup>th</sup> March 2005**

**Site and Proposal**

1. The application site comprises a golf course and associated clubhouse/shop facilities located at Shelford Bottom which lies within the countryside and Green Belt. The site is bounded by Babraham Road to the south and Cherry Hinton Road to the west. The clubhouse is a single storey brick and tile building
2. The full application, submitted on 11<sup>th</sup> January 2005, and amended on 21<sup>st</sup> February 2005, comprises two elements:
  - The addition of a single storey pitched roof extension on the south-west side of the clubhouse in order to provide improved dining/restaurant facilities; and
  - The erection of a new detached building on the east side of the existing clubhouse and to the north of the putting green for use as a golf professionals shop. The existing pro shop is contained within the main clubhouse building and this would be converted to a meeting room. The new building would result in the loss of some silver birch trees and car parking spaces.
3. A covering letter submitted with the application states that the application is the culmination of several years of deliberation by the committee of the Golf Club and extensive consultation with its membership. The proposal follows recent expansion of the playing facilities from 27 holes to 36, which was accompanied by an increase in the number of members. The non-playing facilities have not seen expansion or modernisation for many years and the club feels it is important to improve this part of the complex in order to continue to attract the larger and more prestigious regional and national tournaments and events. Currently the club only has a small dining room and can only host larger formal dinners by closing the lounge area to other members and visitors and setting this area as a temporary banqueting room. The kitchen also struggles to cope with larger dinners and part of the proposal includes for its alteration and enlargement. The existing pro shop is too small and the proposal includes for a new detached shop with the vacated space being adapted to provide additional office and meeting room space which is needed as staff are currently working in cramped conditions.

**Planning History**

4. Extensions to the clubhouse have been permitted under planning refs: **S/2052/88/F** and **C/0124/72**.

5. **S/1059/93/F** - Consent granted for practice area, car park extension and relocation of the access
6. **S/1258/98/F** - Permission given for shelter for ball dispenser/washing facilities on driving range

### **Planning Policy**

7. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location.
8. **Policy 9/2a** of the Structure Plan states that within the Green Belt, new development will be limited to that required for agriculture and forestry, outdoor sport, cemeteries, or other uses appropriate to a rural area.
9. **Policy GB2** of the South Cambridgeshire Local Plan 2004 states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated. Development is defined as inappropriate unless it comprises [in part] buildings providing essential facilities for outdoor sports and recreation or for other uses of land which preserve the openness of the Green Belt and do not conflict with Green Belt purposes.
10. **Policy GB5** of the Local Plan states that the Council will not support proposals for outdoor sport and recreation in the Green Belt which require substantial buildings, car parks, floodlights or which frequently attract large numbers of participants or spectators. The preamble to this policy states that certain recreational facilities, such as country parks and golf courses, need extensive areas of land but generally preserve its openness. Any associated buildings must only provide the functions to support these uses.
11. **Policy RT1** of the Local Plan requires new recreation/tourism development to avoid creating an intrusive feature in the landscape.

### **Consultation**

12. **Great Shelford Parish Council** objects to the application stating:  
  
"No objection to extension and alterations to the clubhouse but the proposed profession shop is unacceptable in its present location. It does not sit happily in relation to the existing clubhouse and will be intrusive and prominent in views from the south east of the clubhouse. We would prefer to see it resited so that it links in with the existing building and is not a further encroachment into the green belt."
13. **The Local Highways Authority** has expressed concern that the increase in retail and restaurant areas may impact on the number of car and cycle parking numbers required within the development. It is requested that the applicant provide details of membership numbers and available parking so an assessment of this can be made.
14. **The Trees and Landscape Officer** raises no objection stating that the proposal will impact on 2 or 3 Silver Birch mediocre quality.
15. **The Environment Agency** raises no objections subject to informatives relating to surface and foul water drainage being attached to any planning consent.

## **Representations**

16. None

## **Planning Comments - Key Issues**

17. The key issues to consider in the determination of this application relate to:
- The impact of the development upon the character, appearance and openness of the countryside and Green Belt;
  - Loss of trees; and
  - Loss of parking/highway safety issues.
18. The erection of extensions and new buildings for recreational purposes are generally supported within the development plan providing the development does not affect the openness of the Green Belt and the character of the countryside and providing the buildings can be demonstrated to be essential.
19. As stated within the applicant's covering letter, the facilities at the golf club are in need of upgrading, with the pro shop and dining areas being inadequate to meet the needs of the users of the golf club. I am satisfied that, based on the supporting information, there is a need for the development proposed and that the scale of the shop and dining facilities are not unreasonable.
20. The Parish Council has objected to the visual impact of the detached pro shop building and requested that it be attached to the existing building in front of the female changing room area. This issue has been discussed with the applicant's agent who is extremely reluctant to change the plans requesting that the application be determined as it stands. It is stressed that the pro shop performs several functions, including day to day supervision of the course and car park as well as acting as a gateway to the clubhouse. The shop also needs to be well located in relation to the practice ground on the north east side of the car park.
21. Whilst I concur that the proposed building would be visible in views from the south-east of the clubhouse, these views would be from within the confines of the golf club itself. The building would be grouped with existing buildings on the site and would be in keeping with the scale, style, character and materials of the existing clubhouse. There is a high close boarded fence along the Babraham Road boundary of the site together with some screening and I consider that neither the pro shop nor the extension would be intrusive in the landscape or materially increase the impact of the site upon its surroundings.
22. The comments of the Trees and Landscape Officer in respect of the removal of a number of silver birch trees have not been received to date and the recommendation made is subject to no objections being raised in this regard.
23. The new pro shop building would result in the loss of a number of car parking spaces. I would estimate this to be approximately 6 spaces. Further information on membership numbers and available parking spaces has been requested following receipt of the Local Highways Authority's comments. Any information received will be reported verbally at the Committee meeting.

## **Recommendation**

24. Providing no objections are raised by the Trees and Landscape Officer to the loss of trees and providing there is sufficient car/cycle parking on the site to cater for the demands of the development, approval, as amended by drawing numbers 707/29/B and 707/30/F date stamped 21<sup>st</sup> February 2005:

1. Standard Condition A - Time limited permission (Reason A);
2. Sc5a - Details of materials for external walls and roofs (Rc5a(ii));

### **Informatives**

### **Reasons for Approval**

1. The 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) and P9/2a (Development in the Green Belt);
  - **South Cambridgeshire Local Plan 2004:** GB2 (Development in the Green Belt), GB5 (Recreational Role of the Green Belt) and RT1 (Recreation and Tourism Development)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Impact upon the openness of the Green Belt and upon the character and appearance of the countryside.

### **General**

1. See Environment Agency letter dated 18<sup>th</sup> January 2005

**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
- File Refs: S/0045/05/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Development and Conservation Control Committee

6<sup>th</sup> April 2005

**AUTHOR/S:** Director of Development Services

**S/0204/05/F - Great Shelford  
Dwelling (Amended Design to Include 2 Windows with Obscured Glass in Rear of  
Garage) at 1 Woollards Lane for Mr & Mrs Rankine**

**Recommendation: Approval  
Date for determination: 31<sup>st</sup> March 2005**

**Conservation Area**

**Site and Proposal**

1. This 0.13 hectares (0.3 acres) approximately site previously formed part of the garden of No.1 Woollards Lane, a two-storey boarded and slate roof house. A dwelling is currently being erected on the site. The site is bounded by Freestones Corner to the north, Woollards Lane to the west, No.1a Spinney Drive (a two-storey dwelling) to the southwest and No.1 Woollards Lane to the southeast. There is an important line of trees, mainly within the site, along the site's northern boundary.
2. This full application, received on the 3<sup>rd</sup> February 2005, proposes the erection of a brick and tile 6.6m high 4-bedroom 'arts and craft design' house with attached double garage. Access is obtained from Woollards Lane. A new access onto Woodlands Road has been created to serve No.1 Woollards Lane. The density equates to 8 dwellings per hectare.
3. The proposed dwelling is the same as the one approved under reference S/2325/03/F save that it is now proposed to insert two obscure glazed windows in the rear elevation of the garage. The dwelling is nearing completion and the windows have been installed, albeit with clear glass at the time of the case officer's visit.

**Planning History**

4. Planning permission for the dwelling was granted in February 2004 (**S/2325/03/F**).
5. Planning permission for a two-storey dwelling on the site was approved under reference **S/0144/98/F** and renewed in November 2003 under reference **S/1919/03/F**.
6. Permission for a dwelling of similar design to that subsequently approved under reference S/2325/03/F but slightly longer and closer to the adjacent trees was refused in August 2003 (reference **S/1453/03/F**).

**Planning Policy**

7. Structure Plan 2003 **Policy P1/3** requires a high standard of design for all new development which responds to the local character of the built environment.
8. Structure Plan 2003 **Policy P7/6** states that Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

9. Local Plan 2004 **Policy SE2** states that residential development will be permitted on unallocated land within Great Shelford provided that (a) the retention of the site in its present form is not essential to the character of the village; (b) the development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours; (c) the village has the necessary infrastructure capacity; and (d) residential development would not conflict with another policy of the Plan, particularly policy EM8 which relates to the loss of employment sites. It also states that development should provide an appropriate mix of dwellings in terms of size, type and affordability and should achieve a minimum density of 30 dwellings to the hectare unless there are strong design grounds for not doing so.
10. Local Plan 2004 **Policy EN30** states that proposals within conservation areas will be expected to preserve or enhance the special character and appearance of the conservation areas in terms of their scale, massing, roof materials and wall materials. It also states that the District Council will refuse permission for schemes within conservation areas which do not specify traditional local materials and details and which do not fit comfortably into their context.
11. Local Plan 2004 **Policy EN5** states that the District Council will require trees to be retained wherever possible in proposals for new development.

#### **Consultation**

12. **Great Shelford Parish Council** recommends refusal and states "Owing to the increase in datum levels, the windows in the garage are now overlooking the adjacent property in Spinney Drive and as a result are intrusive and detrimental to the residential amenities of the occupants. We would prefer to see the windows replaced by a skylight in the flat roof."
13. **Conservation Manager** has no objections.

#### **Representations**

14. Occupier of 1a Spinney Drive states that, in order to prevent any future nuisance from noise and overlooking, the additional windows should be both obscure glazed and fixed/non-opening.

#### **Planning Comments - Key Issues**

15. The key issue in relation to this application is the impact of the two additional windows in the rear of the garage. The dwelling is the same as previously approved in all other respects.
16. It is understood that the windows are required to provide light to the garage. This application has been submitted following a complaint that the windows were being inserted and subsequent discussions with the applicant and neighbour. Views from the windows are restricted to views towards No.1a Spinney Drive's ground floor windows through the existing trellis above the existing close boarded boundary fence and towards No.1a's first floor windows.
17. Having discussed the matter with both parties, I consider that, provided the windows are both obscured glazed and fixed/non-opening, they would provide some light into

the garage but would not compromise the amenity of the occupiers of No.1a Spinney Drive. The visual impact of the windows would be acceptable.

## Recommendation

### 18. Approval

1. Within two months of the date of this permission, the windows in the rear/southeast elevation of the garage hereby permitted shall be permanently fixed/non-opening and shall be fitted and permanently maintained with obscured glass - RC To protect the amenity of the occupiers of No.1a Spinney Drive.
2. 'Protection of trees during construction period' (SC56) - RC56.

## Informatives

### Reasons for Approval

1. The 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: SE2** (Development in Rural Growth Settlements) and **EN30** (Development in Conservation Areas).
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: **Amenity of occupiers of 1a Spinney Drive**

**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/0204/05/F, S/2325/03/F, S/1919/03/F, S/1453/03/F & S/0144/98/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/2032/04/F - Histon  
Erection of a Bungalow with Garage Together with Double Garage for  
Existing Dwelling (No. 28) and Widening of Existing Access Road  
at 28 High Street and Adjoining Access Road  
for Mr A. Buck**

**Recommendation: Delegated Approval  
Date for Determination: 11<sup>th</sup> April 2005**

**Conservation Area**

**Members will visit the site on Monday 4<sup>th</sup> April 2005.**

**Site and Proposal**

1. The site is an area of land measuring approximately 0.187 hectares to the rear of nos. 28 and 28A High Street. It is located between the access and car park at the shopping precinct and an access road serving the BT site, offices, shops and leading to the Council's public car park over which there is a public right of way. The rear of the site adjoins the Council's awarded drain. 1.8 metres high close-board timber fencing has been erected to mark the side boundaries of the site.
2. This full planning application originally submitted on 4<sup>th</sup> October 2004, has been amended following discussions with the Case Officer and now proposes the erection of a two-bedroom bungalow adjacent to the boundary with the 'Tesco's' car park in what was the rear garden of no. 28A High Street. This dwelling will have an attached garage with a lower ridge height. The site will be developed at a density of 10.70 dwellings per hectare. The application also seeks permission for a double garage to serve the existing dwelling at no. 28 and the widening of the existing access road that serves the SCDC car park to a minimum width of 4.1 metres wide, to enable vehicles to pass.

**Planning History**

3. Outline planning applications on land to the rear of no. 28 only were refused in 1988 on grounds of the site and adjoining land being allocated for public car parking facilities, it being an undesirable location for residential development being surrounded by commercial uses, and having an unsatisfactory access that would be shared with the public car park and existing commercial uses (refs. **S/0149/88/O** and **S/2134/88/O**).
4. In 1989 outline planning permission (ref. **S/2328/89/O**) was again refused for the property, with a smaller area of the rear garden being proposed for development, directly to the rear of the existing house. The reasons for refusal again included the planned use of the land as a public car park and poor amenities of the resulting dwelling due to the proximity to commercial uses. In addition, the development was

refused as being undesirable backland development due to its poor relation to no. 28 and the impact on amenity of no. 28 due to the proximity of the proposed access, which would have been via the existing residential access. An appeal against this decision was dismissed. The Inspector cited an unacceptable impact upon the Conservation Area and loss of public car parking provision. The Inspector did not agree with the Council that the development would be unacceptable backland development impacting upon the amenities of neighbouring dwellings or having poor amenities itself.

5. More recently, the applicant has acquired garden land to the rear of no. 28A High Street. With an increased site area, an outline planning application was made in 2003 for two dwellings (ref. **S/0273/03/O**). This application was withdrawn in the face of concerns relating to the access.
6. The most recent planning application (ref. **S/2364/03/O**) was again for the larger site but proposing a single dwelling together with a link road between the two car parks. This application was refused on grounds of the link road being unfeasible so that there would be no gain in terms of the traffic congestion at the entrances of the two sites, additional congestion on the car park access road, impact of accessing the proposed site on the amenities of the existing dwelling, poor living environment for the future occupiers, which would be exacerbated by the proposed link road, and insufficient detail to be able to assess the impact upon the Conservation Area.

### **Planning Policy**

7. **Policy SE2 'Rural Growth Settlements'** of the South Cambridgeshire Local Plan 2004 ("Local Plan") defines Histon as a Rural Growth Settlement in which residential development will be permitted on unallocated land providing the development meets with the criteria of this and other policies included within the Local Plan.
8. **Policy HG10 'Housing Mix and Design'** of the Local Plan requires developments to include a mix of housing types and sizes, with the design and layout being informed by the wider area.
9. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
  - Result in overbearing, overlooking or overshadowing of existing residential properties;
  - Result in noise and disturbance to existing residential properties through the use of its access;
  - Result in highway dangers through the use of its access; or
  - Be out of character with the pattern of development in the vicinity.
10. **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. Standards for maximum car parking levels and requirements for cycle storage are found in Appendices 7/1 and 7/2.
11. **CS5 'Flood Protection'** restricts development where a site is liable to flooding, either by impeding the flow or storage of floodwater, increasing the risk of flooding elsewhere or increasing the number of people or properties at risk of flooding.

12. **Policy EN30 'Development in Conservation Areas'** of the Local Plan requires development within these areas to preserve or enhance the special character and appearance of the area, especially in terms of scale, massing, roof materials and wall materials.
13. **Policy P1/2 'Environmental Restrictions on Development'** of the Cambridgeshire and Peterborough Structure Plan 2003 ("Structure Plan") restricts development where it could damage areas that should be retained for their biodiversity, historic, archaeological, architectural and recreational value.
14. **Policy P1/3 'Sustainable Design in Built Development'** of the Structure Plan states that a high standard of design and sustainability should be adopted for all new forms of development.
15. **Policy P7/6 'Historic Built Environment'** of the Structure Plan requires Local Authorities to protect and enhance the historic environment, including designated conservation areas and archaeological remains.

### **Consultations**

16. **Histon Parish Council** has recommended refusal of the original proposal, commenting that the issues for which the previous application was refused have not been overcome in the case of access. Comments on the amended scheme will be reported verbally to the Committee.
17. **Drainage Manager** - Under the Council's land drainage byelaw, the following points are relevant:
  - Direct discharge of surface water from the development will not be permitted. A soakaways condition is recommended.
  - No hedging, fencing, planting, buildings or other obstructions will be allowed within 5 metres of the Award Drain.
  - An informative is requested on any consent advising the applicant that any further works to the bank of the Award Drain must not take place without prior consent from the Council.

Any additional comments on the revised scheme will be reported verbally to the Committee.

18. **Environment Agency** initially objected to the proposal on grounds that the site is identified as falling within zone 3 of the Agency's Indicative Flood Risk Maps. The proposed development would be at risk of flooding and would increase the risk of flooding to existing property. A flood risk assessment (FRA) was required. This has now been submitted based on the original site layout. On the basis of the information contained within the FRA, the Agency's initial objection to the proposed dwelling is discharged. It recommends a condition be appended in respect of ground floor levels (to be at minimum of 10.90m ODN). Any additional comments in light of the revised siting and design will be reported at the Committee.
19. **Environmental Health** - Suggested conditions on period of construction, foundations and an informative re: bonfires. They took noise readings at the time of the original application, S/0273/03/O. A close-boarded fence and reorientation of some windows in the bungalows were suggested. No further readings have been taken since then. It was the mainly the noise from the fans at Tesco's that was of concern. On a recent

visit they were not aware the situation had changed and also took into account that there is now only one bungalow

20. **Conservation Manager** - Previously recommended delegated approval/refusal to provide the opportunity to incorporate additional changes. Amended plans incorporating most of the changes have been received and comments on these will be reported verbally to the Committee.
21. **Trees and Landscape Officer** - Any comments on the revised scheme will be reported verbally. Previously, it had been stated that the trees indicated for removal included five Cypress' and a Norway Spruce of mediocre quality, therefore, no objections were raised. A large Cypress was shown for retention, adjacent to the turning area. Owing to the species involved there was no strong view regarding its retention, however if it were to remain, the driveway and turning area would need to be constructed with a no dig method.
22. **Local Highway Authority** - Although this is a 'minor development' upon which the Local Highways Authority would not normally comment, at the Officer's request, they have stated that while unsatisfactory, the access road serves a car park, so it would be difficult to sustain an objection on highways grounds to the access being used for a further dwelling. It is strongly recommended that the private parking shown on the plan that lies adjacent to no. 28 be omitted from the scheme. The boundary enclosures each side of the access should be no higher than 750mm to provide suitable vehicle-to-vehicle visibility splays.

#### **Representations**

23. **SCDC Lands Officer** - the Council's Vehicular Right of Way over the link road belonging to BT providing public access from High Street, Histon to the Council's car park to the rear must not be put at risk by this proposal.

**The Aqua Group Ltd.**, which owns the group of shops, including Tesco's, to the west of the site, has no objection to make.

#### **Planning Comments - Key Issues**

24. There are several issues to be considered as part of this planning application, including access, drainage, flood risk, impact on the Conservation Area and residential amenities.

#### **Access**

25. The proposed widening to the access serving the Council's public car park will improve safety within the access road. The additional dwelling proposed is accepted by County Council Highways to not have a significant highway impact. If approved, a condition requiring the access improvements to be carried out prior to development on site commencing is recommended. This would ensure that suitable access is provided. Closing the existing access to the side of no. 28 would remove the need for the white line delineating the private access. Additional conditions as recommended by the Local Highways Authority should be added to that suitable access arrangements are provided without having a negative impact on public highways and existing users of the car park access.

#### ***Drainage and flood risk***

26. Subject to the re-siting of the dwelling to provide a full five metre clearance from the top of the bank to the Award Drain and a condition requiring the finished floor level to be at a minimum of 10.90m ODN, there is no objection in terms of flood risk and drainage. Confirmation has been sought from the Environment Agency with regard to the flood risk in light of the revised site layout.

***Conservation Area***

27. The revised drawings follow negotiations with the agent and applicant. Conservation issues have not been fully considered in prior applications. The amended drawings, have incorporated changes requested by the Conservation Manager and overcome the main areas of concern raised previously. The one area that has not been amended is the siting in relation to the boundary with the car park. The Conservation Manager has previously stated:

“While the new dwelling is sited along the north-east boundary, it is kept back approximately 1200mm off the boundary, with the existing close boarded fence retained. This will result in a strip of dead land down the rear of the new dwelling and I would have thought it preferable to construct a new gault brick wall down the boundary and to move the dwelling back to abut this brick wall (giving extra width to the garden in front. The brick wall will also provide better sound insulation from the service yard to the rear of Tesco’s and the Library.”

28. The agent in a covering letter sent with the revised drawings has explained that this is due to legal implications for the long-term maintenance of the building if it is sited on the boundary, as well as health and safety issues during construction.

Notwithstanding this one small area where potentially improvements to the design and layout could be achieved, it appears that the main areas of concern have been addressed. The proposals, as amended, will enhance and preserve the character of the Conservation Area, having an architectural relationship with the frontage dwelling and improved relationship with the surroundings.

***Residential amenities***

29. A material planning consideration in considering this application, is the Inspector’s report on planning application ref. S/2328/89/O. As set out in the planning history above, the site was a smaller area of garden to the rear of no. 28 only. The Inspector did not agree with the Council that the development would be unacceptable backland development impacting upon the amenities of neighbouring dwellings or having poor amenities itself:

“The site is adjoined by open land to the north-west and by a residential home for the elderly to its north-east. Since there are non-commercial activities on three sides of the appeal site, and a single storey building would not be likely to overlook its surroundings, I conclude that erecting a bungalow on this site would not harm the amenities of its neighbours nor result in poor residential standards for occupants of the proposed dwelling.”

30. Notwithstanding, the Inspector’s comments the site area has been enlarged to include the open area to the north-west, this being the former garden to no. 28A. Environmental Health Officers have previously commented, having taken noise readings on this site, that a dwelling on this site would not be unduly impacted by noise. A dwelling sited alongside the car park boundary would in affect turn its back

on the noise source and would block noise disturbance. This will leave a large garden area in front of the main elevation of the building. It is the view of Environment Health that the existing close board fence will provide a suitable noise barrier.

31. The amended drawings include a small additional projection to the lounge of approximately 1.6 metres, creating a 3 metre deep projection. This will screen an area of private garden area in front of the proposed dwelling, so that it is not overlooked from the elderly persons flats to the north-east.

### **Recommendation**

32. Subject to the comments on the revised scheme of the Conservation Manager, Trees and Landscape Officer, and the Environment Agency; and receipt of further amendments to this, as negotiated by the Officer, delegated powers are sought to approve the application, subject to the following conditions:
  1. Standard Condition A - Time limited permission. (Reason A);
  2. The access road serving properties and the Council's public car park shall be widened to a minimum of 4.1 metres wide for the entire distance back from the public highway on the High Street to the start of the public car park prior to development of the garages and bungalow commencing on site.  
(Reason - The improvements to the existing access road are required in order that the development approved has safe access without conflicting with the users of the existing access).
  3. The existing access to no. 28 High Street shall be permanently and effectively closed within 28 days of the bringing into use of the new access.  
(Reason - In the interests of highway safety).
  4. The private parking bay adjacent to no. 28 shall be removed.  
(Reason - In the interests of highway safety).
  5. The existing boundary to the access road serving the site and public car park shall be reduced to and maintained at a height not exceeding 750mm above the existing ground level.  
(Reason - In the interests of highway safety).
  6. Sc5a - Details of materials for external walls and roofs (Rc5aii);
  7. Sc51 - Landscaping (Rc51);
  8. Sc52 - Implementation of landscaping (Rc52);
  9. Sc60 - Details of boundary treatment (Rc60);
  10. Sc5f - Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas. (Reason - To minimise disturbance to adjoining residents);
  11. Surface water drainage details;
  12. Foul water drainage details;
  13. Restriction of hours of use of power operated machinery during construction;
  14. Assessment of noise exposure together with appropriate mitigation measures;
  15. The minimum ground floor level of any building involved in the development must be at least 10.90 metres AOD unless otherwise agreed in writing by the Local Planning Authority.  
(Reason – to provide reasonable freeboard against flooding).

### **Informatives**

1. As recommended by Environmental Health.
2. As recommended by Environment Agency.

### Reasons for Approval

1. The 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) **P1/3** (Sustainable design in built development) and P7/6 (Historic Built Environment);
  - **South Cambridgeshire Local Plan 2004: SE2** (Development in Rural Growth Settlements), **HG10** (Housing Mix and Design), **HG11** (Backland Development), **HG12** (Extensions to dwellings within frameworks) **TP1** (Planning for More Sustainable Travel), **CS5** (Flood Protection) and **EN30** (Development in/adjacent to Conservation Areas).
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Access and highways, in particular to the public car park;
  - Drainage;
  - Flood risk;
  - Conservation Area;
  - Trees; and
  - Residential amenity

**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 refs. S/0149/88/O and S/2134/88/O, S/2328/89/O, S/0273/03/O and S/2364/03/O.

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/0113/05/F - Great and Little Chishill  
Erection of 11 Affordable Dwellings, Land at Heydon Road  
for Raglan Housing Association**

**Recommendation: Delegated Approval  
Date for Determination: 3<sup>rd</sup> May 2005**

Members will visit this site on 4<sup>th</sup> April 2005

**Site and Proposal**

1. This full application, registered on 20<sup>th</sup> January 2005, proposes the erection of 11 affordable dwellings for rent on a 0.32ha area of orchard land to the east of Heydon Road, Gt Chishill.
2. To the south of the site is a pair of semi-detached houses. To the north is a vehicular access serving a large agricultural building. To the east and west is agricultural land. The site is on the inside of a bend at the edge of the village. The road falls away towards the village. The site itself is set above the level of the road behind a grassed bank. The frontage of the site comprises a poplar hedge and tree planting. There is no footpath along the front of the site.
3. The layout plan proposes a single point of access in the northern part of the site with a roadway running to the rear of the proposed dwellings. A footpath is shown within the site, in front of the proposed dwellings, joining Heydon Road at the southern end of the site. There is no exiting footpath serving development in this part of Heydon Road for the new footpath to link into.
4. The application proposes two pairs of 3-bedroom semi-detached houses, two pairs of 2-bedroom semi-detached houses, and a terrace of three 2-bedroom houses. The houses have ridge heights of 8.7m and are set away from Heydon Road. Two parking spaces are provided to the rear of each dwelling, outside the residential curtilages, with the exception of Plot 11, which has parking at the front.
5. Materials proposed are brick, with tile hanging at first floor, and red/brown plain tiled roofs.
6. The site is outside the village framework which is adjacent the southern boundary.

**Planning History**

7. In January of this year an application for the erection of 14 Affordable Dwellings was withdrawn. (Ref: S/2567/03/F).

**Planning Policy**

8. **Policy SE5** of the South Cambridgeshire Local Plan 2004 (The Local Plan) identifies Great Chishill as an infill only village.
9. **Policy SE8** of the Local Plan 2004 states that residential development outside village frameworks will not be permitted.
10. **Policy HG8** of the Local Plan 2004 states that as an exception to the normal operation of the policies of the Local Plan, planning permission may be granted for schemes of 100% affordable housing designed to meet identified local housing needs on sites within or adjoining villages. The following criteria will have to be met.
  - 1) The development proposal includes secure arrangements for ensuring that all dwellings within the scheme provide affordable housing in perpetuity for those in 'housing need' as defined in **Policy HG7**.
  - 2) The number, size, design mix and tenure of the dwellings are all confined to, and appropriate to, the strict extent of identified local need.
  - 3) The site of the proposal is well related to the built-up area of the settlement and the scale of the scheme is appropriate to the size and character of the village.
  - 4) The development does not damage the character of the village or the rural landscape.

Development under this policy must also comply with criteria 1), 4) and 5 of **Policy HG7** and the relevant interpretation provisions of that policy.

11. **Policy HG7** of the Local Plan sets out the District Councils policy in respect of affordable housing on sites within village frameworks. Criteria 1), 4) and 5), referred to above, confirm that such affordable housing should be limited to units of types and sizes required to provide accommodation for those revealed to be in 'housing need' by an up-to-date survey; be occupied only by qualifying persons, subject to cascade provisions, and; be secured in perpetuity by planning obligation under Section 106 of the Town and Country Planning Act 1990 or an alternative form of equally effective provision.
12. **Policy EN5** of the Local Plan encourages retention of trees and hedges whenever possible in proposals for new development.
13. **Policy EN1** of the Local Plan states that the District Council will seek to ensure that the local character and distinctiveness of Landscape Character Areas is respected, retained and wherever possible enhanced. Planning consent will not be granted when it would have an adverse effect on the character and distinctiveness of these areas.
14. **Policy EN12** of the Local Plan refers to retention features and historic types of conservation value.
15. **Policy EN13** of the Local Plan sets out the Council's Policy in respect of Protected Species.

## **Consultations**

16. **Great and Little Chishill Parish Council** recommends approval. "The Parish Council approves this application but would like consideration to be given to some contrasting tiling to be used to break-up the red/brown multi facing brick to give a more attractive appearance."
17. **The Local Highway Authority** requests that dimensions are shown on the visibility splays. It states that the road is not designed to a standard that will be adoptable, so it will remain private. It comments that the parking space 22 appears impractical and the location of two secure cycle parking spaces are shown for each property.
18. **The Environment Agency** confirms that its standing advice applies in this case.
19. The **Chief Environmental Health Officer** requests conditions restricting the hours of operation of power driven machinery during the period of construction. Informatives should be attached concerning the use of driven pile foundations and the burning of waste.
20. The **Trees and Landscapes Officer** states that the major area towards the rear of the site where development is concentrated appears to be dense scrub. Efforts appear to have been made to retain an element of the existing tree cover situated along the site frontage, although the quality of the pollarded poplars is generally very poor. The point of access does cut through an area of established young plantings and the location of plots 10 and 11 "squeezes" and will necessitate the removal of existing trees. This erodes the element of natural screening to this part of the site frontage, and also limits the potential to replant. This point should be addressed. Any consent should contain a condition for protective fencing of retained trees.
21. The **Ecology Officer** has concerns at the impact of the development on the local biodiversity, although the layout does try to retain more natural features than the withdrawn scheme. There are points that require further clarification.
  1. Is this site really the most suitable in the village? He states that he has been made aware of a vacant field that is more central to the village and would appear to have less wildlife interest.
  2. There would appear to be a discrepancy between the numbers of retained poplar trees as shown on the various drawings. These trees should be accurately shown to assess the impact.
  3. What is the purpose/use/habitat potential of the land between the footpath and the road?
  4. The amount of car parking and access roads appear quite significant. By removing some areas of hard surface it might be possible to retain additional fruit trees.
  5. There is concern that the present assessment states that no form of mitigation or compensation could be provided.

In order to mitigate development impact a condition should be imposed to require a scheme of ecological appraisal to be submitted, which should consider the bird species identified in the current assessment and the proposed means by which habitat features for them might be created. The fruit trees proposed for retention must be protected prior to work commencing. Shrub planting and deadwood habitats could be enhanced for invertebrates at site boundaries.

22. The **Development Manager** confirms that this scheme has been discussed at great length with the applicant and the Parish Council and the layout, house types, mix and tenure has been agreed.
23. The **Environment Operations Manager** comments that the refuse collection access road runs to the rear of the properties and the turning head is annotated 'refuse vehicle turning area'. Confirmation should be sought that this road will be to adoptable highway standard to withstand 26 tonne gross weight 6x4 vehicles. The refuse storage for each dwelling is shown to be within the porch areas at the front of the properties. Collection will not take place from the front of the properties via the footpath as this does not comply with the planning guidance. If the storage is to remain as currently shown it should be confirmed that it is large enough to house two 240 litre wheeled bins and a 55 litre kerbside box and that conveyance will require residents to place their bins on the shared access road for collection or provide further details of revised storage location.
24. **Cambridgeshire Fire and Rescue Service** request that adequate provision is made for fire hydrants.
25. The **Architectural Liaison Officer, Cambridgeshire Constabulary** comments that generally in curtilage parking is preferred but where this is not possible parking should be in small courts serving a maximum of six dwellings close to and within the natural surveillance of the dwellings served. In this instance, with the exception of spaces 21 and 22, there is no surveillance of parking from the highway with the remainder in a parking court serving 10 dwellings. The existence of the concrete track beyond the parking court increases the vulnerability both of vehicles parked and the backs of dwellings. A reconsideration of refuse collection might allow all the dwellings to be provided with in curtilage parking. Consideration should be given to providing lighting for the parking area, particularly if it is intended to apply for a Secured by Design award. Care needs to be taken that planting to the front does not impede natural surveillance of dwelling frontages which should provide two-way supervision.
26. **The Wildlife Trust** comments that issues raised in respect of the withdrawn application remain relevant to the new application. Small areas of natural habitat and green space within villages can be disproportionately valuable for local wildlife and for the quality of local people. Any development proposals should seek to ensure that they cause no net loss in biodiversity. It would appear that further consultation with local residents would be appropriate to try to find a suitable location for affordable homes that also ensures the protection and/or enhancement of local biodiversity.
27. The comments of the **Affordable Housing Panel** will be reported verbally.

### **Representations**

28. Fourteen letters have been received objecting to the application on the following grounds:
  - Access is off a narrow road and will be dangerous. Cars observing the speed limit are in the minority.
  - There is no street lighting or footpath at this end of the village.

- Nearest play area is at the far end of the village and with no footpath or street lighting would be hazardous to get to.
- Site was an orchard, which was chemically experimented on for several years. Has the safety of the soil been investigated? If families are to be housed on this land surely their welfare should be of paramount concern.
- Lack of amenities within the village makes this an unsuitable location for affordable housing. There is no village shop/post office, no school, no doctors and public transport is very limited.
- Affordable housing would suggest a more affordable way of life. However lack of the above makes ownership of a car a necessity which may not be ideal for the financially challenged. Such a location will require a more costly way of living.
- The site is currently a wildlife haven with sightings of many species of wild animals and birds reported, including the Marsh Tit and badgers.
- There are many Poplar trees bordering the site and to pacify previous concerns it is stated that some of these trees would remain, however once footings are dug roots will be damaged and the trees will die.
- The electricity supply is currently under stress and water pressure is low.
- There is no guarantee that the people selected to occupy the houses will come from the local area.
- What guarantee is there that there will not be further building at a later date?
- Development will detract from the rural character of the area. A modern estate of affordable houses would not be in keeping and is more suited to an urban environment.
- One letter supports the concept of affordable housing in Gt Chishill, subject to the houses being only for rent, but not the use of this site.
- The scheme will effectively join the two villages of Heydon and Gt Chishill which will lose their separate historic identities permanently.
- The site falls within a Nature Conservation Zone and construction would be contrary to Policy SP12/1 and HG27 as well as PPG7.
- There is no parking for visitors.
- The scheme is not needed as there are very few people from Gt Chishill on the housing register to rent houses in the village.
- Heydon Road is a quiet road with little traffic and families use the road for walking and cycling. This luxury would be lost.
- The site is outside the village framework and Gt Chishill is an infill only village. A full copy of the letter can be viewed as part of the background papers and will be on display at the meeting.

- Potential overlooking of garden and swimming pool on opposite side of road to higher level of site.
- Inaccuracies in housing report:
  - talk of street lights will add to light pollution;
  - effect on local customers of light pollution;
  - properties poorly designed;
  - devalue existing properties;
  - damage to verges.

In addition a 16 page letter of objection has been received from the occupier of 77 Heydon Road. The letter expands on the above points and points to Local Plan Policies and criteria with which the site and development do not comply.

### **Planning Comments - Key Issues**

29. The key issues to consider with this application are whether the application satisfies the criteria set out in the Policies HG7 and HG8 of the Local Plan (affordable housing).
30. Gt Chishill is identified by Policy SE5 of the Local Plan as an Infill-only village. Infill-only villages are generally among the smaller settlements in the District and tend to have a poor range of services and facilities. The text to Policy SE5 recognises that it is often necessary for local residents to travel outside the village for most of their daily needs and that these villages generally lack any food shops, have no primary school or permanent post office. It is stated that development on any scale is therefore likely to generate a disproportionate number of additional journeys, contrary to the aims of the Structure Plan.
31. Policy HG8 of the Local Plan however allows for exceptions to be made to the normal operation of policies of the Plan and states that planning permission may be granted for schemes of 100% affordable housing designed to meet identified local housing needs on sites within or adjoining villages.
32. The Development Manager has confirmed that the scheme has been discussed at great length with the applicant and the Parish Council and the layout, house types, mix and tenure has been agreed. Any consent would not be issued until the applicant has entered into a Section 106 Agreement securing the arrangements to ensure that all the dwellings within the scheme provide affordable housing in perpetuity for those in 'housing need' as defined in Policy HG7. The Affordable Housing Panel will meet to look at these issues and its comments will be reported to the meeting.
33. The site, although outside the village framework, adjoins it to the south and is well related to the built up area of the settlement. In my view, the scale of the scheme is appropriate to the size and character of the village.

In respect of the impact of the scheme on the character of the village or the rural landscape, the site is located between the villages of Gt Chishill and Heydon. The distance between the northern edge of the village framework of Gt Chishill and the southern edge of the village framework of Heydon is only some 300m. Given that the frontage of the application site is 100m it will erode the gap between the two villages.

34. The proposed vehicular access to the site will disrupt the rural approach to the village. Although the existing frontage planting is not individually of great quality, cumulatively it does add significantly to the rural character of the area. It is essential that the applicant demonstrates the ability to provide an adequate and safe vehicular access to the site, that satisfies the requirements of the Local Highway Authority, in such a way that it allows a substantial amount of the existing frontage planting to be retained.
35. At the present time the layout plan submitted with the application shows visibility splays below the standard that are likely to be required by the Local Highway Authority and below those referred to by the applicant's own transportation planners, for a site that is located outside the 30mph speed restriction. I have requested a revised layout plan showing the full extent of the visibility splays required by the Local Highway Authority and sought confirmation that these can be provided without encroachment over third party land. Once the revised drawing has been received a fuller assessment can be made of the impact of the proposal on the character of Heydon Road. Additional detail is also required in respect of the proposed footpath.
36. I have passed on the comments of the Environment Operations Manager, the Architectural Liaison Officer, Cambridgeshire Constabulary, Trees and Landscapes Officer and the Ecology Officer to the applicant and will report the response of any further information/drawings.
37. The site is owned by Bayer Crop Science, although a covering letter submitted with the 2003 application states that the land is not cultivated or used as part of its operations. A condition can be attached to any consent requiring tests to be carried out to identify any ground contamination, prior to the commencement of development, and put forward mitigation work if necessary.
38. Several of the letters of objection refer to the possible availability of what is felt to be a more appropriate site for affordable housing in the village, and that the landowner has not been approached by the Parish Council. Whilst this is a matter that might be discussed at the Affordable Housing Panel, if the application site is considered to be an appropriate site for affordable housing after taking into account all relevant considerations, consent should not necessarily be refused on the grounds that there might be a more appropriate site within or adjoining the village.
39. I shall report the receipt of any further details addressing the comments of the Local Highways Authority, Environment Operations Manager, the Architectural Liaison Officer, Cambridgeshire Constabulary, Trees and Landscapes Officer and the Ecology Officer. I shall also report the view of the Affordable Housing Panel
40. If the proposal has the support of the Affordable Housing Panel, the above matters can be satisfactorily addressed, and the applicant can demonstrate that a satisfactory and safe vehicular access can be provided without having a significant adverse effect on the rural character of the area, I shall recommend that Members support the proposal.

### **Recommendation**

41. Subject to the satisfactory resolution of matters set out in the above paragraph that the applicant be invited to enter into a Section 106 Agreement securing the provision of affordable housing in compliance with Policies HG7 and HG8 of the Local Plan 2004, and that, subject to the prior signing of that agreement, officers be given delegated powers to approve the application.

**Informatives**

**Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **South Cambridgeshire Local Plan 2004: HG7 and HG8**
2. The development 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
  - Housing Need
  - Nature Conservation

**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/0113/05/F and S/2567/03/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S1580/04/F - Melbourn**  
**Children's Slide and Climbing Frame at The Star, 29 High Street for Mr A Martin**

**Recommendation: Refusal**  
**Date for determination 25<sup>th</sup> November 2004**

**Conservation Area****Site and Proposal**

1. The Star Public House is located on the south east side of the High Street; this road leads out of Melbourn north easterly onto Cambridge Road. The site is within the Conservation Area for Melbourn and the garden area in which the play equipment has been erected is approximately 0.11 (0.28 acres) hectares. The site has some play equipment already located close to the northeast boundary. The Beer garden and car park are separated by a low picket fence (approx 1 metre) and the site is entered using gates. The site is surrounded by residential properties and has some orchard trees within the garden area. Adjoining to the north east is a Listed Building (No. 27 High Street).
2. The full planning application, received 28<sup>th</sup> July 2004 (later re dated due to incorrect site plans) is a retrospective application for the erection of a children's slide and climbing frame

**Planning History**

2. None relevant to this application

**Planning Policy**

3. Structure Plan 2003 **Policy P1/3** requires a high standard of design for all new development, which responds to the local character of the built environment.
4. Local Plan 2004 **Policy EN30** states that proposals within conservation areas will be expected to preserve or enhance the special character and appearance of the conservation areas in terms of their scale, massing, roof materials and wall materials. It also states that the District Council will refuse permission for schemes within conservation areas, which do not specify traditional local materials and details and which do not fit comfortably into their context.

**Consultation**

5. **Melbourn Parish Council** recommends approval and suggests that the structure has a "shut down" time to address noise issues (say 9.00 pm). An adjacent neighbour has problems with the noise generated.

6. **Conservation Manager** has no objection, having regard to visual impact in the Conservation Area and the setting of the adjacent Listed Building.
7. **Chief Environmental Health Officer** has no objections. With reference to the objections received from neighbouring properties the Environmental Health Officer was re-consulted and visited the site again to speak to the applicant and the objecting occupiers of surrounding properties. At the time of the visit, in November, the use of the equipment was considerably less. He was of the view that a fair indication of noise level would not be obtainable. Although there was no doubt that the noise of voices would be clearly audible at the complainants properties, the Environmental Health Officer was of the view that there would be no unreasonable disturbance due to the usage of this particular piece of equipment with reference to noise. He was also of the view that moving the equipment away from the neighbours closer to the car park would not result in a noise reduction.

### **Representations**

8. Three letters of objection were received from neighbouring properties. The occupier of 27 High Street Melbourn has commented on the increased noise levels and suggests further screening to lessen noise.
9. The occupier of 8 Spencer Drive objects to the location of the frame rather than the frame itself. The location has lead to overlooking of their property given the height and siting of the frame and the proximity has meant an increase in noise level.
10. The occupiers of No. 7 Spencer Drive has objected to the noise increase and overlooking of their property.

### **Planning Comments - Key Issues**

11. The key issue into relation of this application is the impact of the climbing frame on the occupiers of the dwellings at Spencer Drive with reference to overlooking and loss of privacy.
12. The play equipment is located close to the rear boundary of the public house gardens, the closest part of which is 4 metres from the adjoining boundary. The part of the equipment that causes most concern is that of the covered platform. The structure is some 3 metres high, the platform of which is approximately 1 metre from the floor. It is this part of the play equipment and the surrounding log traverse that is capable of being climbed on, over and around.
13. Having been out onto the site and stood on this platform I was originally of the view that this could somehow have a 'return' or screen built into it to address overlooking from the part of the equipment, as it was clear that I could view into the neighbouring properties gardens; tree screening may also have helped.
14. I also viewed the site from the adjoining properties, particularly that of No. 7 and 8 Spencer Drive. I am of the view that the structure is very visible from the habitable rooms and rear garden of No. 7. The structure is for the use of climbing on and from this point I believe this adversely affects the occupiers' amenity and leads to a loss of privacy.
15. From the rear garden of No. 8 there is less impact on the view into the rooms of the dwelling, however from the height of the structure a view into the rear garden is

apparent and I am of the view this adversely impact the occupiers of this dwelling by means of overlooking.

16. The structure was erected before a planning application was received and moving the structure was suggested to the applicant. I was informed that this was a costly process now that it has been fixed to its current position. The application has been on going for sometime as arranging to view the site from the adjoining occupiers gardens proved difficult, but has none the less been essential in assessing this application.

### **Recommendation**

Refusal

The play equipment in its existing position adversely affects the amenities of neighbouring properties by virtue of introducing overlooking and loss of privacy. The proposal is therefore is contrary to Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003.

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

- File reference S/1580/04/F
- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/2535/04/F - Hildersham**  
**Extension to Existing Dwelling and Erection of New Dwelling - Seven Beeches, High Street for Mr & Mrs Humphreys**

**Recommendation: Refusal**  
**Date for Determination: 9<sup>th</sup> February 2005**

**Conservation Area**

Members of Committee will visit the site on Monday 4<sup>th</sup> April 2005.

**Site and Proposal**

1. The application site is occupied by a two storey 1950's brick dwelling (Seven Beeches) sited on the east side of the High Street in a backland position to the east/rear of two properties fronting the High Street. The dwelling is set approximately 40 metres back from the road. To the north-east is a large detached brick dwelling whilst to the south is a 1970's architect designed property. Detached two storey properties lie to the west whilst to the east is meadow land. On the south side of the dwelling within the garden area are a number of trees.
2. The full application, submitted on 15<sup>th</sup> December 2004, comprises two elements:
  - The erection of a new dwelling within the garden land (approximately 0.09 hectares) to the south of the existing property. The proposed dwelling would be a part two storey-part single storey property comprising three linked elements that range in height from 5.2 metres to 6.7 metres. It would comprise three bedrooms and an integral double garage. The dwelling has been orientated and designed to ensure that there would be no overlooking of the existing dwelling with the only first floor window facing northwards being a rooflight serving a toilet. On the south side of the dwelling, the only first floor windows are three rooflights to a bedroom. Dormers to a bathroom and bedroom are proposed in the east and west elevations respectively of the easternmost part of the property. The dwelling would be constructed of a mixture of feather-edge boarding, brickwork and painted timber joinery, with pantile or plain tile roofs. The density of the development equates to around 11 dwellings/hectare.
  - An extension to the existing dwelling. A single storey element would be removed from the west side of the existing property in order to provide vehicular access to the proposed new dwelling. In addition, a first floor extension would be added above the existing lounge which sits on the south-western corner of the property.
3. A covering letter has been submitted with the application by the applicants agent. This states that the proposed dwelling would be a retirement cottage for the present occupants of Seven Beeches, who have lived in the village for 20 years. It is explained that Officers have previously advised informally that the erection of a dwelling on this site may be acceptable in principle.

4. In support of the application, reference is made to at least ten houses that have been built on backland plots in recent years. The site falls within the development area of the village which has pockets of dense development in otherwise open or wooded countryside. The proposal would not detract from the setting of the village and would continue the historic pattern of settlement. The presence of mature trees will ensure that the dwelling would not be seen from other properties or from the High Street. There would be no overlooking of adjoining dwellings, permitted development rights could be withdrawn if seen to be necessary and a planting scheme would be provided.

### **Planning History**

5. **S/1060/04/F** - An application to erect a two storey dwelling on this site was withdrawn. Officers had intended to refuse the application due to its impact upon the character of the area and upon the amenities of adjoining residents.

### **Planning Policy**

6. Hildersham 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.
7. **Policy P1/3** of the County Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.
8. The site lies within the village Conservation Area. **Policy P7/6** of the County Structure Plan 2003 requires development to protect and enhance the quality and distinctiveness of the historic built environment, whilst **Policy EN30** of the South Cambridgeshire Local Plan 2004 requires new development in a Conservation Area to either preserve or enhance the character of the area.
9. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
  - Result in overbearing, overlooking or overshadowing of existing residential properties;
  - Result in noise and disturbance to existing residential properties through the use of its access;
  - Result in highway dangers through the use of its access;
  - Be out of character with the pattern of development in the vicinity.
10. **Policy CS5** of the Local Plan requires alleviation and mitigation measures to be secured to overcome potential flooding.

### **Consultation**

11. **Hildersham Parish Council** recommends approval of the application.
12. **The Conservation Manager** objects to the application stating:

“ I am of the opinion that this development is inappropriate and should not be supported. The proposal is to erect a 2-storey, rather sprawling property in the rear garden of the existing property. The form of the building results from the necessary contortions to fit the building on the site. The development conflicts with the loose pattern of development in the village, which is characterised by relatively spacious development within a well treed landscape. The proposal would, therefore, be out of character with the pattern of development in the Conservation Area. The development would essentially cover the available site, resulting in the loss of some young trees and be within 7.5 metres of the adjacent property and 5 metres from the adjoining owner's boundary. I would therefore suggest that the proposal should be refused for the reasons of a detrimental impact on the character of the Conservation Area and potential negative impact on neighbouring amenity. The proposal would also create an unfortunate precedent which may result in further site cramming to the detriment of the form of this infill only village.

13. **The Trees and Landscape Officer** considers the footprint of the dwelling to be acceptable in relation to the walnut tree. The tree at the gable end of the footprint close to the eastern boundary should be afforded more clearance if possible.
14. **The Chief Environmental Health Officer** raises no objections in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that a condition restricting hours of use of power operated machinery be applied to any planning consent.
15. **The Building Inspector** has been consulted in respect of the suitability of the access for emergency vehicles and has forwarded dimensions that would need to be satisfied.
16. **The General Works Manager** has advised that the existing access is unsuitable for refuse collection vehicles and that existing residents place bins on the curtilage of the property at the High Street. A conveyancing agreement for any other residents to present their waste in a similar manner would be required.
17. **The Environment Agency** has not been consulted on the current application but did comment in respect of the previous withdrawn application, stating that the applicant should carry out an assessment of flood risk and that the application should be deferred until a satisfactory Flood Risk Assessment had been received. No FRA has been submitted as part of the current application.

### **Representations**

18. 2 letters of objection have been received from Willow House and Victoria Cottage to the south and west of the site respectively. The main points raised are:
  - The proposal overfills a site of natural and conserved beauty;
  - The development would affect the privacies of Willow House to the south as well as neighbours to the west and east;
  - The development does not conserve or enhance the Conservation Area and spoils the spacious character and amenities of Hildersham

### **Planning Comments - Key Issues**

18. The key issues in relation to this application are:

- The impact of the development upon the character and appearance of the Conservation Area;
  - Residential amenity;
  - Impact on trees;
  - Flood risk
19. The site lies within the village framework in a backland position where policies generally support the principle of erecting a dwelling providing the site in its present form does not form an essential part of village character and providing development is sympathetic to the character of the surrounding area and the amenities of local residents.
20. The Conservation Manager has objected to the application, stating that the development would materially harm the character and appearance of the Conservation Area by conflicting with the loose pattern of development within the village. Although no specific objections have been raised by the Trees and Landscape Officer to the loss of some of the trees on the site based on their quality, their removal would result in visual harm to the character of the area.
21. With respect to the impact of the development upon the amenities of neighbouring properties, the proposed dwelling has been designed and orientated so that it would not overlook, or be overlooked by, the existing property, Seven Beeches. It would be sited just 9 metres away from windows in the rear/south elevation of Seven Beeches. However, the nearest element of the proposed dwelling would be just 5.2 metres high and, although it would have some impact upon the outlook from rear facing windows, its impact is not considered to be harmful enough to warrant a refusal on this basis. It is considered, however, that the amenities of future occupiers of Seven Beeches would be affected by vehicle movements due to the proximity of the new driveway and the turning area to Seven Beeches' garden area. I am satisfied that the development would not overlook or unduly affect the outlook from the neighbouring dwellings to the south and west.
22. Based on the figures forwarded by the Building Inspector relating to turning space required for fire engines, there is insufficient space within the site itself for a fire engine to turn. As such, vehicles would need to turn in front/on the north side of Seven Beeches thereby further affecting the amenities of the occupiers of this property.
23. Finally, no Flood Risk Assessment has been submitted with this application. It has therefore not been demonstrated that the flood risk and run-off implications of the development are acceptable.

### **Recommendation**

24. Refusal - for the following reasons:
1. The proposed dwelling, by virtue of its form and scale, together with the loss of trees, would conflict with the loose pattern of development of the village which is characterised by relatively spacious development within a well treed landscape. The proposed development would neither preserve nor enhance the character and appearance of the Conservation Area.

The proposal is therefore contrary to Cambridgeshire and Peterborough Structure Plan 2003 Policies P1/3 which requires a high standard of design that responds to the local character of the built environment, and P7/6 which requires

development to protect and enhance the quality and distinctiveness of the historic built environment; and South Cambridgeshire Local Plan 2004 Policies SE5 which requires development in infill villages to be sympathetic to the character of the locality, EN30 which states that permission will be refused for schemes within Conservation Areas which do not fit comfortably into their context and HG11 which states that development to the rear of existing properties will only be permitted where the development would not be out of character with the pattern of development in the vicinity.

2. The proposed dwelling would be accessed by an approximately 50 metre long driveway that entails a 90 degree turn approximately half way along its length and then runs adjacent to the west side of Seven Beeches, with the turning area being next to the southern edge of Seven Beeches' garden. The proposed access and turning area would adversely affect the amenities of the present and future occupiers of Seven Beeches as a result of noise and disturbance caused by vehicle manoeuvring (including emergency vehicles). Consequently, the proposal would contravene Policies HG11 of the South Cambridgeshire Local Plan 2004 which states that development to the rear of existing properties will only be permitted where the development would not result in noise and disturbance to existing residential properties through the use of its access and SE5 of the Local Plan which requires development in Infill villages to be sympathetic to the amenities of the locality.
3. Notwithstanding the above, in the absence of a Flood Risk Assessment, it is unclear whether the development would increase flood risk as a result of additional surface water runoff. The proposal therefore contravenes Policy CS5 of the South Cambridgeshire Local Plan 2004 which states that permission will not be granted for development where the site is liable to flooding unless it is demonstrated that any effects can be overcome by appropriate alleviation and mitigation measures.

**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
- File Refs: S/1060/04/F and S/2535/04/F

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

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee6<sup>th</sup> April 2005**AUTHOR/S:** Director of Development Services

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**S/2069/04/RM - Longstanton**  
**Erection of 153 Dwellings and Ancillary Works on Land West of**  
**Longstanton**  
**(Phase 2 - Home Farm) for**  
**Cofton Ltd, Peter Stroude, George Wimpey East Anglia and Kings Oak Homes**  
**Ltd**

**Recommendation: Approval**  
**Date for Determination: 7<sup>th</sup> January 2005**

**Background**

1. Consideration of this reserved matters application, received on 8<sup>th</sup> October 2004, was deferred at Committee on 2<sup>nd</sup> February 2005 in order that further consideration could be given to:
  - a) Design and layout of the local areas for play (LAPs);
  - b) Refuse collection points;
  - c) Drive-way lengths;
  - d) Design of house types; and
  - e) Ecological enhancement.

**Update**

2. Following a series of meetings between relevant officers and the applicants, amendments were received on the 17<sup>th</sup> March 2005. In summary those drawings seek to address:
  - a) **LAP Details** - a simplification of the design, layout and ultimately maintenance if subsequently adopted by the Parish Council.
  - b) **Refuse Collection** - a layout plan has been submitted to show each refuse collection point, bin location and route between the two for every dwelling.
  - c) **Drive-way lengths** - I have contacted the applicant to clarify what changes have been made. Where necessary, garages have been changed to car ports to ensure that parked cars can be accommodated off the highway.

- d) **Design and Layout** - site layout and house design drawings have been submitted in response to the comments of the Council's Design Consultant. George Wimpey has submitted street scene elevations.
- e) **Ecology** - The applicants propose that the development will incorporate bird and insect boxes in a range of boxes to serve a number of species.

### **Consultations**

- 3. Consultations will be carried out with Longstanton Parish Council, Local Highways Authority and South Cambridgeshire District Council General Works Manager, Cultural Services Manager, Landscape Design Officer, Design Consultant and Ecologist.
- 4. I shall report comments orally, given that the receipt of the amended drawings coincided with the deadline for the preparation of this agenda report.

### **Recommendation**

- 5. Having regard to the discussions which have occurred and subject to the nature of comments from consultees, I anticipate recommending approval of reserved matters of siting, design, means of access and landscape structure (detailed scheme to be the subject of an additional condition).

### **Background Papers:**

- Reserved Matters Applications File Refs S/2069/04/RM and S/0696/04/RM
- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Development Brief for Home Farm, Longstanton 1998

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/0129/05/F - Oakington and Longstanton**

**Use of Land and Building for Saturday Market Including Car Boot Sales (9am-2pm),  
(Renewal of Time of Consent S/1671/03/F), Land at Oakington Airfield for Bedford  
Markets UK LTD.**

**Recommendation: Approval**  
**Date for Determination: 22<sup>nd</sup> March 2005**

**Site and Proposal**

1. The site comprises a piece of hardstanding, grassed area and old aircraft hangar located within the centre of the disused Oakington Airfield, between the villages of Longstanton and Oakington. The actual market area is sited approximately 550 metres east of the nearest residential properties located in St Michaels, Longstanton. The remainder of the open airfield separates the site from residential properties in Oakington.
2. This full application, received on 25<sup>th</sup> January 2005, seeks consent for the renewal of application S/1671/03/F, (expired on the 28<sup>th</sup> February 2005) for the continued use of the land for a Saturday Market and Car Boot sale. Access to the site is provided off Station Road, Oakington, adjacent to a pair of semi detached properties, (Nos 11 and 13 Station Road). The point of access measures 6 metres in width and is sited 16 metres away from the adjacent residential dwelling, (No 13). The access links onto the northern internal access road, (2km).
3. The Market and Car Boot sale is open to traders from 7am while public access is restricted to between the hours of 10 am and 2pm. The site is closed to traders at 4pm.

**Planning History**

4. Sunday Markets have in the past been held on the airfield under the provisions of the General Permitted Development Order which states that a Market can be held on up to 14 days of any calendar year without the need for planning permission.
5. An application for a Sunday Market with access off Longstanton Road in Oakington was submitted in 2001 but withdrawn prior to determination, reference **S/0252/01/F**.
6. Planning permission was originally granted for a Saturday Market on the airfield by the Planning Committee in June 2001 for a temporary period of one year (ref. **S/0544/01/F**). The site was located 50 metres from the nearest residential property in Longstanton with access provided off Station Road in Oakington, via the southern internal airfield road. The market ran from 9am to 5pm.

7. A later application, **S/1752/01/F** for use of the same area of land for a Saturday Market and car Boot, accessed directly off Longstanton Road, was withdrawn.
8. Planning permission was again granted for the Market and Car Boot Sale for a further temporary period of one year in February 2002 (ref. **S/2419/01/F**). The site was relocated further away from the residential properties in Longstanton, sited more centrally within the airfield. The market area was slightly larger. Access remained via Station Road in Oakington but ran via the northern internal airfield road. The hours of use remained the same.
9. In 2003 permission was granted for a slightly reduced area of the airfield to be used as a Saturday Market and Car Boot sale, reference **S/1671/03/F**. This temporary 17 month consent allowed the Market and Car Boot sale to be held every Saturday but from 9am to 2pm only. The times traders and the public were allowed on to the site in the morning remained at 7am and 9am respectively. Access to the market area was again provided off Station Road in Oakington, via the northern internal airfield road.

### **Planning Policy**

10. The site lies in the countryside, outside the village frameworks of both Oakington and Longstanton. **Policy P3/2 'Locating uses which attract large numbers of people'** of the Cambridgeshire and Peterborough Structure Plan 2003 seeks to locate leisure and shopping uses which generate large numbers of people within village centres or on edge of centre locations which are accessible by a range of transport modes.
11. **Planning Policy Statement 7** (Sustainable Development in Rural Areas) seeks, amongst others, to support countryside-based enterprises and activities which contribute to rural economies, and/or promote recreation in and the enjoyment of the countryside.

### **Consultations**

12. **Oakington Parish Council** - Recommend refusal due to the increased traffic flows, adverse affect on road safety and harm to the well-being of local residents. Reference is made to the infringement of numerous planning conditions and the fact that the operator has failed to ensure the stipulated entry times are adhered too. Requested if the application is approved, any consent be made personal to prevent different operators from running the Market
13. **Longstanton Parish Council** - No objection subject to access remaining via Station Road, Oakington
14. **Local Highways Authority** - No objection
15. **Cambridgeshire Constabulary Community Safety Department (Architectural Liaison Officer)** - No objection
16. **Chief Environmental Health Officer** is considering the application and any comments received. Any comments raised will be reported verbally to the Committee
17. **Old West Internal Drainage Board** - No objection

### **Representations - Applicant**

18. In a letter dated 18<sup>th</sup> February 2005 the applicant has confirmed it is their understanding that the definition of the site, as referred to in condition 3 of permission S/1671/03/F, relates to the area of land on which the market is held and does not include the access road. It is confirmed that no trader or member of the public access the market area before the times specified.
19. It is also confirmed that the vehicle control point is located more than 50 metres from the access, as specified by condition 5 of permission S/1671/03/F.
20. To prevent members of the public posing as traders to gain earlier access into the market area, all traders are given a yellow entry ticket, (it is my understanding that this entry ticket has a related fee)
21. Reference is made to the earlier approvals on the land and the support that has been raised for this development in the past. Bedford Markets UK Limited have operated the site since August 2004 and it is stated that all planning conditions have been adhered to during this period.
22. A second letter was received on the 16<sup>th</sup> March 2005 which mainly summarised the points raised during the consultation period. Reference is again made to the applicants interpretation of condition 3 of the previous planning approvals.

#### **Representations - Local Residents**

23. A number of letters of support have been received from residents living within Longstanton.
24. 1 letter of objection has been received which makes reference to traders and members of the public accessing the site before the times specified in condition 3 of the previous permission. It is also stated that the hangar can no longer be used for health and safety reasons

#### **Planning Comments - Key Issues**

25. The main issues to consider in relation to this application are:-
  1. The impact of the development on the character and appearance of the area;
  2. The affect of the increase in traffic generation and use of the access on highway safety; and
  3. The impact of noise and disturbance on the residential amenity of nearby occupiers.
26. The current Saturday Market and Car Boot sale has been running on the disused airfield now for approximately 3 ¾ years. With the exception of Oakington Parish Council which has remained concerned about the traffic implications of this use, each planning application considered has received little local objection. The small number of objections that have been received mainly relayed concerns from residents in Longstanton about the possible use of an access point in the village.
27. **1) Character and Appearance of the Area**  
The site lies within the countryside and is classified as brownfield land as a result of its previous use as an airfield for the Ministry of Defence. The principle of a Market on the site has already been established by the approval of temporary planning

permissions in 2001, 2002 and 2003. These applications considered the impact of the development upon the open and rural character of the area and determined that because the site was previously developed and the use requires a large open area for its operation, temporary re-use of the land for such a purpose was acceptable. The continued use of the land for a market is therefore considered appropriate in this location.

28. **2) Residential Amenity and Highway safety**

- The market area is held in the centre of the disused airfield, now a large expanse of open land. The site lies at least 550 metres away from the nearest residential property located within St Michaels, Longstanton. With neighbouring properties sited within Oakington located even further away, the level of noise and disturbance created by the market itself is not considered to have any significant adverse impact.
29. The access to the site is provided through an existing crash gate leading onto Station Road, Oakington. This access is sited 16 metres north east of the adjacent property No 13 Station Road with a hedge running in between. While No 13 has a blank gable facing the access, having regard to the number of vehicles attracted by a use of this kind, the relationship between this property and the access is considered poor.
30. When considering the initial application for the Saturday Market and Car Boot, (S/0544/01/F), it was agreed that as the market would not be open to the Public until 9am, the proposal is only for one day a week and the occupiers of the adjacent properties had not objected to the proposal, the access arrangements were acceptable. This was on the proviso that a condition be issued preventing traders entering the site before 7am and members of public before 9am, (see condition 3 of all previous permissions). Contrary to the applicants claim, (see letter dated 18<sup>th</sup> February 2005), the access road and market area both fall within the definition of 'the site' and this condition precludes any access onto the airfield before the times specified.
31. Over the last 12 months a number of objections have received by the Council's Enforcement Team. The majority of these concerns relate to the times both traders and members of the public are being allowed onto the site. Cuttings of numerous adverts stating that the Market is open from as early as 6am have also been submitted. Whilst in recent months evidence of correct forms of advertising have been submitted to the Council, the current operators have stated that, in the interests of highway safety, any trader or member of the public who arrives before the times specified in Condition 3 are allowed to gain access onto the airfield, but is then made to queue outside of the market area on the internal access road, some distance from the adjacent properties. Whilst this approach is beneficial from a highway safety perspective, (discussed in more detail below) operating the marketing in this way is in breach of Condition 3 of the previous planning approvals.
32. Whilst the applicant has misinterpreted how Condition 3 should be implemented, (officers agreed that the wording of the condition is not totally clear) if the operator of the site prevents traders and the public entering the airfield before the times specified, cars, vans and trailers will queue on the highway. Markets and Car Boot sales of this nature attract vast numbers of people, many of whom visit a variety of different markets each week, travelling great distances to do so. Many people visiting the site will not be aware when the Market opens, while others intentionally arrive early to either get the best pitches or best deals. If the access gates onto the airfield remained locked until the specified times, (as intended by condition 3), a number of vehicles will queue within Station Road. Station Road is not wide enough to allow a car to pass parked vehicles without crossing the white centre line. If visibility is

- obscured by a number of stationary vehicles, this obstruction within the Highway will result in hazardous road conditions, a situation made worse by a bend in the road.
33. The Local Highways Authority has indicated verbally that any condition which results in vehicles queuing within the road, would be the subject of highway objections.
  34. Whilst the use is being operated in breach of Condition 3, the occupiers of the adjacent property have not raised any objections either during this planning application or prior to this latest application being submitted. In the absence of any objection, the harm that unregulated access on to the airfield is causing is questioned. In many respects it maybe better to allow cars to drive clear of the nearby dwellings rather than forcing them to queue outside.
  35. The two initial applications that were approved, were given a temporary consent to enable the impact of the development on the amenities of neighbouring dwellings to be assessed. Prior to the first application being approved, (S/0544/01/F), Oakington Parish Council raised concerns regarding the number of vehicles that will end up queuing within Highway. When the second application was approved, (S/2419/01/F), no objections were raised to the use of the access, nor was a concern raised about the noise and disturbance being caused by its use. Again when application S/1671/03/F was approved, no comments on this specific issue were raised. It is possible that objections were not raised to these previous applications because at the time, the Market and Car Boot sale had been run in accordance with the conditions specified on each approval. Given the difficulties associated with enforcing condition 3, Officers are however not convinced that this is the case.
  36. Whilst the above-mentioned condition maybe unable to be implemented as intended without having highway safety implications, this restriction was issued for good reason. Officers have therefore considered the potential benefit of delaying the times at which the market is open. If the times at which traders and the public are allowed to enter the market area is delayed by 1 hour, (until 8am and 10am respectively), the number of vehicles using the internal road and access at unsociable hours, (before 8am) is likely to be substantially reduced. If the condition is worded so that the use of the access road is not precluded but access onto the market area is restricted to the revised times, this is considered to strike a suitable balance between protecting the amenities of the properties sited adjacent to the access and highway safety. Whilst the applicant has explained that such an approach would have severe financial ramifications, now that the above difficulties associated with the implementation of condition 3 have come to light, re-issuing this condition in its current form is not considered acceptable.
  37. **3) Highway Safety**  
Since the original approval for a Saturday Market and Car Boot Sale on the site, the access onto Station Road has been upgraded in accordance with the recommendations of the County Council Highway Department. The access has been extended to a width of 6 metres for a distance of 30 metres from the carriageway edge. Although located on a bend the access is sited on the outer edge of the curve with good visibility provided in both directions. There is also a 30 miles per hour speed limit in operation throughout the village. The Local Highways Authority has not raised any objections.
  38. It is accepted that this use does generate more traffic which travels through the village of Oakington than on a normal day. The road that is currently used most frequently to access the market is already considered to be fairly busy as it links the A14 with Oakington, Cottenham and the villages beyond. The general increase in traffic on

market days is therefore not considered to be detrimental to highway safety. The traffic will also be travelling from different directions so will not solely affect one road in isolation. In relation to the safety of pedestrians crossing the road, measures such as the introduction of a pedestrian crossing have improved the situation greatly. Vehicle to pedestrian visibility is considered to be good.

39. **Other issues**

Oakington Airfield forms part of the site for the new settlement, Northstowe. In considering an application for the renewal of the Oakington Barracks as an Immigration Centre, also located on the airfield, (sited to the north of the market site), permission was granted until 31<sup>st</sup> December 2006, to tie in with works starting at Northstowe. If Members are minded to approve this application a temporary consent until 31<sup>st</sup> December 2006 is recommended.

40. Oakington Parish Council has requested that, if approved, any consent be made personal to Bedford Markets UK Ltd, the current site operator. In this application however it is the use of the land that is being considered. Whilst the Parish is concerned that if the operator changes, conditions may not be implemented correctly, this is not a valid reason to justify a personal use. Providing the Market and Car Boot sale is run in accordance with all planning conditions, who manages the site is not relevant.

41. In a letter of objection it has been stated that the disused hangar included within the application cannot be used for Health and Safety reasons. Whilst this is not a planning matter clarification will be sought from the Council's Oakington Area Officer.

**Recommendation**

Subject to no objections from the Chief Environmental Health Officer

42. Approval subject to conditions

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 31<sup>st</sup> December 2006.  
(Reason - Approval of the proposal on a permanent basis would be contrary to the proper planning of the area and the land should be reinstated to facilitate future beneficial use.)
2. The market and car boot sale hereby approved shall not held other than on Saturdays.  
(Reason - To safeguard the amenity of the occupiers of the properties close to the access and in the interests of highway safety.)
3. The gates separating the parking and sales area identified on the plan hereby approved and the internal access road of the airfield shall not be opened to traders before 0800 hours, and shall not be opened to members of the public before 1000 hours on the day of the market and car boot sale. Traders shall leave the site before 1600 hours on the day of the market and car boot sale.  
(Reason - To safeguard the amenity of occupiers of properties close to the access and in the interests of Highway Safety.)
4. Access to the site shall not be achieved other than from the access on to Station Road, Oakington as shown on the approved Scale 1:10000 location plan.  
(Reason- In the interests of highway safety.)

5. Any vehicle control point shall be positioned a minimum of 50 metres from the highway.  
(Reason- In the interests of highway safety.)
6. The access road shall be a minimum width of 6 metres for a distance of 30 metres from the edge of the existing carriageway and appropriately surface sealed.  
(Reason- In the interests of highway safety.)
7. 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- In the interests of highway safety.)
8. An adequate space shall be provided within the site to enable vehicles to enter and leave in forward gear, park clear of public highway and load and unload clear of the public highway.  
(Reason- In the interests of highway safety.)
9. The permanent space reserved on the site for turning, parking, loading and unloading shall be provided before the use commences and thereafter maintained.  
(Reason- In the interests of highway safety.)
10. All direction signs erected in relation to the Saturday car boot sale and market shall be removed before 1700 hours following the closure of the market.  
(Reason- In the interests of highway safety.)

### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**  
**P3/2** - Locating uses which attract large numbers of people
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
  - Increased traffic flows
  - Highway safety
  - Health and safety
  - Residential amenity

**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 Ref, S/0252/01/F, S/0544/01/F, S/1752/01/F, S/2419/01/F, S/1671/03/F and S/0129/05/F

**Contact Officer:** Paul Belton - Planning Assistant  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/2517/04/F - Meldreth**  
**Erection of House and Garage Following Part Demolition of Existing Dwelling, Land at 94/96 North End for Mr and Mrs Prove**

**Recommendation: Approval**  
**Date for Determination - 7<sup>th</sup> February 2005**

**Update**

1. At the March 2005 meeting, (Item 15), this application was deferred to enable Members to visit the site to assess the impact of the proposed new dwelling on the surrounding area.

**Representations**

2. No further representations have been submitted.

**Recommendation**

My recommendation remains one of approval subject to the conditions attached to the March Committee report.

**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/2517/04/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee6<sup>th</sup> April 2005**AUTHOR/S:** Director of Development Services

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**S/0124/05/F - Sawston  
Bungalow (Retrospective Application) at 6A Dale Way for Messrs D and H Piggott****Recommendation: Approval  
Date for determination: 2<sup>nd</sup> May 2005****Site and Proposal**

1. The site, which is triangular in shape and extends to approximately 0.05 hectares/0.11 acres, was previously part of the garden to No.6 Dale Way. The bungalow for which retrospective permission is now sought stands on the site. The parking area and gardens have not been laid out to date. The bungalow has also not been fitted out internally and is currently vacant. Two-storey semi-detached gable roof dwellings and their gardens bound the site.
2. This full, retrospective application, registered on the 24<sup>th</sup> January 2005 and amended by plan date stamped the 10<sup>th</sup> March 2005, proposes the erection of a 4.5 metres high, 3-bedroom brick and tile hipped roof bungalow. Two parking spaces are to be provided. The density equates to approximately 20 dwellings to the hectare.

**Planning History**

3. Planning permission was refused by this Council but granted at appeal in June 2002 for a 2-bedroom bungalow with a gable roof on the site (**S/1192/01/F**). The bungalow for which permission is now sought, which is not in accordance with the approved plans, was subsequently erected.

**Planning Policy**

4. Structure Plan 2003 **Policy P1/3** requires a high standard of design for all new development which responds to the local character of the built environment.
5. Local Plan 2004 **Policy SE2** states that residential development will be permitted on unallocated land within Sawston provided that (a) the retention of the site in its present form is not essential to the character of the village; (b) the development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours; (c) the village has the necessary infrastructure capacity; and (d) residential development would not conflict with another policy of the Plan, particularly policy EM8 which relates to the loss of employment sites. It also states that development should provide an appropriate mix of dwellings in terms of size, type and affordability and should achieve a minimum density of 30 dwellings to the hectare unless there are strong design grounds for not doing so.

**Consultation**

6. **Sawston Parish Council** recommends refusal on the following grounds:

- Overdevelopment of site;
- Permission originally given on Appeal for 2 bedroom bungalow when a larger three bedroom bungalow has been built;
- Larger footprint area;
- Building positioned differently on site from permission previously given.

It also asks whether a site visit could be made before decisions are made.

### **Representation**

7. None received.

### **Planning Comments - Key Issues**

8. The key issue in relation to the proposal is the impact of the development on the character and appearance of the area.
9. The principle of erecting a bungalow on the site has been established at appeal. This application, submitted by prospective purchasers of the site, seeks retrospective permission for the existing bungalow. The existing bungalow is in the same position as the approved bungalow (not in a different position as stated by the Parish Council) but differs from the one approved in the following ways: it includes an additional 4.35m x 3.1m element on the northeast side; it has a larger footprint (existing = 112.5 square metres, approved = 82 square metres); the fenestration has been revised including moving the entrance door from the front to the side elevation; the front elevation is 0.8 metres wider; it has a hipped roof rather than a pitched roof as approved; and is 100mm lower. These revisions, and revisions to the internal layout, result in a 3-bedroom dwelling. The approved dwelling has 2 bedrooms.
10. Whilst the existing dwelling is different to the previously approved dwelling and neighbouring two-storey pitched roof dwellings, these changes do not in my opinion result in any demonstrable harm. The impact of the development on the character and appearance of the area would be acceptable. Adequate private amenity space and parking would be provided and the development would not seriously harm the amenity of occupiers of neighbouring properties.

### **Recommendation**

11. Approval (as amended by drawing no. 1092 2A and certificate date stamped 10.3.05)
  1. The development hereby permitted shall not be occupied until off-street car parking and means of vehicular access to 6 Dale Way and the dwelling hereby permitted have been constructed in accordance with drawing no. 1092 2A date stamped 10.3.05. The car parking spaces shall be retained for parking purposes thereafter - RC In the interests of highway safety and the neighbours' living conditions.

### **Informatives**

### **Reasons for Approval**

1. The 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: SE2** (Development in Rural Growth Settlements)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: overdevelopment of site; size and position of bungalow.

**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/1192/01/F & S/0124/05/F

**Contact Officer:** Andrew Moffat - Area Planning Officer  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

**S/0255/05/F - Sawston**  
**Erection of 16 Flats Following Demolition of Existing Dwellings, 1-25 (Odd) The Green Road for Bedfordshire Pilgrims Housing Association**

**Recommendation: Delegated Approval**  
**Date for determination: 12<sup>th</sup> May 2005**

**Site and Proposal**

1. The site, which is located at the southern end of The Green Road and extends to approximately 0.28 hectares/0.7 acres, is currently occupied by an L-shaped, part single story, part two-storey building providing sheltered accommodation and a community centre. Surrounding residential development is a mix of single storey (to the west), two-storey (to the north) and three-storey (to the east). A public footpath runs along the site's eastern and southern boundaries.
2. This full application, registered on the 10<sup>th</sup> February 2005, proposes the demolition of the existing dwellings with the exception of the community centre (which is to be retained) and their replacement with two blocks of 4.8 metre high to eaves/7.4 metres high to ridge two-storey flats at right angles to each other. 15 parking spaces are proposed. The density equates to approximately 57 units to the hectare.

**Planning History**

3. Planning permission was granted in 1998 for the conversion of No.13 from communal facilities to a flat (**S/1226/98/F**).
4. Permission for a communal facilities building on the site/adjacent to No.23 was granted in 1998 (**S/0628/98/F**).
5. An application for a community centre on the site was withdrawn prior to determination in 1993 (**S/0533/93/F**).
6. An application for communal facilities for warden controlled scheme was approved in 1988 (**S/0004/88/F**).

**Planning Policy**

7. Structure Plan 2003 **Policy P1/3** requires a high standard of design for all new development which responds to the local character of the built environment.
8. Local Plan 2004 **Policy SE2** states that residential development will be permitted on unallocated land within Sawston provided that (a) the retention of the site in its present form is not essential to the character of the village; (b) the development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours; (c) the village has the necessary infrastructure capacity; and (d) residential development would not conflict

with another policy of the Plan, particularly policy EM8 which relates to the loss of employment sites. It also states that development should provide an appropriate mix of dwellings in terms of size, type and affordability and should achieve a minimum density of 30 dwellings to the hectare unless there are strong design grounds for not doing so.

9. Local Plan 2004 **Policy HG7** relates to affordable housing on sites within village frameworks.
10. Local Plan 2004 **Policy HG10** states that residential developments will be required to contain a mix of units providing accommodation in a range of types, sizes (including 1 and 2 bedroom dwellings) and affordability, making the best use of the site and promoting a sense of community which reflects local needs. It also states 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 and distinctiveness, avoiding inflexible standards and promoting energy efficiency.
11. Local Plan 2004 **Policy EN5** states that the District Council will require trees to be retained wherever possible in proposals for new development.

### **Consultation**

12. **Sawston Parish Council** recommends refusal on the following grounds:
  - “Overdevelopment of site
  - Aggressive style of fencing
  - Loss of trees and green space
  - Oppressive large structure out of keeping with the surrounding.”

It also asks for a site visit.

13. **Trees & Landscape Officer** states that the proposal would compromise an element of the now established mixed species planting which provides an important visual amenity in this area and, to enable the proposal to be assessed objectively, a tree survey is required.
14. **Landscape Design Officer** states that additional planting will be required along the frontage and asks whether it is possible to break up the car park mass. She also states that the proposed close boarded fence along the rear would result in dark gardens and asks whether it could be lowered, replaced in part by trellis and/or set in as it would result in very hard boundaries to adjacent properties.
15. **Chief Environmental Health Officer** recommends conditions/informatives are attached to any approval relating to: the times during the construction period when power operated machinery shall not be operated except in accordance with agreed noise restrictions; driven pile foundations; no bonfires or burning of waste during construction except with his prior permission; and the need for a demolition notice.
16. **Local Highway Authority** raises no objections in principle but makes the following comments: the manoeuvring space between the rows of parking spaces should be a minimum of 6 metres to ensure ease of ingress and egress. It also states that a highway works Agreement with the County Council would be required to align the carriageway of The Green Road.

17. **Ramblers' Association** has some concerns in relation to the proposal. It notes that Sawston 12/13 forms the boundary of the site on two sides and is concerned that the footpath may be obstructed during the construction period. It also suggests that, once the development is complete, it would be a good opportunity for the County Council to improve the footpath signage.
18. **Environment Agency** comments that, as the proposed footprint is larger than the existing, the existing drainage infrastructure is unlikely to be adequate. It therefore recommends a Flood Risk Assessment be required.
19. **Cambs Fire & Rescue Service** states that additional water supplies for firefighting are not required.
20. The **Countryside Services Team at the County Council** was consulted but no comments had been received at the time this report was compiled.

### **Representations**

21. The occupier of 21 Sainfoin Close objects on the grounds of the close proximity and subsequent loss of privacy to her property. She also states she trusts that the occupiers will be well supervised at all times and will not be a threat to the safety of people living in the area.
22. The occupier of 10 The Green Road objects on the following grounds: selling of land outside the Parish without the consent of the Parish Council; loss of valuable land for to the Parish where demand for housing for first time buyers and the elderly is at a premium; destruction and intrusion of a successfully run community for the elderly at The Green Road; insensitivity of the development (two-storey buildings, extensive car parking space, lack of adequate planning for access to property and impedance and disruption to the neighbourhood), loss of valuable green space, isolation and segregation of the proposed inhabitants; the development infringes an ancient right of way which predates the domesday; and views/suggestions put forward by the local community, who have wholeheartedly disapproved of the development, have not been listened to.

### **Planning Comments - Key Issues**

23. The key planning issues in relation to this application are:
  - The impact of the development on the character and appearance of the area;
  - The impact on the amenity of occupiers of neighbouring properties; and
  - Affordable/social housing.
24. There is a mix of storey heights in the locality and I do not consider that two-storey buildings on this site would be out keeping with the character and appearance of the area. The simple design and fenestration of the buildings is also considered to be appropriate. Although the density may seem high (57 dwellings to the hectare), the units are all one bedroom. I do share the Landscape Design Officer's and Parish Council's concerns in relation to the impact of the proposed rear boundary fence and have asked the agent to reconsider the proposed rear boundary treatment. I have also requested a tree survey with a view to ensuring that the parking layout takes account of the existing trees and the opportunities to enhance the appearance of this area by way of appropriate new planting. I consider that the number of parking spaces proposed is appropriate.

25. There will be some additional overlooking of neighbouring properties and the bungalows in Sunderland Avenue and Vicarage Avenue in particular. However, consideration has been given to minimising this impact with only a total of four bedroom windows and four bathroom windows in the rear elevations of each building. In view of this, and the distances involved between the proposed windows and the rear elevations of the neighbouring properties (25-35 metres), I do not consider that this impact is reason for refusal.
26. The existing sheltered units are not 'affordable' as defined in Local Plan Policy HG7 but are a form of 'social housing' administered by the District Council. It is understood that the proposed units would provide for a particular housing need, namely supported housing for fourteen people with mental health needs. It would be important to ensure that the units continue to provide 'social housing' in perpetuity. In this instance, this social housing might include the proposed use, affordable housing as defined in the Local Plan, accommodation for the frail and elderly or other form of social housing approved by the District Council. This would normally be secured by means of a S.106 Agreement. However, in this instance, as the District Council is the owner of the site and the District Council cannot enter into a legal agreement with itself, this should be secured by means of the deed of transfer if/when the land is transferred.

## **Recommendation**

27. Subject to the receipt of satisfactory amended plans and information to address the comments of the Environment Agency, Local Highway Authority, Trees & Landscape Officer and Landscape Design Officer:

### Delegated approval

1. Standard Condition A - Time limited permission (Reason A);
2. Sc5a - Details of materials for external walls and roofs (Rc5a);
3. Sc51 - Landscaping (Rc51);
4. Sc52 - Implementation of landscaping (Rc52);
5. Sc56 - Protection of trees during course of development (Rc56);
6. Sc5f - Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (Reason - To minimise disturbance to adjoining residents);
7. During construction, ... Sc26 (0800, 0800, 1800, 1300) - Restriction of hours of use of power operated machinery (Rc26)

## **Reasons for Approval**

1. The 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: SE2** (Development in Rural Growth Settlements), **HG7** (Affordable Housing), **HG10** (Housing Mix and Design) and **EN5** (Landscaping)
2. The development proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- Character and appearance of the area
  - Residential amenity
  - Public Rights of Way
  - Impact on community

### **Informatives**

Should driven pile foundations be proposed, before development commences, a statement of the method for construction of these foundations should be submitted to and agreed by the District Council's Environmental Health Officer so that noise and vibration can be controlled.

During demolition and construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Council's Environmental Health Officer in accordance with best practice and existing waste management legislation.

Before the existing property is demolished, a Demolition Notice will be required from the District Council's 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.

A Highway Works Agreement with the County Council would be required to align the carriageway of The Green Road.

**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/0255/05/F, S/1226/98/F, S/0628/98/F, S/0533/93/F and S/0004/88/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

**S/1800/04/F and S/2054/04/LB - Sawston**

**S/1800/04/F - Restoration, Refurbishment and Change of Use of Hall to Hotel; Restoration and Conversion of Coach House to Hotel Accommodation; Erection of New Restaurant, Pool and Treatment, Accommodation, Crèche and Laundry Facilities, and Plant Buildings; Alterations to Internal Roads; and New Parking Area.**

**S/2054/04/LB - Change of Use from Former Language School and Alteration and Extension as Part of Conversion to Hotel Comprising 41 Bedrooms Suites: Demolition of Extension to Coach House and Out Buildings with New Freestanding Accommodation Blocks and Restaurant Adjacent to Kitchen Garden Wall and Swimming Pool with Associated Car Parking. Rerouting of Access Drive**

**Sawston Hall, Church Lane, Sawston, for Adrian Critchlow**

**Recommendation: Minded to approve: Both applications to be sent to Secretary of State for consideration as a departure and works affecting a Grade I Listed Building. Dates for determination: 24<sup>th</sup> November 2004/5<sup>th</sup> January 2005**

**DEPARTURE APPLICATION, AFFECTS GRADE I LISTED BUILDING AND CONSERVATION AREA**

Members will visit the site on Monday 4<sup>th</sup> April 2005.

**Site**

1. This 24 hectares approximately site is occupied by the Hall, a former stable block used as part of the attached restaurant and a number of outbuildings, its grounds and Sawston Hall Meadows Site of Special Scientific Interest (SSSI). Residential properties bound the site to the northeast, south and west. Church Lane, from which vehicular access is obtained, Spring Close Cottage and St Mary's Church are to the north. The site is located close to the centre of Sawston.
2. The site's heritage designations are as follows:
  - Sawston Hall is Grade I Listed;
  - Within the site a statue of Atlas and a pump located within the central courtyard area are Listed in their own right Grade II;
  - The entrance gates are Listed Grade II;
  - The grounds are Grade II Listed on the National Historic Parks and Gardens Register;
  - The site abuts St Mary's Church, a Grade I Listed Building;

- The site has been identified as being of archaeological interest;
- It is located within Sawston Conservation Area;
- Parts of the grounds are designated a SSSI;
- The trees are subject of a TPO;
- The Hall and grounds are outside of the village development limits and are within the countryside and Green belt.

## **History of the Building**

3. The records show the original house on the site was destroyed by fire in 1553 by a mob reacting to the fact that Mary Tudor had stayed there. The current clunch stone building was built between 1557-1584 probably from stones salvaged from Cambridge Castle. Date stones on the building provide some evidence for this chronology.
4. In the architectural analysis submitted as part of the applications, it is suggested that the original floor plan was in a U-shape consisting principally of a Great Hall and screens passage. By 1600 the current courtyard arrangement had been laid out with the long gallery being formed on the southern side. The northern wing remains the oldest part of the building.
5. The building was privately owned by descendents of the Huddlestone family from 1557 until 1982 when it was sold. The family were catholic and there is a private chapel and at least three priest holes in the building.
6. The building was extensively remodelled in the Victorian period - the chapel, most of the windows, main staircase and general layout, including the short gallery, date from this period.
7. During WWII the building was requisitioned for use by the 66th Fighter Wing Command in association with Duxford Airfield and graffiti still remains in the attic floor from this period.
8. Alterations in the twentieth century include alterations to the attic floor roof trusses, an extension to the coach house to form a restaurant and a glazed link to this.
9. In the period 1982- 2002 the Hall was used as a private educational establishment. This went into receivership and the building has not had a secure use for over two years. It has been put on the Council's Listed Buildings 'At Risk Register' as a precaution to monitor with regard to any deterioration of the condition of the building. The site was sold in 2004 to the applicant.

## **The Proposal**

10. The current applications seek change of use of the site as a whole for use as a hotel and associated leisure facilities. As part of the submission the following details have been received:
  - An historical architectural appraisal of the building by Mr T Baggs;

- An assessment of the impact on the historic designed landscape, gardens and grounds by Dr Twigs Way and Dr David Brown;
  - A design statement; and
  - A business case and plan for the proposals,
11. The main Hall would accommodate the ground floor public lounge and bar areas. It is hoped to have the chapel re-consecrated. The upper floors would accommodate 16 bedroom suites and the ground floor a further four rooms.
  12. The coach house would be converted to provide a further 8 bedroom suites. The attached restaurant would be removed.
  13. New build elements would include a restaurant built to accommodate the existing garden wall - the glazed form gives the appearance of a modern peach or glasshouse in design; a series of three accommodation blocks located where outbuildings from WWII are currently standing to provide a further 13 rooms.
  14. A total of 41 bedrooms are thus proposed. A freestanding modern design swimming pool with indoor and outdoor facilities is proposed close to the new accommodation blocks - this will have a grass covered dome roof and utilise a traditional 'HaHa' ditch element to secure the outdoor pool. A crèche and laundry facility and plant buildings are also proposed.
  15. The hotel will retain existing tennis courts on site.
  16. The aim is for the hotel to be the most environmentally friendly and sustainable hotel in Britain - it will be using solar energy, electric cars and a reed bed filter as part of achieving this.
  17. Vehicular access will be rerouted through the woodland to the eastern side of the church, so that vehicles approach the main frontage of the Hall. On an 1811 tithe map, an avenue is shown in this position leading to Church Lane. It is not clear if this was a former access driveway or not and there has been debate over this between the landscape consultants for the applicant and the Garden History Society.
  18. The case to justify this new approach is that it utilizes a former visual access that relates to the character of the Hall and by minimizing the loss of trees and seeking a no dig approach represents a sensitive and reasonable approach. Some of the existing hard surfacing will be replaced by lawn. Parking will be on the western side of the site where previously some temporary buildings associated with the language school were located. The Leylandii hedge will be removed and new planting is proposed.

### **Relevant Planning History**

19. The principal applications in the planning history to date are summarised as follows:
  - 1964 - Planning permission was approved for restaurant use to the coach house and extension (**SC/0567/63**);
  - 1971 - Change of use was granted to business conference centre and erection of a hostel for 70 persons (**SC/0064/71/O**);

- 1972 - Permission was granted for 131 dwellings to be built on part of the estate (**SC1228/72/D**);
  - 1974 - Planning permission was granted for the erection of a covered way between the main hall and restaurant (**SC/1316/73/F**);
  - 1973 -renewal of the permission for change of use to conference centre and erection of 70 person hostel (**SC/1381/73/O**);
  - 1982 - Change of use to a language teaching and research centre was approved (**S/0221/82/F**);
  - 1990 - the erection of 2 tennis courts approved;
  - 1991- Alterations and extensions to stables and restaurant (not implemented) (**S/1413/91/LB and S/1416/91/F**) Approved;
  - 1991 - West garden - erection of students and tutors accommodation building (not implemented) **S/1450/91/F** Approved. As part of this proposal, a master plan for the site was produced by Donald Insall & Associates. This proposed in addition to the one approved block a further two student accommodation blocks and a lecture theatre and sports hall in the west garden;
  - 1996- renewal of stable block applications **S/1413/91/LB and S/1416/91/F - (S/1916/96/F and S/1917/96/LB)** Approved;
  - 1997 - Renewal of students and tutors block **S/1450/91/F (S/1129/97/F)** Approved;
  - 1998/2000 Siting of portable buildings to provide student accommodation. Approved (**S/1571/00/F and S/0093/98/F**);
  - 2002 - Second renewal of stable block applications **S/1916/96/F and S/1917/96/LB (S/0109/02/F and S/0264/02/LB)** Approved and still valid until 2007;
  - 2003- Second renewal of student and tutors accommodation **S/1129/97/F (S/2018/02/F)** Refused.
20. This was refused as by this time the use of the Hall as a language school had gone into receivership - the application was made on behalf of the receivers. The development was considered to fail the criteria of enabling development as set out in the English Heritage Policy Statement Document 'Enabling development and the conservation of heritage assets'. New development could not be justified in a departure situation - the development would be in the Green Belt and affecting the setting of the Grade I Listed Building where there was no current user of the site to justify the need for this development. The whole point of enabling development is to secure the long-term future of a property and prevent fragmentation of control and management of the Hall and grounds. Such issues were not considered to be addressed by this application which was a purely speculative application;
- 2003 - Listed building consent for the removal of Atlas statue from the site Refused (**S/1256/03/LB**).

#### **Relevant Local Planning Policy**

21. The site is both within the countryside and the Cambridge Green Belt.
22. **Cambridgeshire and Peterborough Structure Plan 2003 Policy P1/2** states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location.
23. **Policy P1/3** requires a high standard of design and sustainability for all new developments.
24. **Policy P3/2** requires proposals for leisure and sporting and shopping facilities and other uses which attract large numbers of people to be focused in existing city and town centres. Out of town locations should only be considered where no suitable city, town or edge of centre sites are available.
25. **Policy P4/1** states that new or improved tourism, recreation and leisure development should:
  - Maintain or increase employment opportunities
  - Meet the needs of the local community as well as visitors
  - Be accessible by a choice of sustainable transport modes
  - Strengthen and diversify the local economy.
26. **Policy P7/6** states that Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.
27. **Policy P8/2** requires new development to increase the ability to move by cycle, public transport and on foot. Travel plans will be required for new and expansion of non-residential developments.
28. **Policy P9/2a** states that, within the Green Belt, new development, including change of use, will be limited to that required for agriculture and forestry, outdoor sport, cemeteries, or other uses appropriate to a rural area.
29. **South Cambridgeshire Local Plan 2004**
30. **Policy GB2** sets out the presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The list of developments that are not inappropriate includes the re-use of buildings provided that:
  - The development does not result in a materially greater impact on the openness and purpose of the Green Belt;
  - Strict control is exercised over any proposed extensions and associated uses of land;
  - The form, bulk and general design of buildings are in keeping with their surroundings.
31. **Policy TP1** states that the Council will seek through its decisions on planning applications to promote more sustainable transport choices, to improve access to major trip generators by non-car modes and reduce the need to travel especially by car. This includes securing appropriate improvements on and off site.
32. **Policy RT1** requires the Council to have regard to the need for tourist facilities and the benefits which might accrue. Nine criteria are identified against which tourist

related developments must be judged including proximity to an existing settlement, impact on ecology, amount of new build and impact of vehicle movements and waste generation.

33. **Policy RT10** supports the conversion of buildings to holiday accommodation where the criteria of RT1 and the following criteria are met:
  - The building is in sound condition and is capable of being reused without significant rebuilding, extension or alteration;
  - The building itself and the proposal are of an appropriate scale, environmentally acceptable and in keeping with the character of the area and surrounding buildings;
  - Together with the cumulative effect on neighbouring proposals, development would have an acceptable impact on the character and amenity of the locality.
34. **Policy RT11** states that development to provide overnight accommodation, public houses and restaurants will not be permitted outside the framework of settlements except (where the site is outside the Green Belt) in the cases of modest extensions to existing facilities or the change of use/conversion of existing buildings not requiring large extensions.
35. **Policy EN3** requires landscaping and design standards for new development in the countryside to be appropriate in the particular Landscape Character Area.
36. **Policy EN4** states that the District Council will not grant planning permission for development which would adversely affect or lead to the loss of important areas and features of the historic landscape whether or not they are statutorily designated.
37. **Policy EN9** states that, in all its planning decisions affecting SSSIs, the Council will safeguard, and wherever enhance, the intrinsic features of interest.
38. **Policy EN13** relates to protected species.
39. **Policies EN15** and **EN16** relate to archaeological sites.
40. **Policy EN20** states that the District Council will refuse planning permission for extensions to Listed Buildings which:
  - Are not necessary to the continuing use of the building;
  - Would dominate or detract from the Listed Building in scale, form, massing or appearance;
  - Would imply the loss of building fabric or architectural or historic interest;
  - Would damage archaeological remains of importance;
  - Would harm the well-being or setting of adjacent Listed Buildings.
41. **Policy EN26** states that, in judging applications for planning permission to change the use of Listed Buildings, the Council will consider whether or not:

- The existing use can continue with reasonable utility or life expectancy;
  - All other options for less damaging uses have been explored, including the outcome of any attempts at disposing of the building at a fair market price;
  - The proposed use can take place without the necessity of extensive alterations or extensions which would be harmful to the fabric, character or setting of the building;
  - The proposals would harm the setting and amenity of adjacent buildings.
42. **Policy EN28** sets out the criteria against which applications for new development within the curtilage or setting of a Listed Building will be considered and states that the District Council will resist and refuse applications which:
1. Would dominate the Listed Building or its curtilage in scale, mass, form or appearance;
  2. Would damage the setting, well being or attractiveness of a Listed Building;
  3. Would harm the visual relationship between the building and its formal or natural landscape;
  4. Would damage archaeological remains of importance unless some exceptional overriding need can be demonstrated.
43. **Policy EN30** sets out the requirements for developments in Conservation Areas, including the requirement that the development must preserve or enhance the special character of the area.
44. **Policy EN44** sets out the presumption in favour of the use of renewable energy resources and energy efficient technology as part of developments.
45. **Government Planning Policy Guidance (PPG's)**  
Of relevance are PPG6 'Town Centres and Retail Development', PPG9 'Nature Conservation', PPS9 (consultation paper) 'Biodiversity and geological conservation', PPG13 'Transport', PPG15 'Planning and the Historic Environment', PPG16 'Archaeology and Planning' and PPG 21 'Tourism'.
46. **PPG6** sets out the need for a sequential approach to development. Preferred locations are town centre sites, followed by edge of centre and then out of centre.
47. **PPG9** and PPS9 (consultation paper) relate to nature conservation, biodiversity and geological conservation.
48. **PPG 13** promotes the use of sustainable transport facilities. It emphasises the need to address links to public transport systems and the use of transport management.
49. **PPG15** sets out the Government Policies for the protection and reuse of historic buildings.
50. **PPG16** gives advice on how a site known to be of archaeological importance needs to address this issue with the new development.

51. **PPG21 Annex A** refers to the reuse of historic buildings as hotels. It states: 'If carefully designed, additions can be achieved without adversely affecting the historic fabric or character and maintain the historic building in viable use. But large scale buildings in a small scale setting, buildings which break prominently into the skyline and those which by their design, materials, illumination or building line are out of sympathy with neighbouring historic buildings will normally be unacceptable.'
52. **English Heritage:** Policy Statement - "Enabling Development and the conservation of Heritage assets" offers guidance on what is enabling development and how this should be assessed in order to assist with the consideration of development which affects the setting of significant Listed Buildings. The statement only applies to development contrary to an established planning policy.

The statement sets out the following criteria:

- The development must not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset or its setting;
- It avoids fragmentation of management of the asset;
- It will secure the long term future of the heritage asset;
- The issues arise from the inherent needs of the asset rather than the circumstances of the present owner or price paid;
- Sufficient financial assistance is not available from any other source;
- The enabling development is the minimum necessary to secure the future of the asset;
- The value or benefit of the survival of the asset or enhancement of it outweighs the long term cost to the community of providing it;
- Permission should only be granted if;
- The impact of the development is fully considered at the outset;
- The development is linked to securing the future of the asset;
- The asset is repaired to an agreed standard;
- The Local Planning Authority closely monitors implementation.

### **Consultations**

53. **Sawston Parish Council** recommends approval of the applications.
54. **The Councils Conservation Manager** supports the proposed new use for the building and the associated works to the Hall and Coach house. The removal of the rear extension and modern link element from these buildings is an enhancement.

The new build elements are considered to be of a suitable scale and form which complement and are subservient to the Listed Building and its setting. It should be noted that the Statutory Consultees are in general support of the proposals. A

detailed appraisal to support these conclusions is incorporated in the Planning Comments section below.

55. **Trees & Landscape Officer** states that the revised scheme is generally acceptable but recommends that, in order to retain the best quality trees, the precise positions of the crèche/laundry building and the structural grass road providing access to the pool and treatment building should be reconsidered. He also has concerns in relation to the proposed principal service trench and requests that its precise route and trenching method be investigated in more detail.
56. **Landscape Design Officer** raises no objections subject to the agreement of full landscaping details.
57. **Ecology Officer** has met the applicant's bat specialist on site and accepts that the proposal would not affect any protected species. He is happy with the proposed provision of the bat loft but recommends a condition be attached to any approval requiring details of an ecological management plan, including details of the proposed reed bed, for the part of the site outside the SSSI.
58. **Chief Environmental Health Officer** raises no objections.
59. **Building Control** states that the conversion of the main hall appears to be satisfactory and the latest amended plans satisfactorily address his original concern that fire brigade access to the new build may be insufficient.
60. **Local Highway Authority** has considered the proposal in terms of trip generation, impact upon transport network, layout, mitigation measures, sustainability and, subject to the securing of a pedestrian footway along Church Lane, it states that the proposed access and parking details as shown upon the latest site plan (SAW/01.101E) are acceptable. Its comments in relation to the highway objection received (detailed under the representation heading below) will be reported verbally.
61. **Environment Agency** raises no objections but recommends that a condition relating to pollution control, including foul and surface water drainage, is attached to any permission and makes advisory comments.
62. **County Archaeology** states that the site lies in an area of high archaeological potential and it is possible that significant archaeological deposits survive on site which could be destroyed or damaged by the proposal.

It recommends that the site is subject to a programme of archaeological investigation in order to confirm the presence or absence, date, character and significance of any archaeological deposits. This programme of work can be secured through the inclusion of a negative condition (PPG16 para 30) on any planning consent and should be commissioned and undertaken at the expense of the developer.

63. **Cambridgeshire Fire and Rescue Service** asks that adequate provision is made for fire hydrants by way of Section 106 Agreement or planning condition. It also states that, from the information supplied, access and facilities for the Fire Service as shown on the original plans may be considered inadequate and should be provided in accordance with the Building Regulations Approval Document. It continues by stating that responsibility for approving access and facilities for the Fire Service rests with the Building Control Department of the Local Authority. It raises no objections to the proposed conversion stating that the proposals offer a satisfactory standard of fire safety. One issue raised is that the use of the Long

Gallery for general use is not supported - given the limited size and nature of the exit using the turret staircase it is only acceptable for use by small numbers. The proposed use as a family bedroom is thus preferred.

64. **English Nature** advises that a Wildlife Enhancement Scheme Agreement has been signed by both the applicant and English Nature allowing positive management to proceed at Sawston Meadows Site of Special Scientific Interest. In addition, it has submitted to the applicant a letter supporting an application for planning permission to install an access to the SSSI in the north-east corner of the property which would facilitate management of the SSSI. It advises that it wishes to withdraw its original objection subject to conditions covering the following matters:

- English Nature has not yet been informed of the location of the proposed reed bed, and whether an alternative cleansing tank will also be required. It seeks assurance that there will be no nutrient enrichment or pollution threat to the aquatic and grassland interest of the SSSI.
- English Nature advised that the Authority directs the applicant to commission a bat survey of all areas to be affected by the works described in the application, and we await the detail of this survey, and additional information about the potential impacts of the proposal on protected species and, where necessary, details of mitigation which should be submitted before the application is determined.

65. **English Heritage** states that Sawston Hall is the most important Elizabethan house in the County. The proposed conversion of the house into a hotel would entail some change to the building but would not significantly compromise its architectural and historic interest.

The development of ancillary hotel accommodation within the grounds would be regrettable, but the proposals for this have been thoughtfully conceived and are modest in scale. Subject to a number of matters of detail and to appropriate conditions the proposals are generally acceptable.

It also states that the information contained in the Historic Designed Landscape Impact Assessment and the recommendations made in respect of the design and maintenance of the gardens are considered to be acceptable. A no dig approach for the construction of the new drive is very important together with the need to maintain important views of the Hall.

It notes that their advice on the deletion of the stable block roof lights to the front elevation has been followed and have no further comments on the scheme, noting only that it needs to be referred to the Secretary of State.

66. **The Garden History Society** has considered the Impact assessment prepared by Dr T Way and Dr D Brown. The historic information obtained from documentary sources is considered to be used to produce a clear evaluation of the surviving historic designed landscape. They are in broad agreement with the findings.

The principal areas of special landscape interest are:

- The rectangular garden spaces or enclosures to the south and east of the Hall which may date from 16th or 17th century with a 19th or 20th century formal layout imposed on this;

- Elements of the moat;
- The walled garden;
- The park-like grounds north and east of the Hall.

The issues they raise are:

- Whether sufficient weight has been given to the development of the landscape to the north and east of the Hall particularly in the 19th century;
- It is not clear that the evidence fully demonstrates a driveway in the proposed alignment and requests further consideration of the new driveway in historic landscape terms;
- The opportunity exists to soften the eastern edge of the car park further;
- It is noted that the new kitchen is on the site of a former structure but it does extend further south. They are concerned at the increasing sense of enclosure which would result;
- They have no objections to the siting of the swimming pool and suggest an alternative siting of the kitchen garden rooms west of this facility.

67. These concerns have been relayed to the applicant for further response - on behalf of the applicant, **Dr D Brown** has commented:

- The new belt of planting along Church Lane in the 19<sup>th</sup> century created a park-like paddock and the report was not intending to down play this;
- The avenue to Church Lane may have been a purely visual one rather than a drive - the location of the new drive would build upon this visual relationship to the principal elevation of the house;
- They stand by the location of the new restaurant on the site of a former building - they consider it is important to retain a compact rectilinear form within the historic garden walls to protect the character of the open garden beyond;
- The garden to the south and west is less conspicuously designed but is important as a countryside setting in views out from the house and development in this area could erode this;
- The overall quality of the scheme must be balanced - it is not always possible to address all of the differing views put forward. In this case the consultants consider the proposals are of sufficient quality and offer potential for proper management to be considered as beneficial to the historic landscape of the Hall.

68. **The Society for the Protection of Ancient Buildings (SPAB)** broadly supports the scheme. It calls for control (via conditions) of the following issues:

- The design of the new driveway including lighting and signage which could form visual clutter to the site;
- The internal redecoration details to ensure the use of acceptable materials;

- Treatment of the floors in particular how the stone floors are to be conserved;
- Any works of repair to the timber panelling;
- Works to up grade the roof insulation - in particular the coach house to ensure this does not adversely affect the moisture balance leading to damp and decay.

These points are included in the proposed conditions on the LBC.

69. **The Ancient Monuments Society** raises no objections to the proposals (as amended) and for further detailed comments they defer to English Heritage.
70. **Architectural Advisory Group** concluded that the overall design approach to the new build elements was acceptable - it was considered to be of a high standard of modern design and would not compromise the important historic buildings on the site or their landscape setting. The scale and form of the new buildings was supported and the materials proposed were considered to be appropriate.
71. **Conservation Advisory Group:** In December 2004, the Conservation Advisory Group visited the site and considered the proposals as consultees with a special interest in heritage to inform the progression of the development proposal.
72. The consensus of the **CAG Members** was that a modern approach to the new build elements was a correct one and that the scale of the proposed buildings was acceptable. The design of the swimming pool in particular was considered to be innovative and interesting. The CAG concluded that reconsideration of the new accommodation blocks should be undertaken and a realignment of the driveway to address the Landscape and Tree Officers concerns.

The scheme now presented for consideration has consequently been revised since the meeting of the CAG. The principal alterations are:

- Realignment/redesign of format of the drive to take into account the landscape and tree officers concerns;
- Redesign of the three new bedroom accommodation blocks - they now have pitched roofs and are all two-storey. Revised fenestration;
- Repositioning of the proposed accommodation blocks to address landscape and tree officers concerns.

The CAG welcomed the work being done to secure a management agreement for the SSSI.

The CAG was fully supportive of the proposed new use and means of converting the main Hall which was considered to respect the special character and historic fabric of the building.

### **Representations**

73. A number of letters of objection have been received from Dr's Bayraktaroglu of Spring Cottage, Church Lane (former owner of Sawston Hall).
74. The main grounds of objection raised are summarised below:

- The application should be considered on the basis of English Heritage's Enabling Development and the Conservation of Heritage Assets policy document and should be refused outright as contrary to planning policy unless it complies with this policy. In an appeal decision for a similar development at Wickham Court in Kent, this document was an important material consideration and a planning application for the renewal of Students and Tutors Accommodation Building (S/2018/02/F) at the Hall was refused on the grounds that the proposal failed to satisfy the set criteria contained in the Statement. By definition, enabling development is development contrary to established planning policy. The proposed change of use and new development fails to meet the criteria produced by English Heritage on Enabling Development. The use is considered to harm the Hall and its setting. It is not considered that this would remain the centre piece of the site and the new development would have a detrimental impact on the integrity of this heritage asset;
  - The financial viability of the scheme is questioned. The submitted Business Plan contains insufficient information to enable it to be verified;
  - Sawston Hall was purchased in the open tender after competing with many other interested parties and it was bought in the knowledge that the building needed repairs. Other than attention to the panelling, the repair of the main staircase and the strengthening of floor boards, there are no major repairs presently required to the building to justify the need of a large scale of conversion and development for a hotel use of this important historic house or which constitute special circumstances to approve the applications;
  - The works to the Hall will damage its architectural integrity. In particular objection is raised to the removal of the 19th century roof trusses, use of the Long Gallery as a bedroom, the works to the Short Gallery, external alterations within the courtyard and the proposed alterations to the chapel;
  - The proposal would have a detrimental impact on this Grade I listed building and its setting and the setting of St Mary's Church;
  - Concern that Officers have not approached this in the correct way - the proposal should be considered as enabling development and is harmful to the setting of the Listed Building and the benefits do not outweigh the setting aside of the Green Belt Policy; and
  - The use of the Hall as a private house would be less detrimental and the repairs could be carried out while the Hall is used as a private house.
  - They also state that they are statutory protected tenants.
- (a) In addition, a statement of highway objections submitted by Rutherfords Highway and Transport Planning on behalf of the occupiers of Spring Close Cottage objects on the following grounds:
- i. The submitted layout plans are very inaccurate and misleading at the Church Lane entrance;
  - ii. The visibility splays are severely substandard;
  - iii. The width of the access is restricted by gates; Church Lane to the east is narrow with inadequate footways which cannot be improved without causing regular road blockages;

- iv. Pedestrians have recently been injured in accidents on the short section of Church Lane in front of the Church;
  - v. The provision of adequate footways between the hotel and the High Street would impede access to the nearby shoppers' car park which already causes congestion even off-peak; and
  - vi. Within the grounds of the Hall, the proposed segregated footway through the adjacent woods would create safety concerns at night.
- (b) A letter was received from the applicant in response to the original objections from Dr Bayraktaroglu.
- (c) A representation has been received from Hon Mr Jones writing on behalf of the 66th Fighter Wing Association and US 8th Army Air Force. He is concerned that a war memorial formerly located in the grounds is returned to the site from its current location at The Imperial War Museum Duxford.
- (d) The Secretary to the PCC of St Mary the Virgin states that the PCC has no objection in principle to the restoration and refurbishment of the Hall but it is concerned that the new road close to the southern boundary of the churchyard could cause damage to the boundary clunch wall and it hopes increased traffic in the drive from Church Lane will not damage the wall on the western side of the churchyard. It also hopes few specimen trees will need to be felled.
- (e) The parish priest of St Mary's Church supports the proposal but is concerned about possible damage to the churchyard wall.
- (f) A letter signed by 10 residents of Hide Close and Glover Close states that a development of the scale proposed will undoubtedly have a detrimental effect on all the wildlife both in the immediate and surrounding area.
- (g) Occupier of 1 Church Lane is generally happy but objects on the basis that the access and Church Lane are not wide enough to serve the development.
- (h) Occupier of 14 Prince William Way is generally happy with the application but is concerned that use of the proposed swimming pool would generate noise and lead to loss of privacy and outlook. She also states that the beauty of the natural environment should be kept preserved as much as possible and requests additional screening to minimise noise coming from the pool. She also asks that provision be made to minimise noise during the construction period and that it is not carried out outside of work hours (i.e. not in the evenings or weekends).
- (i) Occupier of Byways, Church Lane, objects on the grounds of loss of view due to felling of trees, insufficient parking provision resulting in parking in Church Lane, noise from traffic and devaluation.
- (j) Occupiers of 3 Church Lane have no objection to the change of use but are very concerned that access to and from the site would constitute a considerable traffic hazard added to the number of vehicles which already use Church Lane.

### **Planning Comments - Key Issues**

#### ***Change of use***

75. The Hall was built to serve as a dwelling and continued in this use up until the 1980's when the use changed to a language teaching school. The guidance in PPG 15 is

that the best way of securing the upkeep of historic buildings is to keep them in active use. The preference is to try and retain a building in the use for which it was originally designed.

76. When the building was in receivership the main interest for residential use was for the conversion of the Hall into flats and the redevelopment of part of the grounds for new build dwellings. Such a use of the Hall was considered to harm the special character and lead to too greater intervention to the fabric and internal layout of the building. The further fragmentation of the grounds was considered to be harmful to the setting of the Hall, the character of the Conservation Area, the Historic Gardens and the quality of the natural landscape.
77. The principal objectors argue that the Hall should remain in educational use or should be used a single dwelling. They claim that a number of parties were interested in the Hall. No such parties approached the LPA and no formal applications were received on this basis.
78. One concern the LPA would have with such an educational use continuing is the further institutionalisation of the character of the Hall and the need for extensive new development in the grounds. The original master plan for the former use showed three linked accommodation blocks adjacent to the coach house and a sports hall and lecture theatre.
79. The proposals under consideration as part of this application propose a use which both the LPA and English Heritage consider to have similarities to a domestic use. The overall internal layout and circulation space of the house could be retained without significant intervention. The principal rooms on the ground floor would be retained for communal use. The alterations are therefore confined to more subordinate rooms and ancillary buildings such as the coach house. The principal rooms on the upper floors will be put back to the original function as bedroom spaces. The reintroduction of domestic furnishing would greatly add to the character and appearance of these rooms which has been significantly eroded by their use as classrooms.
80. The use enables the whole Hall to be brought into economic use and importantly the grounds would serve to function in association with this use. Whilst there is an element of new build proposed, this is not independent development to be sold off but would function as part of the overall use. The use as a hotel will have a more intensive use than if it were a single dwelling, but such an intensification has already been accepted in the 1980's with the education use. The proposed sensitive treatment of the new build elements and screen planting to the parking area and driveway realignment together with the proposed management of the Hall and grounds is considered to present a holistic approach to the various built heritage and landscape considerations of the site.
81. The LPA and the national amenity groups all consider the use to be an appropriate one which will not harm the special character of the buildings or landscape setting and therefore the tests of Policy EN26 are considered to be met.

### ***New Build***

82. There are five elements of new build proposed:
  - A new restaurant in the walled garden

- Three two-storey blocks of bedroom accommodation running along the garden wall to the western side of the garden
  - A indoor/outdoor pool
  - A subterranean crèche/laundry building; and
  - A plant building
83. Other than siting, no details of the proposed subterranean crèche/laundry and plant buildings were included as part of the application. The applicant proposes that these details be conditioned.
84. The existing restaurant attached to the former stable blocks and a number of outbuildings, detailed below, are to be demolished.
85. The new elements are of modern design to contrast with the architecture of the Hall. The scale and form of the structures are not considered to dominate the Listed Building or the landscape context in which they will be located. The LPA and national amenity groups agree these have been designed in a discrete and sensitive manner so as to meet the criteria of national and local policies. English Heritage has not taken the view that the proposals constitute enabling development but, if one considers the development in the context of the enabling development guidance, the proposals are considered to accord with the principles of this:
- It is not considered to detract from the archaeology, historic architectural landscape or biodiversity interest of the site;
  - It avoids fragmentation of the site;
  - It secures the long-term future use of the site as a whole;
  - There is a clear need to secure a long-term use for the site as a whole;
  - A business plan has been submitted to demonstrate the long-term viability of the scheme and the need for the new build elements;
  - The scheme secures investment in both the natural and built heritage of the site;
  - The Parish and local members are supportive of the scheme as it is seen as a benefit to the village and will enable a higher degree of 'public' access to the site than previous uses have afforded.
86. Internal and external alterations to Hall:
- Prior to formulating the application, a historical analysis of the building had been undertaken to establish the development of the layout of the building. The works can be summarized as follows:
87. Ground floor:
- The reinstatement of the front porch as the main entrance to the building;
  - Reinstatement of decorative ceiling to main hall which collapsed in 1960's;
  - Works to staircase to eastern range which is currently temporarily propped as it has structural problems caused by modern alterations;

- Formation of four bedroom spaces with en-suite bathrooms including one in vaulted area inserted in 19th century which will be part removed to reinstate window;
- Refurbishment of chapel with intention of bringing back into consecrated use and reinstatement of two former openings to this;
- Addition of new doorway within courtyard where existing window is.

88. First floor:

- Use of long gallery as bedroom, creation of new plaster ceiling and removal of modern beams to ceiling;
- Creation of six further bedrooms with ancillary en-suites including removal of twentieth century stud walls to western range. Some en-suites are in former wardrobe areas;
- Short gallery to be formed into semi open balcony areas associated with the two principal bedrooms in the two panelled rooms. Provision of bathroom to one bedroom within open gallery space;
- Formation of new staircase to second floor in eastern range;
- Roof terrace garden to be formed to flat roofed area to western end of long gallery.

89. Second floor:

- Creation of nine bedrooms with en-suite facilities;
- Removal of 19th/ 20th century queen post trusses and installation of new structural supports within wall void to all ranges;
- New roof lights.

90. Coach house:

- Formation of 8 bedroom units on the two floor
- Installation of roof lights to rear elevation
- Formation of bat roost area to roof void
- Fenestration

91. The guidance in PPG 15 is that where new uses are proposed that the proposed alterations to the building must be balanced against the special interest of the building and the viability of the proposed use and that of any alternative less damaging uses.

92. The LPA and the national amenity groups are of the opinion that the alterations proposed keep to a minimum the level of intervention necessary and where alterations are proposed it is principally to 19th or 20th century structures some of which detract from the special character of the building and their removal will be of benefit to the building.

***Archaeology***

93. The site has been identified as being of archaeological importance but the County Archaeological team is satisfied that this does not preclude the proposed development from taking place. The investigation of the archaeology below ground can be secured by a condition following the advice of paragraph 30 of Planning Policy Guidance Note 16 'Archaeology and Planning'.

***Demolition***

94. The structures on site which are proposed to be demolished all date from the war or post war period. These consist of:
- A range of buildings on the western side of the walled garden;
  - Some freestanding corrugated outbuildings in the south western area of the site;
  - The post war extension to the coach house;
  - The glazed post war link between the coach house and the Hall.
95. None of the structures is considered to be of significant historic interest or architectural importance to warrant retention. It is proposed that a photographic record be made of the structures prior to their demolition.

***Impact on character and appearance of the Conservation Area***

96. The Hall is not easily visible from public land. The landscape grounds provide an important setting to the housing which has developed around the site. The new use for the site and proposed development is not considered to adversely impact on the character and appearance of the site.
97. The new build elements are considered to be of an appropriate and high quality design which are considered to fulfil the test of preserving or enhancing the character of the area.

***Impact on Historic landscape and gardens***

98. The formal and natural landscapes are both to be formally managed as part of the use of the site as a hotel. An analysis of the historic landscape has been undertaken as part of the proposals. This supports the location and form of the new build elements as proposed. General support for the approach has been given by the Garden History Society and where they have raised a slightly different point of view this has been responded to.

***Impact on Listed buildings and their setting***

99. The impact on the Hall and coach house have been considered above. In addition to these buildings are the entrance gates, the church and statue of atlas to be considered. The entrance gates are not to be altered as part of the works and the Highway engineers have accepted the access width at this point. The new access will be taken around the rear boundary of the church and so the setting of this needs to be considered. The surface treatment of the driveway and the retention of the majority of the existing trees are considered to minimise any potential impact of this development. The statue will remain in situ within the courtyard area of the Hall.

**Development plan policies including impact on Green Belt**

100. Local Plan Policy RT11 supports the principle of the conversion of existing buildings outside village frameworks to provide overnight visitor accommodation and Policy GB2 states that the re-use of buildings is not inappropriate development in the Green Belt. The conversion of the Hall and stables elements of the scheme accords with these policies. However, the new build element of the scheme is inappropriate development in the Green Belt and, as it involves new building in the countryside, is also contrary to Local Plan Policy RT11. Very special circumstances are required to set aside the presumption against inappropriate development in the Green Belt and, in order to allow new build overnight visitor accommodation and restaurants in the countryside, there must be material considerations which justify setting aside the presumption against the approval of such development in the countryside.
101. It is considered that it is important to find a viable and sustainable use for the Hall site. There is also a benefit of what might be termed a semi-public use like a hotel and restaurant use over the use of the site as a single dwelling in that there would be a degree of public access to this important site. In order to ensure that the proposed hotel use would be viable but did not involve any more development than is necessary, a firm of consultants, HLL Humberts Leisure, a Chartered Surveyors and International Leisure Business Consultancy, was instructed to comment on the proposal. Specifically, it was asked it to comment on the scheme on the basis that the District Council needed to ascertain whether any new build development is necessary in order to make a hotel use of the site viable and sustainable, and if so, what scale of new build development is necessary (i.e. is the scale and nature of new build development proposed necessary and appropriate in scale?). In response, it concluded that:
- The hotel is in a reasonable catchment for corporate and high net worth leisure visitors. The immediate catchment in the local area does not fit the trading profile of the proposed hotel.
  - The property is not in a high profile location and will therefore need to attract the customer profile that has been recognised in its business plan through its “offering” and through aggressive marketing.
  - To operate successfully within its identified market profile, the hotel needs to be of the order of 40 bedrooms. It also needs a high quality spa and a restaurant of sufficient size and quality to enable it to gain award winning-status. The existing building is not of sufficient size to accommodate these facilities.
  - Without the new build, the market profile of the business will, of necessity, be different. Conferencing and leisure will be limited which, in turn, will impact on occupancy levels.  
It can be the case to expect occupancy levels to decrease as bedroom stock is increased. In this case the reverse would be true because the market mix would be restricted.
  - The absence of the new build would potentially reduce the number of local non-residential visits. There would be no day spa guests and the number of non-resident diners would be lower. This would impair local amenity enjoyment.
  - Without the new build, the quality of conference delegates and leisure users would be diminished because of the lack of associated facilities such as the spa which are now an expectation of many conference goers. The resultant

reduction in revenues through both lower achieved room rates and less food and beverage spend would be to the financial detriment of the business.

- The level of return on capital, without the new build would put in jeopardy the restoration of an important Grade 1 Listed building.
- Without the new build facilities, the EBITDA and value of the property would be reduced to a level where funding of the project would probably be unobtainable and if it were forthcoming, the business would not be able to cover interest and capital repayments.

102. It is also worthy of note that, as Members will see from the Planning History section of this report, the District Council has approved applications for new build development on the site in the past, including an accommodation building for the language school which was never implemented. In order to ensure an appropriate use of the site, having carefully considered the detailed advice from HLL Humberts Leisure and considering that the continuing income generated by occupation of the new build elements of the scheme would provide revenue to ensure that the Hall and grounds are appropriately maintained, it is considered that there are very special circumstances in this instance to justify the approval of the scheme even though it constitutes inappropriate development in the Green Belt and as a departure from development plan policies.

103. It is considered that the proposal would not seriously detract from the openness of the Green Belt or the visual amenities of the countryside.

***Impact on trees***

104. The scheme has been amended in response to concerns about the impact on trees. Subject to (1) the receipt of satisfactory amended plans and further information in relation to the precise positions of the crèche/laundry building and the structural grass road providing access to the pool and treatment building and details of the proposed principal service trench in response to the Trees & Landscape Officer's comments and (2) conditions, the proposal is considered to be acceptable in this respect.

***Ecological impact***

105. In its latest response, English Nature still requests the results of a bat survey. However, the Ecology Officer is of the opinion that the proposal has appropriately addressed this issue and is seeking English Nature's updated view on the matter. Bat activity was identified but it did not necessarily constitute a roost. The Council's Ecology Officer is satisfied that no protected species would be affected. English Nature's further comments in response to this will be sought before the meeting. Subject to the receipt of confirmation from English Nature that it does not require any further information before the applications are determined, and conditions, the scheme as amended is considered to be acceptable with respect to ecological interests as it provides a significant new bat roost and management of the SSSI.

***Highway safety and access issues***

106. The Local Highway Authority has carefully considered the proposal and, subject to the securing of a pedestrian footway along Church Lane, it states that the proposed access and parking details as shown upon the latest site plan (SAW/01.101E) are acceptable.

107. Appendix 7 of the Local Plan sets out maximum standards for car parking provision. It sets out a maximum provision of 1 space per 5 square metres of public restaurant area and a maximum of 13 spaces for 10 guest bedrooms, which equates to 53 spaces for the hotel use and 32 spaces for the restaurant. The proposed pool and treatment building is also likely to generate some demand for parking. The proposed parking provision (52 car spaces, 6 spaces for courtesy electric cars plus 20 cycle racks) is considered to be acceptable. Although some way below the maximum standards, many of those visiting the restaurant and pool/treatment building will be hotel guests. Unnecessary parking could also detract from the setting of the Hall and the appearance of the site.

***Sustainability***

108. The applicant's aim is for the hotel to be the most environmentally friendly and sustainable hotel in Britain. He proposes using solar energy, electric cars and a reed bed filter as part of achieving this.

***Impact on surrounding uses***

109. The proposal would not unduly affect the amenity of occupiers of neighbours or surrounding uses.

***Other issues***

110. Both the Imperial War Museum, Duxford, and the applicant are willing to enter in discussions over the return of the memorial to the site from its current location at the Imperial War Museum once the change of use/long-term future of the site has been secured.

**Recommendation**

111. That, subject to (1) the receipt of satisfactory amended plans and further information in relation to the precise positions of the crèche/laundry building and the structural grass road providing access to the pool and treatment building and details of the proposed principal service trench in response to the Trees & Landscape Officer's comments; and (2) the receipt of confirmation from English Nature that it does not require any further information before the applications are determined, the applications be referred to the Secretary of State and, if he does not call them in, that they be approved as amended subject to the conditions set out below.
112. S/1800/04/F - Planning Conditions
1. Standard time limited condition
  2. External materials to be used for the new buildings and full details of the crèche/laundry building and new plant building
  3. Archaeology
  4. Protection of trees during course of development
  5. Agreement and implementation of landscaping scheme
  6. Widening of Church Lane footway

7. During the period of construction and alterations, no power operated machinery outside specified hours except in accordance with agreed noise restrictions
  8. Pollution control, including foul and surface water drainage
  9. Details of construction and surfacing of the new access roads
  10. Demolition of existing buildings
  11. Ecological management plan, including details of the proposed reed bed, for the part of the site outside the SSSI
  12. Fire hydrants
  13. Use of the crèche by guests only
113. S/2054/04/LB - Listed Building Conditions
1. Listed Building Consent 1- standard time limit. (Reason LBC1);
  2. LBC2. Drawing numbers:
    - Block plan SAW/01.101 F 15.02.05
    - Existing site plan SAW/01.191
    - North drive detail SAW/01.111
    - Pool: SAW/01.216
    - Kitchen layout
    - Restaurant SAW/01.219
    - Proposed Ground floor SAW01.201 E
    - Proposed first floor SAW/01.202 E
    - Proposed second floor SAW/01.203 D
    - Proposed courtyard elevations SAW/01.225 and 226 A
    - Proposed Hall elevations SAW/01.222A, 223A
      - Proposed coach house elevations SAW/01.224C
    - Proposed layout for coach house SAW/01.205D
    - Kitchen garden rooms SAW/01. 317B,318B
    - Proposed roof plan SAW/01.204
    - Existing elevations SAW/01.210, 211,212 and 213
    - Existing coach house elevations SAW/01.214
    - Existing floor layouts SAW/01.101,102,103
    - Existing roof plan SAW/01.104
  3. LBC 9 - securing archaeological investigation. (Reason - LBC9).
  4. The buildings and extensions to buildings to be demolished as part of this consent shall be subject of a photographic record prior to any demolition taking place. The photos shall be annotated to a site plan. Three copies of the record shall be submitted to the LPA within six months of the demolition having taken place.  
(Reason - To ensure the buildings to be demolished are properly recorded before the demolition works take place).
  5. LBC 3 - full specification and schedule to be secured;
  6. LBC 12 - access to English Heritage for recording;

7. LBC16 - window details;
8. LBC 20 - hard landscaping details;
9. LBC 23 - details of materials;
10. LBC 28 Agreement of following details;
  - a. Specification and method statements for all repair works and site meeting with proposed contractors to discuss the works including stone work, roof, internal floor repairs and repair or cleaning of panelling;
  - b. Protection measures for the historic features of the main building to be installed for the duration of the works in particular to protect the turret staircase, glass in the windows and panelling and fireplaces within the building;
  - c. Detailed specification for all interior decoration;
  - d. Details of the screen to be installed to the balcony to the chapel;
  - e. Details of the treatment of the new roof terrace adjacent to the Long Gallery including any strengthening works and materials to be employed;
  - f. Details of treatment of floors including the method of lifting the existing floor boards to ensure they are not damaged and ensure they are refitted to match the existing configuration;
  - g. Details of new ceilings for the Hall and Long Gallery;
  - h. Details of the routing of new services including the runs of service pipes and the internal or external visible elements including signage, ducts, smoke alarms, lighting and ventilation grills;
  - i. The details of any fire precaution measures specifically including the design of new firedoors or the means of upgrading existing doors, and signage details;
  - j. The details of any works to improve the insulation of the building;
  - k. The details of any new rainwater goods;
11. LBC 29 - mortars plasters etc to be lime rich;
12. LBC 33 - rooflights;
13. Precise details of how the new openings are to be formed and detailed in the existing garden wall as part of the new kitchen garden developments shall be submitted to and agreed with the LPA before works commence on this development.  
(Reason: To secure detailing appropriate to this Listed Building);

14. A sample panel of materials for each of the new build elements shall be constructed in site to enable the LPA to agree all the materials including where applicable the colour finish, brick bonding and joint details.  
(Reason: to ensure the use of materials appropriate for this historic context Departure Application).

**Informatives**

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

- Cambridgeshire & Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- English Heritage: Policy Statement - Enabling Development and the conservation of Heritage assets
- Planning Policy Guidance Notes Nos. 6, 9, 13, 15, 16 and 21 and PPS9 (consultation paper)
- Planning files referenced under Relevant Planning History heading

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee6<sup>th</sup> April 2005**AUTHOR/S:** Director of Development Services

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**S/2366/04/F - Sawston  
2 Dwellings and Garage (amended design) on Land Adjacent 2 Granta Road for  
Hogger Homes Ltd**

**Recommendation: To be advised  
Date for determination: 17<sup>th</sup> January 2005**

**Update**

1. At the February 2005 meeting, this application was deferred to enable officers to seek independent, specialist advice on the flood risk implications of the proposed lowering of the finished floor levels. A copy of the report to the February meeting is attached as an Appendix.
2. W S Atkins has been instructed to provide this advice prior to the Committee meeting and the advice received will be reported verbally.

**Recommendation**

3. Members will be advised of the recommendation at the meeting.

**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/2366/04/F, S/1606/04/F, S/1745/03/F and S/2072/01/F.

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      2<sup>nd</sup> February 2005  
**AUTHOR/S:** Director of Development Services

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**S/2366/04/F - Sawston**  
**2 Dwellings and Garage (amended design) on Land Adjacent 2 Granta Road for Hogger Homes Ltd**

**Recommendation: Approval**  
**Date for determination: 17<sup>th</sup> January 2005**

**Site and Proposal**

1. The site extends to approximately 0.06 hectares (0.14 acres) and was previously the grassed side garden to No. 2 Granta Road which, like all the other dwellings in this part of Granta Road, is a semi-detached chalet dwelling with flat roof dormers on the front and rear and a flat roof garage to the side. The site falls to the north. There is an existing 1.5m-2m hedge along the sites' road frontages. The site is bounded by Granta Road to the northeast, No.2 Granta Road to the southeast, open land/trees to the southwest and Meadowfield Road to the northwest.
2. This full application, received on the 22<sup>nd</sup> November 2004, proposes the erection of a pair of 8.2 metres high semi-detached 3-bedroom chalet dwellings on the site. The dwellings are similar in design to the existing dwellings in this part of Granta Road although the dwelling on plot 1 has an attached garage with study above and the dwelling on plot 2 would have a pitched roof detached garage to the rear accessed from Meadowfield Road. The proposed density equates to 33 dwellings per hectare.
3. When construction began to erect the 2 dwellings approved under S/1606/04/F, it became apparent that to build the floor levels of the dwellings at the previously stated 300mm above the highest recorded flood level applicable to this site, the finished floor level of the dwelling on plot 1 would be approximately 0.7m above the existing ground level and the dwelling on plot 2 would be approximately 1 metre above the existing ground level. Construction has stopped on site. This application proposes dwellings of the same design and appearance as previously approved but with a finished floor level of 21.15m ODN as opposed to the previously approved level of 21.55m ODN. In addition to the measures incorporated into the previous scheme which demonstrated that there would be no loss of flood plain by ensuring that the area beneath the dwellings and garages is left open, air bricks allow any water to flow into this area and then drain out after the end of the flood and any small loss of flood plain is counteracted by lowering the ground level beneath the dwellings, the following additional flood proofing measures are proposed: internal walls to be finished with lime based plaster; screws and fixings to be non-ferrous; wall ties to be stainless steel; skirting boards, architraves and door linings to be moisture resistant mdf; kitchen units to have plastic legs; floor finish to kitchen and cloakroom to be ceramic tiles; electricity meter box to be 900mm above finished floor level; ground floor electrical wiring to drop from the first floor zone; pipework to be accessible to allow pipes to be maintained and washed down; install non-return valve within the private sewer and immediately before the connection on the boundary to the public sewer; water supply pipe to be insulated with closed cell insulation; central heating pipework to be plastic operated from manifold; ground floor doors to be solid timber;

stairs to be constructed from moisture resistant mdf; and gas main to have purging point.

### Planning History

4. Planning permission was granted for 2 dwellings and garage of the same design as now proposed on the site in April 2004 (**S/1606/04/F**). Condition 3 stated that the ground level of the dwellings shall be 21.55m ODN metres. The application was considered at the October 2004 meeting of this Committee.
5. Planning permission was granted for 2 dwellings and garage on the site in April 2004 (**S/1745/03/F**). The application was considered at the March 2004 meeting of this Committee.
6. An outline application for 2 dwellings on the site was refused in February 2002 (**S/2072/01/O**) for the following reason: "The site is in the recorded floodplain of the River Cam and its tributaries, at a level approximately 600mm below the highest recorded flood level. The proposed development of the site for housing would subject the dwellings to the potential of flooding and reduce the area of floodwater storage, increasing the risk of flooding elsewhere. As such it would be contrary to Policy SP8/6 of the Cambridgeshire Structure Plan 1995 and Policy CS8 of the Deposit South Cambridgeshire Local Plan 1999."

### Planning Policy

7. The site is within the village framework of Sawston, which is defined as a Rural Growth Settlement in Local Plan 2004.
8. Whilst the front part of the site is outside the Environment Agency's Zone 2 (medium to low risk) Flood Risk Area, the rear part of the site is within it. These Zones replace the Indicative Flood Plain maps previously used.
9. Structure Plan 2003 **Policy P1/3** requires a high standard of design for all new development which responds to the local character of the built environment.
10. Local Plan 2004 **Policy SE2** states that residential development will be permitted on unallocated land within village frameworks of Rural Growth settlements provided that (a) the retention of the site in its present form is not essential to the character of the village; (b) the development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours; (c) the village has the necessary infrastructure capacity; and (d) residential development would not conflict with another policy of the plan. It also states that development should provide an appropriate mix of dwellings in terms of size, type and affordability and should achieve a minimum density of 30 dph unless there are strong design grounds for not doing so.
11. Local Plan 2004 **Policy CS5** states that planning permission will not be granted for development where the site is liable to flooding, or where development is likely to: (1) increase the risk of flooding elsewhere by materially impeding the flow or storage of flood water; (2) increase flood risk in areas downstream due to additional surface water runoff; or (3) increase the number of people or properties at risk unless it is demonstrated that these effects can be overcome by appropriate alleviation and mitigation measures and secured by planning conditions or planning obligation providing the necessary improvements which would not damage interests of nature conservation.

12. Structure Plan **Policy P1/2** states that no new development will be permitted within or which is likely to adversely affect functional flood plains or other areas where adequate flood protection cannot be given and/or there is significant risk of increasing flood risk elsewhere. Structure Plan **Policy P6/3** states that, if development is permitted in areas where flood protection is required, flood defence measures and design features must give sufficient protection to ensure that an unacceptable risk is not incurred, both locally and elsewhere.

### **Consultation**

13. **Sawston Parish Council** recommends refusal on the following grounds: "in flood plain; more building would create flood problems for neighbouring properties; and dangerous road junction/traffic problems".
14. At the time of application S/1606/04/F, **Chief Environmental Health Officer** recommended conditions relating to the times during the construction period when power operated machinery shall not be used and driven pile foundations are attached to any approval. At the time of application S/1745/03/F, he also specifically confirmed that he had no objections to the proposal in terms of groundwater pollution.
15. **Environment Agency** states that, in line with current Government guidance, the District Council is required to respond on behalf of the Agency in respect of flood risk and surface water drainage related issues. That said, it has indicated that, with the previously approved flood mitigation measures and the additional flood proofing measures now proposed, the proposed finished floor level would be acceptable
16. It indicates that surface water drainage is the only outstanding issue and states that soakaways should be designed and constructed in accordance with BRE365.

### **Representations**

17. An objection has been received from the occupier of No. 20 on the grounds of flooding, traffic and parking.

### **Planning Comments - Key Issues**

18. The main issue in relation to this application is flood risk.
19. The principle of erecting two dwellings and a garage of the designs proposed on the site has already been established by the granting of planning permission under reference S/1606/04/F, albeit at that time the application erroneously stated that the existing average ground level was 20.9m ODN. A survey drawing submitted with this application shows the ground level to range from 20.93 to 20.45m ODN. The current proposal only differs from that permission in that the finished floor level proposed is now lower (in recognition of the actual ground level, to facilitate access to the dwellings and in order to ensure the development has an acceptable impact in the streetscene) and additional flood proofing measures are proposed. The proposed finished floor level is 0.4m below the previously approved level, 0.09m below the highest recorded flood level in the area in 1968 but 0.05m above the finished floor level of the adjacent dwelling, No. 2 Granta Road. Whereas the whole of the site was well within the Environment Agency's indicative flood plains, the site is now on the very edge of the medium to low risk Flood Zone (the rear part of the site is within the medium to low risk zone and the front part of the site is within the little or no risk zone) which superseded the indicative floodplains. The Environment Agency has carefully considered the proposal and, subject to conditions, I am satisfied that the

scheme satisfactorily addresses and mitigates against the risk of flooding to the site and neighbouring properties.

20. The proposed revised floor levels would be acceptable in relation to the street scene and neighbour impact of the development.

### Recommendation

21. Approval, subject to the receipt of details of the previously proposed flood mitigation scheme as part of this application and the following conditions:
1. Standard condition A – RCA.
  2. The external materials of construction for the building works hereby permitted shall be identical to those used for No. 2 Granta Road unless otherwise agreed in writing by the Local Planning Authority – RC To ensure the satisfactory appearance of the development.
  3. The ground floor level of the dwellings hereby permitted shall be 21.15 ODN m – RC To provide a reasonable freeboard against flooding.
  4. Unless otherwise agreed in writing by the Local Planning Authority, surface water drainage shall be by means of soakaways designed and constructed in accordance with BRE 365 – RC To ensure a satisfactory method of surface water drainage.
  5. There shall be no raising of ground levels within the site, save for the hereby permitted dwellings and garage – RC To prevent the risk of flooding to other land/properties, due to impedance of flood flow and reduction in flood storage capacity.
  6. The air bricks, shown on drawing no. EDG/04/84/5b, shall remain clear from obstruction at all times – RC To facilitate flood risk conveyance.
  7. Standard condition 21 (Part 1, Classes A and E) ‘Removal of permitted development rights’ – RC To ensure that extensions and outbuildings which would not otherwise require planning permission do not lead to an increased risk of flooding to other land/properties, due to impedance of flood flow and reduction in flood storage capacity.
  8. During the construction period ... Standard condition 26 ‘Times when power operated machinery shall not be operated’ (0800, 0800, 1800, 1300) – RC26).
  9. Standard condition 60 (all) ‘Boundary treatments’ – RC To ensure the satisfactory appearance of the development and to protect the amenity of the occupiers of No. 2 Granta Road and the hereby permitted dwellings.

### Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - a) Cambridgeshire and Peterborough Structure Plan 2003: **P1/2** (Environmental Restrictions on Development); **P1/3** (Sustainable Design in Built Development); and **P6/3** (Flood Defence).
  - b) South Cambridgeshire Local Plan 2004: **SE2** (Development in Rural Growth Settlements); and **CS5** (Flood Protection),

2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise: flood risk; and highway and parking problems.

### **General**

In coming to a decision to approve this application, the Local Planning Authority had regard to the Environment Agency's comments that the scheme satisfactorily addresses and mitigates against the risk of flooding to the site and neighbouring properties.

Should driven pile foundations be proposed, before development commences, a statement of the method for construction of these foundations shall be submitted to and approved in writing by the District Council's Environmental Health Officer so that noise and vibrations can be controlled.

During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Council's Environmental Health Officer in accordance with best practice and existing waste management legislation.

**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/2366/04/F, S/1606/04/F, S/1745/03/F and S/2072/01/F.

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee6<sup>th</sup> April 2005**AUTHOR/S:** Director of Development Services

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**S/2544/04/F - Sawston****Two Dormer Windows at Little America Farm Bungalow for Mr & Mrs Allen****No Recommendation****Date for Determination: 10<sup>th</sup> February 2005****Background**

1. Members may recall that this application was considered at the February Committee meeting and that they were minded to approve the application subject to its advertisement as a departure to the local development plan (as the proposal involves inappropriate development within the Green Belt) and the consideration of any representations received in response to the advertisement.
2. A copy of the February Committee report is attached as an appendix.

**Update**

3. Following the advertisement of the application as a departure, one representation has been received from the occupiers of the neighbouring property (Barns Farm). They object to the application for the following reasons: -
  - An application for the addition of dormer windows to the south east elevation of Barns Farm was rejected in 1983 on the grounds of being visually intrusive. Dormer windows were subsequently approved on the north west elevation. The addition of dormer windows to the south east elevation of Little America Farm Bungalow would result in an unbalance and lack of symmetry between the two properties. The view from Cambridge Road would no longer be of two bungalows with original rooflines and should be a relevant consideration under Policy HG13 to ensure that any proposed extension is in character with the existing dwelling and its impact upon its surroundings. No objections are raised to the addition of two dormer windows to the north west elevation of the bungalow to match Barns Farm.
  - The three existing roof lights on the south east elevation of Little America Farm Bungalow have already resulted in the loss of some privacy to the rear garden area of Barns Farm. The further addition of two dormer windows will make the intrusion of privacy even more apparent.

**Planning Comments - Key Issues**

4. In light of the above representation, Members need to carefully consider the impact of the dormer windows upon the Green Belt and the neighbouring property.
5. I am still of the view that the dormer windows would represent inappropriate development that is, by definition, harmful to the Green Belt in policy terms. In addition, the dormer windows would cause further harm by significantly changing the

character of the dwelling and its visual prominence thereby resulting in it having a materially greater impact upon the openness of the Green Belt and the rural character of the countryside. Members took a contrary view at the February Committee meeting.

6. I do not consider that the proposed dormer windows would seriously harm the residential amenities of the neighbouring property through a loss of privacy. Whilst the windows would overlook garden land owned by the occupiers of Barns Farm, it does not form part of the private garden area to the property that is situated to the south west and immediately to the rear (south east) of the bungalow.
7. Notwithstanding the neighbour's objection, I do not consider that it would be necessary to refer the application to the Secretary of State if Committee is minded to approve the application.

**Recommendation**

8. Members will need to carefully consider the representation received from the occupiers of Barns Farm before coming to a final decision.
9. Should the application be refused, please refer to the February Committee report (attached as an appendix) for the reason for refusal.
10. Should the application be approved, it is recommended that the following condition be attached to the planning consent.
  1. Standard Condition A - Time Limited Permission (Reason A).

**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 File Reference S/1059/83/F- Barns Farm, Sawston and S/2544/04/F, S/1592/01/F, S/3193/88/F and S/1319/87/F

**Contact Officer:** Karen Bonnett- Planning Assistant  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      2<sup>nd</sup> February 2005  
**AUTHOR/S:** Director of Development Services

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**S/2544/04/F- Sawston**  
**Two Dormer Windows at Little America Farm Bungalow for Mr & Mrs Allen**

**Recommendation: Refusal**  
**Date for Determination: 10<sup>th</sup> February 2005**

**Site and Proposal**

1. Little America Farm Bungalow forms one of a pair of dwellings that are situated to the west of the A1301 (Sawston bypass), outside the Sawston village framework and in the Cambridge Green Belt. It is a single storey brick and tile bungalow that has been previously extended at ground floor level. A landscaped bank separates the site from the A1301 to the north. A public footpath runs along the boundary of the adjacent property to the south west.
2. The application, received on 16<sup>th</sup> December 2004, proposes the erection of two dormer windows in the south east (rear) facing roof slope of the bungalow to light and ventilate two bedrooms.

**Planning History**

3. Planning permission was granted in 1987 for a single storey side extension (**S/1319/87/F**) that increased the floor area of the original dwelling by 22 square metres and volume by 91 cubic metres (42%).
4. Planning permission was subsequently granted in 1989 for a single storey front extension (**S/3193/88/F**) that increased the floor area by a further 8 square metres and volume by 31 cubic metres (14%).
5. An extension for a garage with accommodation above was granted planning permission in 2001 (**S/1592/01/F**). This increased the floor area by a further 51 square metres and the volume by 124 cubic metres (58%).

**Planning Policy**

6. **Policy P9/2a** of the Cambridgeshire and Peterborough Structure Plan 2003 states in part that new development in the Green Belt will be limited to that required for agriculture and forestry, outdoor sport, cemeteries, or other uses appropriate to a rural area.
7. **Policy GB2** of the South Cambridgeshire Local Plan 2004 states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated. Development is defined as inappropriate development unless it comprises amongst others extensions and alterations to dwellings provided that the criteria in Policy HG13 are met and that the overall impact of any extension does not result in the dwelling having a materially greater impact upon the openness of the Green Belt.

8. **Policy HG13** of the South Cambridgeshire Local Plan 2004 states in part that extensions to dwellings in the countryside will only be permitted where the extension does not lead to a 50% increase or more in volume or gross internal floor area of the original dwelling; and the proposed extension is in scale and character with the existing dwelling and would not materially change the impact of the dwelling upon its surroundings. The aim of this policy is to minimise the impact of development upon the landscape and to prevent the gradual reduction in the stock of small and medium sized dwellings in the countryside.
9. **Planning Policy Guidance Note 2 (Green Belts)** outlines the presumption against inappropriate development in the Green Belt. Paragraph 3.4 implies that extensions that result in disproportionate additions over and above the size of the original building are classed as inappropriate and by definition, harmful to the Green Belt.

#### **Consultation**

10. **Sawston Parish Council** approves the application

#### **Representations**

11. Councillor Bard supports the application.

#### **Planning Comments - Key Issues**

12. The original bungalow at Little America Farm was modest in scale and measured just 63 square metres in floor area and 215 cubic metres in volume. The existing extensions have already increased both the floor area and volume by over 100% and have substantially changed the impact of the dwelling upon its surroundings.
13. Whilst I accept that the proposed dormer windows would only add a limited amount of volume to the dwelling (15 cubic metres), they would nonetheless still increase the volume further over the 50% limit as defined in Policy HG13 of the Local Plan.
14. Little America Farm Bungalow is clearly visible in places from the public footpath that runs along the south western boundary of the adjacent property (Barns Farm).
15. The proposed dormer windows, by virtue of their length (2.5m), height (1.5m), flat roof design and position high in the roof slope just below ridge line, would completely change the character and appearance of the dwelling when viewed from the public footpath and thereby materially affect the openness of this part of the Green Belt. The introduction of two dormer windows at first floor level in the rear of this simple existing roof form would be visually intrusive and increase the impact of the dwelling upon its surroundings to the detriment of the openness of the Green Belt and the rural character of the surrounding countryside.

#### **Recommendation**

16. Refusal
  1. The proposed dormer windows, by virtue of their size, design and height in the roof, would significantly change the simple character and appearance of Little America Farm Bungalow when viewed from the public footpath to the south west, thereby resulting in a materially greater impact upon the openness of the Green Belt and the rural character of the countryside. In addition, the

proposed dormer windows would result in a cumulative increase of approximately 120% in the size of the original dwelling.

2. The proposal would therefore be contrary to: Policy P9/2a of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy GB2 of the South Cambridgeshire Local Plan 2004 that seek to resist inappropriate development in the Green Belt; and Policy HG13 of the South Cambridgeshire Local Plan 2004 that states extensions in the countryside will only be permitted where the extension does not lead to a 50% increase or more in volume or gross internal floor area of the original dwelling and the proposed extension is in scale and character with the existing dwelling and would not materially change the impact of the dwelling on its surroundings.

**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
- File references S/1319/87/F, S/3193/88/F, S/1592/01/F and S/2544/04/F.

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/0070/05/F - Little Abington**  
**Conversion of Agricultural Buildings into 4 Dwellings and Erection of Garaging at**  
**Ley Rectory Farm for Mr & Mrs Franklin**

**Recommendations: Approval**  
**Date of determination: 10<sup>th</sup> March 2005**

**Departure Application**

**Site and Proposal**

1. The application relates to a 0.4 hectare (1 acre) site containing a group of agricultural buildings constructed from brick, flint, boarding, corrugated sheeting and slate and a silo located to the north of Ley Rectory Farmhouse, a two-storey gault brick and slate dwelling. Corrugated sheeting agricultural storage buildings are located to the north. No.3 Hildersham Road, accessed from the farm access alongside Ley Rectory Farmhouse which also serves the application buildings, lies to the south east. The A1307 and Hildersham Road are to the southwest and south respectively.
2. This full planning application, registered on the 13<sup>th</sup> January 2005 and amended by plan date stamped the 16<sup>th</sup> March 2005, proposes to convert an L-shaped range of buildings into 4 dwellings (3no. 3-bedroom units and 1no. 4-bedroom unit) and to demolish the remaining buildings and the silo within the site. An office would be provided within each of the units to facilitate working from home. It is also proposed to erect new car ports and stores for the dwellings. The application also involves the creation of a new farm access onto Hildersham Road. The density equates to 10 dwellings to the hectare.
3. As part of, and in support of, the application, details of the marketing synopsis for a Business Use (Class B1) of the buildings, including details of how and where the property has been marketed (by means of a board, the Cambridge Evening News, mailing of marketing particulars and via the agent's website) have been submitted. A list of people/groups to whom particulars were sent has also been submitted. The statement states that marketing has been fully under way for 12 months but no offers have been received. It comments that this is unsurprising set against a backdrop of huge oversupply of available office accommodation in Cambridge and the immediate surrounds coupled with very patchy demand, and concludes that there remains no prospect (in the foreseeable future) of letting these buildings as business units at a rental that would justify the associated conversion costs.

**Relevant Planning History**

4. An application submitted in July 2004 to convert the buildings into 4 dwellings and erection of garaging was withdrawn (**S/1522/04/F**).

5. Planning permission for the change of use of farm buildings to Business Use (Class B1) and erection of agricultural building was granted in August 2002 (**S/0842/02/F**). The scheme also involve the creation of a new farm access onto Hildersham Road.

#### **Relevant Planning Policy**

6. The site is within the countryside as defined in the Local Plan 2004.
7. Structure Plan 2003 **Policy P1/2** states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location.
8. Local Plan 2004 **Policy SE8** states that residential development outside village frameworks will not permitted.
9. Local Plan 2004 **Policies HG7** and **HG8** relate to affordable housing and exceptions sites respectively.
10. Local Plan 2004 **Policy EM9** states that the District Council will support proposals for teleworking schemes which bring home and workplace physically together by conversion of rural buildings outside village frameworks provided there would be no adverse impact on residential amenity, traffic, character and the environment generally.
11. Local Plan 2004 **Policy EN1** 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 (the East Anglian Chalk Landscape Character Area in this instance).
12. Paragraph 17 of **Planning Policy Statement 7** 'Sustainable Development in Rural Area' (2004) states that "The Government's policy is to support the re-use of appropriate located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses.

These criteria should take account of:

- a. The potential impact on the countryside and landscapes and wildlife;
- b. Specific local economic and social needs and opportunities;
- c. Settlement patterns and accessibility to service centres, markets and housing;
- d. The suitability of different types of buildings, and of different scales, of re-use;
- e. The need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

#### **Consultation**

13. **Little Abington Parish Council** makes no recommendation but comments that “Both the SCDC Housing Survey and the Parish Plan questionnaire had identified a need for smaller housing in the village. We suggest consideration should be given to making some of the houses smaller to meet the identified need.”
14. **Chief Environmental Health Officer** raises no objections to the planning application but recommends that conditions requiring a site investigation relating to possible ground contamination and appropriate remedial works, the times during the construction period when power operated machinery shall not be used unless in accordance with agreed noise restrictions and driven pile foundations be attached to any approval. He also recommends an informative stating that there shall be no bonfires or burning of waste on site without his permission be attached to any permission.
15. **Environment Agency** raises no objections to the proposal but recommends that conditions relating to surface and foul water drainage are attached to any approval. It also makes advisory comments and recommends that Anglian Water be consulted.
16. **Anglian Water** has been consulted but has not made any comments.
17. At the time of application S/1522/04/F, the **Local Highway Authority** raised no objections but commented that the existing access should serve the residential development only and an alternative access should be provided to cater for the agricultural traffic leaving the farm.
18. The **County Council's Chief Financial Officer** was consulted in relation to a possible financial contribution towards education provision but no comments have been received.

### **Representations**

19. None received.

### **Planning Comments - Key Issues**

20. The key issues in relation to this application are:
  - a. Whether there are any material considerations which outweigh the general presumption against residential development in the countryside; and
  - b. The impact of the development on the visual amenities of the countryside.
21. Where it is possible to convert rural buildings to an employment use (which is supported in principle by Local Plan Policy EM10), I have resisted a residential use of rural buildings (which would be contrary to the wording of Local Plan Policy SE8). However, in this instance, whilst the buildings are capable of being converted to a business use (and there is an extant planning permission for this), the agents contend, and the supporting information seems to indicate, that there is no prospect in the foreseeable future of letting these buildings as business units at a rental that would justify the associated conversion costs.
22. Whilst outside the village framework, the site is very close to it and, having regard to the information submitted by the agents and the advice in PPS7 (which states that, amongst other things, Local Planning Authorities should take into account the specific local economic and social needs and opportunities when considering applications for

the re-use of rural buildings), I consider that the principle of converting the buildings to a residential use would be acceptable in this instance. The units all include designated offices within the main body of the dwellings, although, in practice, it would be difficult to ensure that they were only used as offices and were not used for any other purpose.

23. Whilst new build car ports/stores are proposed and the garden areas for units 3 and 4 would encroach into the surrounding countryside, a number of existing buildings are to be removed as part of the scheme. Subject to compliance with the recommended conditions, which include conditions removing permitted development rights, and requiring the agreement of boundary treatments, a detailed schedule of works and requiring the removal of all those building on the site not forming part of the scheme, I consider that the impact of the development on the visual amenities of the countryside would be acceptable.
24. Subject to the recommended conditions, the scheme is considered to be acceptable in relation to highway matters, would provide for an acceptable level of amenity for the occupiers of the proposed dwellings and would not seriously harm the amenity of the occupiers of neighbouring properties.
25. I have given careful consideration to the Parish Council's understandable comment that consideration should be given to making some of the houses smaller to meet the identified local need, but consider that the proposed scheme is acceptable. A greater number of smaller units would lead to additional traffic and, by involving further internal and external sub-division, are likely to lead to further openings in the buildings and further encroachment into the countryside. However, in line with the recent resolution to approve a scheme for the conversion of agricultural buildings at Lordship Farm, Hinxton, to 6 dwellings (S/1801/04/F), I consider that a commuted sum towards the provision of affordable housing should be sought in lieu of a requirement for any of the proposed dwellings to be 'affordable'. Being conversions, it is extremely unlikely that any Registered Social Landlord would want to take on any of the proposed dwellings.
26. Approval of the scheme would not significantly prejudice the implementation of the development plan's policies and proposals. If Members are minded to approve the application, it would not therefore be necessary to refer it to the Secretary of State.

### **Recommendation**

27. Approval (as amended by drawing no. 04-7-02A date stamped 16.3.05) subject to the prior signing of a S.106 Agreement requiring the payment of a commuted sum towards the provision of affordable housing:
  1. Standard time condition A - (Reason A);
  2. No development shall commence until a schedule of proposed works detailing all those elements of the buildings involved in the conversion to be repaired, replaced, renewed, rebuilt or newly constructed, including below ground features and specifications of materials to be used, has been submitted to and approved in writing by the Local Planning Authority.

Any material variations considered necessary as work progresses shall also be so approved - (RC - To ensure that the scheme extensively involves only the conversion of the buildings by ensuring that the Local Planning Authority retains control over the extent of any rebuilding);

3. Prior to the commencement of development, an investigation of the site shall be undertaken to establish the nature and extent of any contamination and any remedial works to deal with contamination. This shall initially consist of a desktop study, which shall include details of the site history, development of a site conceptual model and a preliminary qualitative risk assessment. If any likelihood of contamination is indicated by the initial study, a further detailed site assessment shall be carried out which shall include intrusive investigations and which shall fully characterise the nature, extent and severity of contamination. Recommendations for a remediation strategy and post-remediation validation testing shall be included. Details of the site investigation and any necessary remediation strategy shall be submitted to and approved in writing by the Local Planning Authority before development commences. Remedial work shall be carried out in accordance with the approved details before any of the dwellings are first occupied - (RC - To protect future occupiers of the hereby permitted dwellings from possible contamination of the site);
4. Standard condition 51 'Landscaping scheme' - (RC51);
5. Standard condition 52 'Implementation of landscaping scheme - (RC52);
6. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme - (RC - To prevent the increased risk of pollution to the water environment);
7. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme - (RC - To ensure a satisfactory method of surface water drainage);
8. Standard condition 60 (all) 'Boundary treatments' - (RC - To protect the rural character and appearance of the area);
9. Standard condition 21 - withdrawal of Permitted Development (Part 1 Classes A, B, C and E and, with the exception of the means of enclosure approved pursuant to condition 8, Part 2 Class A) - (RC - To protect the rural character and appearance of the area);
10. During the conversion and construction period, ... standard condition 26 (0800, 0800, 1800, 1300) 'Times when power operated machinery shall not be operated except in accordance with agreed noise restrictions' - (RC26);
11. None of the dwellings hereby permitted shall be occupied until the new farm access, farm track, fencing and gate shown upon drawing no. 01-98/09A approved under planning reference S/0842/02/F has been laid out. The access shall thereafter be retained - (RC - In the interests of highway safety);
12. Before development commences, precise details of a scheme of sound insulation of the buildings shall be submitted to and approved in writing by the

Local Planning Authority. The approved scheme shall be implemented before the use commences - (RC - To protect future occupiers from noise and disturbance generated by the adjacent farm activities);

13. The existing buildings on the site not shown on drawing no. 04-7-01 shall be demolished before any of the hereby permitted dwellings are first occupied - (RC - To ensure that the development does not detract from the rural character and appearance of the area);
14. Details of any external lighting to be installed on the site shall be submitted to and approved in writing before it is first operated. No lighting other than in accordance with approved details shall be operated - (RC - To ensure that lighting does not harm the visual amenities of this countryside site).

### Reasons for Approval

1. Although the development is not in accordance with South Cambridgeshire Local Plan 2004 Policy SE8, it is considered to be acceptable as a departure from the development plan for the following reasons: the proposal represents a suitable new use for these buildings and thereby ensure their future.
2. The development is considered to generally accord with the Development Plan in all other respects and particularly the following policies:
  - Cambridgeshire and Peterborough Structure Plan 2003: **P1/2 (Environmental Restrictions on Development)**;
  - South Cambridgeshire Local Plan 2004: **EM9 (Teleworking) and EN1 Landscape Character Area**.
3. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise: **The size of the units; and drainage.**

### Informatives

A guidance document on the procedures for dealing with potential land contamination is available from the District Council's Environmental Health Department.

During conversion and construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Council's Environmental Health Officer in accordance with best practice and existing waste management legislation.

Should driven pile foundations be proposed, before development commences, a statement of the method for construction of these foundations should be submitted to and agreed by the District Council's Environmental Health Officer so that noise and vibration can be controlled.

Environment Agency's advisory comments as contained in its 24<sup>th</sup> January letter.

**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 Policy Statement 7 'Sustainable Development in Rural Area' 2004

- Planning file Refs: S/0070/05/F, S/1801/04/F, S/1522/04/F and S/0842/02/F.

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee      6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/0285/05/F- Horningsea****Erection of Fencing for Terrace and Bin Enclosure Area (Retrospective), The Crown and Punchbowl Public House for Ross Thain & Co**

**Recommendation: Refusal**  
**Date for Determination: 12<sup>th</sup> April 2005**

**Conservation Area****Site and Proposal**

1. The Crown and Punchbowl is a Grade II Listed Building sited in the heart of the village, within the Horningsea Conservation Area. The Listed Building is a C17 timber framed structure that is rendered. An attached two storey Victorian style cottage is sited to the rear of the main building. A small glazed extension has been affixed to this cottage. Both these structures form part of the Listed Building.
2. Access is provided from the High Street into a recently redesigned and extended car parking area. A limited number of car parking spaces are also provided to the front of the public house. The drive and parking area are laid in gravel. A small patio area is provided around the conservatory, sited to the rear, while an area of landscaping lines the southern boundary of the site shared with the adjacent property, Hollytree House.
3. The application, received 15<sup>th</sup> February 2005, seeks to retain:
  - (a) A 1.2 metre high curved area of fencing which has been erected around the patio area sited adjacent to the access drive. This fence is in filled with trellising and provides a barrier between the external sitting area and access road. A 2 metre gap provides access to the car park; and
  - (b) An additional area of fencing has also been erected adjacent to a brick and pantile double garage, located adjacent to the southern boundary of the site. The 4 standard 1.8 metre high close-boarded timber fence panels and lockable gates provide a means of enclosure to the bin storage area. A similar close-boarded fence runs along the length of the southern boundary, (lined in places by hedging). A small gap to the rear of bin enclosure has been left to provide pedestrian access into the storage area. The main access would appear to remain via the double gates.

### **Planning History**

4. The application site has an extensive planning history. Those applications considered relevant to this application are summarised below.
5. In 1989 permission was granted for the erection of a brick and clay pantile double garage, reference **S/2301/89/F**. The garage is sited adjacent to the southern boundary of the site.
6. Planning permission was granted in 1992, reference **S/1067/92/F**, for alterations and extensions to provide guest bedrooms and facilities. As part of this application a glazed loggia was approved, (the glazed structure sited adjacent to the patio area)
7. Planning permission was granted in 2004 for the alteration and extension of the car park, reference **S/1216/04/F**. An earlier application for the same works was withdrawn prior to a decision being issued, ref **S/0816/04/F**.

### **Planning Policy**

8. **Policy EN28 ‘Development within the Curtilage or Setting of a Listed Building’** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) sets out the criteria against which development within the curtilage of a Listed Building should be assessed.
9. **Policy EN30 ‘Development in Conservation Areas’** of the Local Plan states that development within the Conservation Area will be expected to preserve and enhance the special character and appearance of the area.
10. **Policy P7/6 ‘Historic Built Environment’** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) requires Local Planning Authorities to protect and enhance the quality and distinctiveness of the historic built environment.
11. **Policy P1/3 ‘Sustainable Design in Built Development’** of the Structure Plan. This Policy stresses the need for a high standard of design and sense of place which responds to the local character of the built environment.
12. **Policy P7/8 ‘Safe and Healthy Air, Land and Water’** of the Structure Plan states, (in part) that new development will be located and designed to minimise and where possible avoid air pollution.

### **Consultations**

13. **Horningsea Parish Council** - Refuse, “We sympathise with the residents of Hollytree House and urge The Crown and Punchbowl owners to site their bin store elsewhere on their plot so as not to inconvenience neighbours.
14. **Chief Environmental Health Officer** - stated in writing that there are no significant impacts from an Environmental Health standpoint.

Following discussions with Officers and receiving a letter of objection from the adjacent neighbour, more detailed comments are awaited. These will be reported verbally to the Committee.

15. **Conservation Manager - Refusal**

1. *The Bin storage area*

This is very poor quality solution to screening the bins. This enclosure is sited adjacent to a brick and pantile structure which could be extended

2. *Trellis fence*

Whilst not a solid screen, this enclosure of the patio area has a significant affect on the setting of the Listed Building.

Neither fence is considered to preserve or enhance the character of the locality.

**Representations - Applicant**

16. The applicant has submitted a long letter in support of this application. It is stated that the low trellis fence is required to delineate the terrace area from the access/car park, to provide a safer environment for patrons. Whilst a picket fence was considered, a smooth topped fence was thought to be more desirable.

17. With regards to the bin enclosure it is stated that the bin storage area is sited here to minimise the distance service vehicles have to reverse. A fence of this height has been chosen to provide an adequate visual screen whilst ensuring all bins/rubbish is fully contained.

18. It is stated that the bins are emptied twice a week and all rubbish is stored within air tight bins.

**Representations - Neighbours**

19. 1 letter of objection has been received from Hollytree House objecting to the siting of the bin storage area. It is stated that the bins are highly visible, while the smell and risk of vermin prevent the patio doors, sited adjacent to the enclosure, from being opened. This letter has been forwarded to the Chief Environmental Health Officer for comment.

**Planning Comments - Key Issues**

20. The main issues to consider in this application are the impact of the fencing on the setting of the Listed Building and character and appearance of the Conservation Area and the affect of the siting of the bin enclosure on the residential amenity of the adjacent property.

21. ***Setting of the Listed Building and Character and appearance of the Conservation Area***

*Trellis fencing surrounding patio area*

22. Whilst relatively low, the design of the fence is considered fussy and overly complicated. The Historic Building Officer has stated that the decorative nature of the fence draws the eye and becomes the focal point to this elevation, rather than the building complex itself. This means of enclosure therefore fails to preserve or enhance the well-being and attractiveness of the Listed Building.
23. Whilst I acknowledge the applicant's wish to delineate the sitting area and access road, the erection of a means of enclosure around the patio area has the effect of compartmentalising the site, interfering with the relationship between the Listed Building and the land surrounding it. The erection of any significant means of enclosure around the patio is therefore not considered acceptable. If the relationship of the access drive and patio area is a concern to the applicant, these two areas could be delineated in a more sympathetic manner.
24. Members should note that whilst the Parish Council has objected to this application, no concerns were raised in relation to this area of fencing.
25. ***Bin store enclosure***  
The fencing and double gates erected around the bin storage area are standard fencing panels common to residential gardens and estates. Whilst as built, these fence panels provide a valuable screen to the bins, this means of enclosure is not appropriate to a Listed Building.
26. Unfortunately, a similar form of fencing runs along the southern boundary of the site. Whilst this fencing has not been the subject of a planning application, it is the understanding of Officers that this fencing has been present on site for a considerable length of time. This fence however, is in part, lined with hedging. The remaining sections are also reasonably well screened by planting and do not abut the access road. This area of fencing does not form such a prominent feature when viewed from within the site.

The bin storage area is sited directly adjacent to a brick and pantile double garage. If the siting of the bin enclosure is considered acceptable, (discussed in more detail below) the Historic Buildings Officer has advised that an extension to the garage would provide a more sympathetic means of enclosure. It is advised that a roofless brick structure with close-boarded side hung doors, as existing, would be the preferred option.

27. Whilst each element of fencing is not visible from within the High Street, the site is located within the Conservation Area where design standards apply to both public and private spaces. A high standard of design must be adopted for all development within the Conservation Area in order to preserve and enhance the character and appearance of the area. Both forms of fencing are considered harmful

***Residential Amenity of the adjacent dwelling.***

28. Hollytree House is a chalet style bungalow, the north facing flank wall of which is sited within 2 metres of the boundary shared with the Crown and Punchbowl. The dwelling is set back from the road and is sited directly adjacent to the garage and bin enclosure. Two pairs of patio doors serving a dining room and living

area face the bin area. The owner of this property has raised objections to the smell and visual impact of siting the bins in this location. Reference is also made to rats being seen in the area although there is no evidence confirming that these originate from the bin storage area.

29. Whilst the storage of bins does not require planning permission, their current location is not considered very neighbourly. There is a requirement for the bins to be sited within close proximity of their collection point to avoid service vehicles having to reverse. The Councils Design Guide for the storage of solid waste states that any storage area for containers of up to 240 litres should be sited within 30 metres of the waste collection point, (normally the edge of the property nearest the point of access). The bin storage facility is already sited approximately 40 metres from the site frontage and there is very little, if any potential to house an enclosure any closer to the street. Whilst this maybe the only suitable location for the storage of bins a means of enclosure appropriate to the location needs to be secured.
30. The neighbour has commented on the general state of the bin storage area. Whilst the bins maybe air tight, photos have been submitted showing bin bags heaped out of the top of the bins. Whilst I acknowledge that this is a commercial kitchen where high levels of waste are generated, giving the difficulties associated with the storing of waste, the siting of an open bin storage area in this location is not be considered acceptable.
31. Whilst the Chief Environmental Health Officer has raised no objections, further investigations are to be carried out. Any additional comments will be reported verbally to the Committee.

The Parish Council has objected to the siting of the bin enclosure.

#### ***Other Issues***

32. As this a retrospective application, Members must consider the details of any enforcement action. While consent is required for the erection of the fencing, the siting of bins does not require planning permission. It is not in anyone's interest to insist that the fencing is removed and the bins left on public display. Whilst this is a consideration to this planning application, this, in the opinion of Officers does not justify granting consent for what is considered to be an inappropriate means of enclosure.
33. I would recommend that, if enforcement action to remove the fencing is agreed by Members, the period for compliance should reflect the need to agree a revised means of enclosure, the details of which will have regard to the comments of the Historic Building Officer and Chief Environmental Health Officer.

#### **Recommendation**

34. Refusal and issuing of enforcement notices for the removal of both areas of fencing.

### Reasons for Refusal

- 1) The low level fencing erected around the patio area has the effect of compartmentalising the site, interfering with the relationship between the Listed Building and the land surrounding it. Whilst each fence panel is filled with trellising, the decorative nature of the fence draws the eye and becomes the focal point to this elevation rather than the building complex itself.

Similarly the standard horizontal close boarded fence panels that provide screening to the bin storage area, sited in this prominent location adjacent to the access road to the car park, provides a very poor and visually unsympathetic means of enclosure. Whilst other such fencing is present within the site, greater screening is provided and its location is not so prominent.

Both elements of fencing, due to their height, design, materials and siting, form a visually prominent feature within the grounds of this Grade II Listed Building, to the detriment of the attractiveness of the protected structure and visual relationship enjoyed between the building and its natural landscape surrounding. Such forms of fencing are also, due to the harmful affect caused, considered to have a detrimental impact on the character and appearance of the Conservation Area.

The proposed development is therefore considered contrary to Policies P7/6 and P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies EN28 and EN30 of the South Cambridgeshire Local Plan 2004.

- 2) The bin storage area is sited directly adjacent to the flank wall of the adjacent property, Hollytree House. Two pairs of patio doors are sited within this elevation. These openings serve a dining room and living area and face directly towards the bin enclosure, (located approximately 2 metres away from the fence). The siting of a bin enclosure in this location will, by reason of unpleasant smells, detrimentally affect the residential amenities of the adjacent property, Hollytree House

The proposed development is therefore considered contrary to Policies P1/3 and P7/8 of the Cambridgeshire and Peterborough Structure Plan 2003.

**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/2301/89/F, S/1067/92/F, S/1216/04/F, S/0816/04/F and S/0285/05/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee6<sup>th</sup> April 2005**AUTHOR/S:** Director of Development Services

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**S/0454/05/F - Guilden Morden  
Extensions at 10 Silver Street for Mrs C Murfitt****Recommendation: Approval  
Date for Determination: 3<sup>rd</sup> May 2005****Abuts Conservation Area****Site and Proposal**

1. Number 10 Silver Street is a modest bungalow that enjoys a relatively small residential curtilage in one of the more rural parts of the village. The property is neighboured on either side by two-storey dwellinghouses, the southern most one of which abuts the edge of the village framework. Although the property does not fall within the Conservation Area the front of the site does abut it as it dissects the properties of Silver Street. To the south of number 10 a shared access serves the bungalow and its two-storey neighbour, the boundary between the two being open. The northeast boundary of the site is defined by a tall close boarded fence.
2. The application received on the 8<sup>th</sup> March 2005 seeks to extend the property to the rear by way of a single storey pitched roof element extending by 4 metres in length. The southwest elevation of the extension will be set back from the main property by 0.3 metres. As a result of this setting back the ridgeline of the extension is 0.3 metres lower than that of the main property. As well as the rear extension a modest pitched roof porch is also proposed for the southwest elevation.

**Planning History**

3. The existing bungalow was built in accordance with planning application reference **S/1459/81/F**; there have been no other planning applications that relate to the property since the 1981 application.

**Planning Policy**

4. **Policy HG12** of the South Cambridgeshire Local Plan seeks to resist extensions to dwellings that would harm the residential amenities of neighbouring properties or have an unacceptable visual impact upon the street scene.
5. **Policy EN30** of the Local Plan requires development to preserve or enhance the character and appearance of Conservation Areas.

**Consultation**

6. **Guilden Morden Parish Council** - comments are awaited.
7. **Conservation Manager** - comments are awaited.

## **Representations**

8. None received at the time of writing the report. The statutory period for consultation expires on 1<sup>st</sup> April.

## **Planning Comments - Key Issues**

### ***Neighbour Amenity***

9. The distance of the extensions from the southern neighbour, together with its modest height, means that any loss of neighbour amenity would be minimal. A new window is to be inserted into the northeast elevation of the bungalow to provide a means of escape from the main bedroom. This additional opening is not considered to result in an unacceptable loss of neighbour amenity, as the southern elevation of the neighbouring property is blank.
10. The fact that the rear extension has been kept subservient in form to the main bungalow means that the bulk of the development will have a limited impact upon the amenities of the northern neighbour. Again the distance of the extension from the windows in the rear elevation of the neighbouring property means that loss of light is not considered to be a material consideration for the determination of this application.

### ***Street Scene***

11. Neither the rear extension nor the porch is considered to have an unacceptable visual impact upon the street scene of Silver Street or the character and appearance of the adjacent Conservation Area.

## **Recommendation**

12. Approve subject to conditions:
  1. Standard Condition A - Time limited permission (Reason A);

## **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **South Cambridgeshire Local Plan 2004:** HG12 (Extensions to Dwellings within Frameworks) and EN30 (Development in/adjacent to Conservation Areas)

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

- South Cambridgeshire Local Plan 2004
- Planning Application Reference S/0454/05/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/1404/04/F****Amendment - Erection of Two Dwellings at 77 Hay Street, Steeple Morden for M Harris, D Harris and L Forrest****Recommendation: Approval**

Members will visit the site on Monday 4<sup>th</sup> April 2005

**Site and Proposal**

1. The site lies within the village framework, and adjacent to a Grade II Listed Building, No. 73. It contained a bungalow which is now demolished and two dwellings, are currently under construction.
2. The amendment, received 28th January 2005 proposes a correction to the approved scheme which incorrectly identified the position of the boundary between No. 77 and No. 73. The true position of the boundary has resulted in the dwellings being closer to the boundary than originally considered for approval.
3. A revised landscape scheme has been submitted showing the erection of a close boarded fence with trellis above to a total height of 2m and a mix of shrub planting and climbers between the new properties and the new boundary fence.

**Planning History**

4. In November 2002 a planning application was submitted for the erection of 2 dwellings following the demolition of the existing bungalow. Officers expressed concern with regard to the distance (front to back) of the new dwellings from the listed building No. 73 and following negotiations the buildings were set back within the site by approximately a further 2m. The distance to the side boundary was approximately 1.3m at the front and 0.8m at the rear. The application was recommended for approval to the Development and Conservation Control Committee (then Planning Committee).
5. Members granted delegated approval at the April 2003 meeting subject to revisions to take the new dwellings further off the side boundary with No. 73. The minute states:
6. **"DELEGATED APPROVAL/REFUSAL**, as amended by letter dated 14<sup>th</sup> January 2003 and plans ref. 242/01, 242/02 A and 242/03 A date stamped 12<sup>th</sup> February 2003, subject to the outcome of negotiations about the design and layout of the scheme, and to the Conditions referred to in the Planning Director's report and an additional Condition requiring the provision of adequate turning space for vehicles".
7. In September 2003 amended plans were received and permission granted. One of the two garages between the two properties was omitted (replaced with a separate building) allowing a greater distance to the side boundary of No. 73 - approximately 3.2m at the front and 2.8m at the rear.

8. In July 2004 a revised planning application was submitted changing some of the detail of the scheme. The distance to the boundary of No. 73 was reduced as part of the revisions to approximately 2.6m at the front and 2.1m at the rear. The application was approved under delegated powers in August 2004.
9. The buildings are substantially completed. The applicants have accepted that the original plans contained an error in that the site was not as wide as shown. As a result the distance of the dwellings to the side boundary of No. 73 is approximately 1.9m at the front and 1.5m at the rear. The relationship of the position of the new dwellings to existing dwellings largely corresponds with the submitted plans - the error relates to the incorrectly shown position of the side boundary with No. 73.
10. A previous landscape scheme showed only existing planting to be retained between the new dwellings and the boundary with No. 73. This planting was removed during the construction of the dwellings.

### **Planning Policy**

11. **Policy HG10 - Housing Mix and Design** of the South Cambridgeshire Local Plan 2004 ("The Local Plan")
12. **Policy SE4 - List of Group Villages** of the Local Plan
13. **Policy EN28 - Development within the Curtilage or Setting of a Listed Building** of the Local Plan

### **Consultation**

14. **Parish Council**  
Recommends approval  
"Please ensure that the garage wall facing Hay Street is finished in dark timber."
15. **Conservation Manager**  
"No comment. Landscaping needs to be appropriate."
16. **Landscape Design Officer** (with regard to the newly submitted landscape proposal)  
"Subject to tank and tree switching this would be acceptable."

The addition of trellising / climbers and the fastigiate tree gives significant more screening than the original scheme.

The moving of house wall back by 0.7m would not be sufficient to practically get any additional tree planting so in landscape terms nothing would be gained".

### **Representations**

17. Strong objections have been expressed by the occupiers of No. 73 Hay Street due to the increased impact of the new development upon their property. The full objections will be reported verbally. The neighbour has also expressed concern that the building is higher than approved.
18. Further representations from the applicants are attached as appendix 1.

### **Planning Comments - Key Issues**

19. The key issue in the consideration of this amendment is the impact on the amenity of the occupiers of No. 73 Hay Street. The question of the height of the building is being looked into and I shall update Members at the site visit.
20. In my view the proposal has a greater impact on the amenity of the occupiers of No. 73 than that considered in previous applications in that it appears more dominant when viewed from the rear garden due to its closer proximity to the side boundary of this property. However I consider that the recently submitted landscape scheme, including the proposal to erect a 2m high fence (including trellis) on the boundary, ameliorates the concerns sufficiently to lead me to recommend approval.
21. The agent for the application has stated that the reason Members insisted that the dwellings be moved off the boundary with No. 73 in the 2002 application was more because of the relationship of the new dwellings with No. 73 rather than any specific concerns with regard to the distance to the side boundary. I do recall that concern was expressed that the new dwellings should not significantly wrap behind the Listed Building. The relationship of the buildings to one another is not at issue here (because it is largely as approved) and it is my view that Members will need to consider whether moving the buildings 0.7m further off the boundary (to that previously approved) is necessary to overcome any loss of amenity caused to the occupiers of No. 73 due to the errors in the application.
22. In discussion with the occupiers of No. 73 the point has been clearly made that they should not have to suffer a loss of amenity because of an error made by the applicants and that the proposal was considered on false information. I understand this concern but the issue is whether or not the proposal in its current position is acceptable and if there are any measures that can make it acceptable. In light of the comments of the Landscape Design Officer I now consider that, on balance, the additional loss of amenity due to the buildings being 0.7m closer than originally considered is not significant as to justify refusal provided a 2m high fence (including trellis) is erected and the planting, shown in the latest scheme, implemented. These matters can be controlled under the conditions imposed on the previous planning permission ref. S/1404/04/F.

### **Recommendation**

Approval of the amendment.

### **Informatives**

### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **South Cambridgeshire Local Plan 2004: SE4** (Development in Rural Growth Settlements),
  - **HG10** (Housing Mix and Design)
  - **EN28** (Development within the Curtilage or Setting of a Listed Building)
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:

- Neighbour amenity

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

Planning Files reference:

- S/2278/02/F and S/1404/04/F
- South Cambridgeshire Local Plan 2004

**Contact Officer:** Nigel Blazeby - Senior Planning Assistant  
Telephone: (01954) 713256

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 6th April 2005  
**AUTHOR/S:** Director of Development Services

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**S/0142/05/LB and S/0143/05/F - Little Wilbraham**

**Alterations - Single Storey Extension for Enlarged Utility Room with Roof Lantern and Resited W.C. Forming New Shower Room With 1 Roof Lantern. Relocated Boiler Room. New Porch to Dining Room Doorway. Removal of Partitions in First Floor W.C to Create Enlarged Bathroom Adjacent to Bedroom 3. Installation of Pot on Sitting Room Chimney.**

**At Reed Cottage, 1 Rectory Farm Road, Little Wilbraham for R Turner.**

**Recommendation: Delegated Approval**

**Date for determination: 23<sup>rd</sup> March 2005**

**Listed Building and Conservation Area****Site and Proposal**

1. Reed Cottage is a Grade II Listed Building dating from the late 18<sup>th</sup> or early 19<sup>th</sup> century. It consists of a gault brick cottage with a thatched roof. To the rear is a 19<sup>th</sup> century cross wing which has a slate roof. The property has had two recent extensions in 2002 - one altering the form of a small former cheese store to the northern end of the cottage which is now thatched to match the main building and a second on the southern end forming a kitchen extension to the cross wing.
2. Members may recall undertaking a site visit to the site in November 2004 to consider a two storey rear extension. This was refused at the meeting held on 3 November 2004 and is now subject of an Appeal. The current proposals comprise a more modest, single storey resubmission following the refusal.
3. The applications, received 26<sup>th</sup> January 2005, propose to replace an existing flat roofed extension to the rear of the former cheese store. This current structure has a felt flat roof which sits under the eaves of the thatch. It is proposed to replace this with a larger flat roofed structure which would have a lead roof. This would form a utility area and downstairs toilet and shower room. To the first floor an internal partition would be removed to enlarge the bathroom facilities.
4. The applications have been revised to delete some upstanding roof lights to the flat roof and replace these with two lanterns. It was also proposed to remove walling in the dining room which forms a cupboard and is part of the nineteenth century fabric with a four panel door. This element is now to be retained. It has also been sought to delete the porch to the rear door - this is discussed below.

**Planning History**

5. The relevant history is summarised below:

**S/0369/02 and S/0370/02/LB.** Internal and external alterations for enlarged hall, replacement stairs, enlarged dining room, creation of access through gable wall to ground floor study. Demolition of conservatory and replacement by lean to kitchen and pantry and heightening of lean to side extension to create first floor toilet and dressing room with reed thatched roof. Approved April 2002 and fully implemented.

6. **S/1999/04/LB** Installation of flexible metal flue liner in study hearth. Approved November 2004. This application highlighted unauthorised works to a fire surround which are currently subject of negotiations to reinstate suitable surround.
7. **S/2019/04 and S/2017/04/F** applications for a two storey rear extension to form new fourth bedroom and first floor bathroom with enlarged utility and toilet facilities to ground floor. Refused on three grounds:
  1. The proposals were not considered to be justified as being necessary for the continued economic use of the dwelling
  2. The visual appearance was considered to detract from the special character and appearance of the Listed Building by virtue of size, form and mass.
  3. It would materially alter the appearance of the rear of the property and impact on the Listed Building and Conservation Area.

These applications are currently subject to appeals.

### **Planning Policy**

8. **Policy P7/6 Historic Built Environment - Cambridgeshire and Peterborough Structure Plan 2003.** Local Planning Authorities will protect and enhance the quality and distinctiveness of the local historic built environment.
9. **Policy EN20 of the Local Plan 2004.** Applications will be refused which:
  - Are not necessary to ensure the continuing use of the building
  - Would dominate or detract from the Listed Building in scale and form, massing or appearance
  - Would imply the loss of building fabric or architectural or historic interest
  - Would damage archaeological remains of importance
  - Would harm the well being or setting of adjacent Listed Buildings
10. **Policy EN30 Development in Conservation Areas.** Must preserve or enhance the special character and appearance of the Conservation Area.
11. **Planning Policy Guidance Note 15 - Planning and the Historic Environment** Gives advice in sections 3.12 - 3.15 and Annex C on alterations and extensions to Listed Buildings.
12. **Policy HG12 Extensions and alterations to dwellings** - sets out the criteria which must be met to alter or extend properties within village frameworks.

### **Consultations**

13. **Little Wilbraham Parish Council** - recommends approval.

### **Representations**

14. None received at the time of writing this report.

**Planning Comments - Key Issues**

15. The two key issues are:
- (a) The impact on the special character and appearance of the Listed Building.
  - (b) Whether the works will preserve or enhance the special character and appearance of the conservation area.
16. The proposals are significantly reduced in scale from the previous refused scheme. The first floor element has been deleted and the extension is now only for a replacement and enlargement of the existing toilet/utility area rather than creating new bathroom/bedroom facilities. Internally the property is to be altered to enlarge the existing first floor bathroom.
17. The proposal being a flat roofed structure will sit under the eaves of the thatch similar to the existing flat roofed structure it will replace. This will not, therefore, lead to the loss of any historic fabric. The scale and mass of the building is considered to be more subservient to the Listed Building and will not harm the character and appearance of the Conservation Area. The extension is considered to accord with Policies EN20 and EN30 of the Local Plan.
18. The use of a lead roof will be an enhancement from the form and materials of the existing extension. The extension will be longer than the existing extension to be replaced but will be set back from the building line of the two storey cross wing. It will enable the formation of a new boiler room and the replacement of an existing metal flue with a brick chimney which is also a visual enhancement.
19. The amendment of the scheme to use roof lanterns rather than raised roof lights is considered to be a visually more acceptable means of lighting the rear part of the extension.
20. The loss of the cupboard in the nineteenth century cross wing also raised concerns at the loss of historic fabric without adequate justification and the retention of this is also welcomed.
21. The two elements of the applications which remain an issue are (i) the proposed porch to the rear door and (ii) the use of render rather than brick. These are considered below.
22. With regard to (i) the proposed porch, this doorway has a small hood above it and is located adjacent to the kitchen extension. The proposals are to create a larger enclosed porch structure which would be glazed to the western side with a brick plinth to match the form of the bay window to the adjacent extension. This element is also subject to the current appeal on the previous 2-storey submission. In the Local Planning Authority's submitted statement it is argued (para 6.10) that:
- "The proposals also propose the formation of a porch on the southern side elevation of the 19<sup>th</sup> century cross wing. This will enclose the existing rear door which gives access to the kitchen/dining area. Concern is expressed at the cluttered appearance of this elevation. The kitchen extension has left only 1.5 metre section of this side wall exposed and the porch will cover this. It is considered that the form of porch designed to reflect the format of the bay window to the kitchen extension is unduly*

*fussy and will detract from this elevation of the building. It will raise the importance of this entrance to more of a main entrance - competing directly with the entrance and porch to the front elevation. This again serves to alter the function and importance of this rear elevation to the detriment of the original thatched cottage part of the building”.*

23. With regard to (ii) the use of render, it should be noted that the recent kitchen extension on the other side of the cross wing is in gault brick. Only the cross wing is rendered. In order to emphasise this historic fabric it is considered this extension should contrast with this by being constructed using a gault brick to harmonise with the main cottage and later extensions.
24. It is, therefore, considered that the proposal should be recommended for a delegated approval subject to receiving amended plans which delete the porch from the scheme and confirm the amended materials.

### **Recommendation**

25. Delegated approval, subject to the deletion of the porch and use of facing brick for the extension.

### **Planning Consent**

1. Standard Condition A - Time limited permission (Reason A);
2. Sc5a - Details of materials for external walls and roofs (Rc5aii);

### **Listed Building Consent**

1. Listed Building Consent 1 - (Reason - LBC1);
2. LBC2 - Amended drawings received 14 March 2005 (Reason - LBC2)
3. Precise details of the new windows and external doors to be installed as part of this permission shall be submitted at a scale of at least 1:20. The windows shall be single glazed of timber construction traditionally painted and without trickle vents. The details shall include any measures necessary to meet the building regulation requirements including the details of secondary glazing if applicable. The details shall show sections, opening arrangements and glazing bar patterns where applicable.  
(Reason: To ensure detailing appropriate to this Listed Building);
4. Notwithstanding the materials shown on the approved drawings the extension shall be faced in gault brickwork not render as specified. A sample panel of the brickwork shall be supplied on site for prior written agreement with the LPA before works commence. The details shall include the bond to be used, joint details and mortar mix.  
(Reason - To ensure the use of appropriate materials);
5. LBC 29- Use of lime based mortars. (Reason - LBC29)
6. LBC 32 - details of new rainwater goods; (Reason - LBC32)

### **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:** P7/6 (Historic Built Environment);
  - **South Cambridgeshire Local Plan 2004:** EN30 (Development in/adjacent to Conservation Areas) and EN20 (Unsympathetic extensions).
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 upon setting of adjacent Conservation Area
  - Impact on the special character and appearance of the listed Building

**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
- PPG 15
- Planning files S/0369/02/F, S/0370/02/LB, S/2019/04/LB, S/2017/04/F, S/0142/05/LB and S/0143/05/F

**Contact Officer:** Charmain Hawkins - Historic Buildings Officer  
Telephone: (01954) 713178

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee6<sup>th</sup> April 2005**AUTHOR/S:** Director of Development Services

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**S/0120/05/CM - Landbeach  
Use of Land for the Drop Off and Transfer of Bonded Asbestos,  
Waste Management Park, Ely Road for Donarbon Ltd**

**Recommendation: No Objections**

**Date for SCDC Comments to County Council - 3<sup>rd</sup> March 2005**

**County Matter****Site and Proposal**

1. Waste transfer depot lying to the north-west of the A10/Ely Road, mid-way between the Cambridge Research Park and Chittering; access is via a recently constructed roundabout.
2. The full application, received 20<sup>th</sup> January, proposes the siting of a sealed steel container, approximately the size of a freight lorry container, behind the large waste transfer building on site. It would be used for the drop off and transfer of bonded asbestos - see Representations below.

**Planning History**

3. Consent was granted for an integrated waste management centre covering some 165 ha in December 2001 and has subsequently been allocated in the Cambridgeshire and Peterborough Waste Local Plan as a major Waste Management Facility.

**Planning Policy**

4. National planning guidance on waste management is provided in **Planning Policy Guidance Note 10**. It builds upon the requirements outlined in the Landfill Directive and the Waste Strategy. It sets out four basic principles of waste management - Best Practicable Environmental Option (BPEO) supported by Regional Self Sufficiency, Proximity Principle and Waste Hierarchy. All of these principles are considered at a local level in the County's Waste Local Plan which identifies the Waterbeach site as an appropriate location for a Major Waste Management Facility.
5. **Policy WLP18(a)** of the Cambridgeshire and Peterborough Waste Local Plan identifies the Dickerson's site, Cottenham/Landbeach as a Major Waste Management Facility. The application seeks to provide a facility which will deal with the waste streams historically accepted at the site.
6. **Policy WLP 31** relates to hazardous waste and states that such facilities will be permitted where they form an integral part of an existing major waste management site, a preferred site or on land identified for industrial use. The proposal must also demonstrate a need.

## Consultation

7. As the District Council is only a consultee on the application, all consultations are sent direct to the County Council. However I am advised that:-

**Environment Agency** has no objections in principle but the Agencies permit for the site will need to be varied.

The **Old West Internal Drainage Board** has no comment to make from a drainage point of view.

The **Chief Environmental Health Officer** concludes that there are no significant impacts from the Environmental Health standpoint.

**Councillor Hockney** has requested that the application is considered by Committee, after consultation with Landbeach Parish Council. I assume from this request that both Councillor Hockney and the Parish Council will be objecting to the application. I have asked for copies of their reasons. These will be reported verbally.

## Representations

8. A resident of Long Drove, Cottenham, to the rear of the site, has no objections to the scheme, stating that there may even be a positive outcome in helping to reduce the amount of fly-tipping along Long Drove.

### Representations - Applicant (summarised)

9. "The site has a history of sand and gravel extraction followed by landfilling. The majority of the material that has been landfilled has been industrial, commercial, construction and demolition wastes. This has included bonded asbestos. Due to changes in the classification of bonded asbestos to a hazardous waste and Landfill Directive requirements preventing the co-disposal of hazardous and non-hazardous material, the Waterbeach site can no longer accept this material in its normal landfill operations. The site is classified as a non-hazardous landfill which can accept hazardous waste which is stable and non-reactive ie. bonded asbestos however this has to be disposed of within a separately constructed cell. The mechanics of such an operation would be difficult to achieve and it is currently felt that such material would be better dealt with at a hazardous only site.
10. There are currently no hazardous landfill sites within the County yet there is a large demand for facilities which can effectively deal with such material. This application seeks to provide a drop off and transfer facility for bonded asbestos which would allow small amounts of the material to be bulked up in sealed containers and then taken to the hazardous landfill sites for final disposal.
11. Many of the older farm buildings, garden sheds etc. were constructed using bonded asbestos and therefore as these buildings are stripped and demolished there is a large amount of this material in the County which is required to be disposed of. With no facilities in the County which are able to dispose of hazardous waste, the need for this facility is clear. Since the change in regulations in summer 2004 Donarbon has been contacted constantly by local builders, householders and local authorities who need to dispose of bonded asbestos. Due to the lack of facilities the price of disposal has increased dramatically. The distance that needs to be travelled

to an appropriate facility and the regulations and engineering requirements of how the material has to be dealt with have necessitated this increase.

12. Large projects where there is large amounts of material to be disposed of will fill skips/containers and be taken direct to the hazardous landfill sites however smaller amounts, such as of a garden shed, will be too costly to dispose of in this way. As a result there is a great fear that much of this material to be bulked up on site will provide a safe and effective way of disposing of the material.
13. This application seeks to provide a drop off facility for bonded asbestos. There will be no disposal or treatment of the material on site. It would arrive at the site already sealed in plastic. The regulations require the plastic to be 1000 gauge. The bagged material would be placed in a container which would be kept sealed and locked at all times when not in use. The container is a steel rolloff bin which has been specifically adapted for this purpose and includes a sealed lid. It has doors at one end so that material can be easily loaded. The container would be located in a bay on the north western side of the Waste Reception Building furthest away from the A10. The material would be bulked up in the container and, once it is full, the sealed container would be taken to an appropriately licensed site for disposal. It is proposed to site two containers so that when one bin is full and is being disposed of there will still be a drop off facility available.
14. The tonnages expected from this operation are difficult to predict. Information received from the County Councils Waste Management Team indicate that some 44.1 tonnes of material were received at Milton Household Waste Recycling Centre last year. We would expect to receive some 200 tonnes of material each year at this site. This would equate to filling one bin per month.
15. As tonnages expected are difficult to predict any increase in traffic movements are also. It is estimated that traffic movements associated with this operation will be on average approximately 20 per week or 4 per day ie. 2 loads delivered per day."

#### **Planning Comments - Key Issues**

16. The main issues with this consultation are safety, visual harm and traffic.
  - i) *Safety*

As the applicants have explained, asbestos has been deposited at the site for years. With a change in legislation it is now classified "hazardous waste" for which the Landbeach site is not licensed. There would be two forms of disposal; firstly in bulk from a large demolition contract whereby the material would go straight from site to a site licensed to accept such material. The second would be small amounts, ie. from a small builder or a member of the public, who has, perhaps, demolished a garage or similar. It is these small amounts which would be sealed and taken to Landbeach where they would be kept in a sealed container, prior to being disposed of on a licensed site.
  - ii) *Visual*

The container would be out of sight behind the large building on site. I would suggest it is painted dark green to match the building.
  - iii) *Traffic*

As the Company will only be dealing with small amounts, traffic generation will be minimal.

At the time of writing this Report, I am not aware of the local concern which has resulted in the application coming to Committee but a verbal report will be made.

As the neighbour in Long Drove has said in his letter "...it may even have a positive outcome in helping to reduce the amount of fly-tipping ..."

**Recommendations**

17. The County Council be advised that the Committee fully supports this proposed facility for the drop off and transfer of bonded asbestos; the applicants are asked to paint any container dark green to match the building.

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

- Planning Application File Reference: S/0120/05/CM

**Contact Officer:** Jem Belcham - Area Planning Officer  
Telephone: (01954) 713252

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee6<sup>th</sup> April 2005**AUTHOR/S:** Director of Development Services

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**S/0254/05/F - Willingham  
Erection of Dwelling Following Demolition of Existing Dwelling  
At Flat Road Farm, Flat Road for Mr & Mrs Clover**

**Recommendation: Refusal**

**Site and Proposal**

1. Flat Road Farm is situated to the north west of Flat Road approximately 1500 metres outside the Willingham village framework, surrounded by flat fields and relatively open countryside. The existing dwelling on the site comprises of a detached red brick bungalow with roof space converted to additional accommodation, set within large gardens. A number of agricultural buildings are located to the north of the dwelling. There are a number of mature trees on the site which help to screen the existing dwelling from Flat Road and a low hedgerow which surrounds the south western and north western boundaries of the site. Views of the existing dwelling are afforded across the adjacent fields from Earith Road.
2. The application, received on 2<sup>nd</sup> February 2005, proposes the erection of a detached 1-½ storey chalet style 4 or 5 bedroom dwelling following the demolition of the existing dwelling. The application also proposes the demolition of a number of existing outbuildings which are located to the north-west of the existing dwelling.

**Planning History**

3. No relevant planning history on this site.

**Planning Policy**

4. The existing dwelling and its curtilage is located a considerable distance outside the Willingham village framework. As such the site is defined as being located in the countryside.
5. Policy **HG15** of the **South Cambridgeshire Local Plan 2004** states that proposals for the replacement of a dwelling in the countryside will be permitted where the proposed replacement dwelling is in scale and character with the dwelling it is intended to replace; and the proposed replacement dwelling would not materially increase the impact of the site on the surrounding countryside.
6. Replacement dwellings in accordance with **Policy HG15** would be an exception to **Policy P1/2** of the County Structure Plan which normally restricts development in the countryside.

**Consultation**

7. **Willingham Parish Council** recommends approval.

8. **Old West Internal Drainage Board** has no comment from a drainage point of view.
9. **Chief Environmental Health Officer** recommends an informative, in respect of the need for a Demolition Notice, to be attached to any approval to ensure the protection of the residential environment of the area.
10. **Environment Agency** does not object in principle but comments that the application does not consider sufficiently foul water and surface water drainage and as such recommends conditions and informatives to be attached to any approval to prevent increased risk of pollution to the water environment and to ensure a satisfactory method of surface water drainage.

### **Representations**

11. None received.

### **Planning Comments - Key Issues**

12. The key issues in relation to this application are:
  - The scale and character of the proposed dwelling against that of the existing; and
  - The impact of the proposal on the openness and rural appearance of the countryside.
13. The existing dwelling on the site is a relatively modest structure which has a floor area of approximately 85m<sup>2</sup> and measures approximately 6.2 metres to the ridge. It has the appearance of a bungalow which has had the roof space converted to additional living accommodation, with roof lights serving the upstairs rooms. In terms of volume the existing structure measures approximately 334m<sup>3</sup>. Although the existing dwelling is a relatively modest structure long range views are afforded of the site, particularly when viewed from Earith Road. The existing dwelling, although situated in a farm setting, is not the subject of an agricultural occupancy condition.
14. The proposed replacement dwelling is significantly taller than the existing dwelling, measuring approximately 9.6 metres to the ridge, an increase of approximately 3.4 metres, and has a floor area of approximately 134m<sup>2</sup>. The overall volume of the proposed dwelling is also significantly greater, measuring approximately 799m<sup>3</sup>. The proposed replacement dwelling would therefore constitute a volume increase of approximately 239% above the existing dwelling.

### ***Scale and Character***

15. Policy HG15 states that proposals of a replacement dwelling in the countryside will be permitted where the proposed replacement dwelling is in scale and character with the dwelling it is intended to replace. Whereas the existing dwelling is a relatively modest structure, with a simple form, the proposed dwelling is much more elaborate, featuring dormer windows at first floor level and an open sided veranda to the rear. Whilst the proposed dwelling has been designed as a 'chalet', in keeping with the principles of the existing dwelling, the scale and character are such that it bears no relationship to the existing. Given the difference between the design, height and overall volume of the proposed dwelling compared to the existing dwelling it would be difficult to argue that the two dwellings compare with one another.

***Impact on the Surrounding Countryside***

16. Policy HG15 also seeks to ensure that the proposed replacement dwelling would not materially increase the impact of the site on the surrounding countryside. Whilst I appreciate that the site is in a relatively remote location, public views of the site are afforded from Earith Road. The proposed dwelling, particularly by virtue of its height and overall mass, would have a significantly greater impact on the surrounding countryside than the existing property. Although the proposed dwelling is in a similar location to the existing, the overall floorspace of the dwelling increases from approximately 85.41m<sup>2</sup> to approximately 134m<sup>2</sup>. Even allowing for the proposed demolition of a number of detached outbuildings, the increased built mass of the proposed dwelling combined with an increase of approximately 3.4 metres in height the resultant impact would make the dwelling much more visible and overbearing on the surrounding countryside.

**Recommendation**

17. Refusal

Flat Road Farm is situated in a remote location, detached from Willingham village and outside the village framework, as identified in the South Cambridgeshire Local Plan 2004. The existing dwelling is a relatively modest structure, with a ridge height of approximately 6.2m. The proposed replacement dwelling is a much larger structure, measuring approximately 9.6m to the top of the ridge.

The proposed replacement dwelling, by virtue of its design, scale and form would be out of scale and character with the existing dwelling and would materially increase the impact of the site on the surrounding countryside. It is therefore contrary to the provisions of Policy HG15 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 files Ref: S/0254/05/F

**Contact Officer:** Michael Osbourn - Assistant Planning Officer  
Telephone: (01954) 713379

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

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**S/1275/04/O - Willingham**  
**Erection of Two Dwellings Following Demolition of Existing Dwelling at**  
**32 Schole Road for Mr G D Rose**

**Recommendation: Approval**  
**Date for determination: 17<sup>th</sup> August 2004**

**Site and Proposal**

1. The application relates to an existing 2-storey Victorian cottage located close to the eastern edge of the village. Schole Road has a loose stone surface for much of its length, except in the vicinity of the junction with Rampton End. It is not provided with any pedestrian footway or street lighting. The road is also a formal bridleway, and has a width of between 5.0m and 5.5m. There a number of modern dwellings on the south side of the road, each with extensive rear gardens.
2. This outline application, dated 10<sup>th</sup> June 2004, proposes the demolition of the existing dwelling and its single-storey outbuilding, and the erection of two replacement dwellings. The site has a width of 23m x 44m, and an area of 0.1ha. Details of siting, design, appearance, landscaping and means of access have been reserved for further condition.
3. The development represents a density of 20 dwellings per hectare.

**Planning History**

4. There is no relevant planning history on this site.

**Planning Policy**

Cambridgeshire and Peterborough Structure Plan 2003:

5. **Policy P1/1** (Approach to Development) - development sites involving the use of previously developed land and buildings within existing settlements should be afforded the highest priority.
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 8/1** (Sustainable Transport - Links between Land Use and Transport) - LPA's should ensure that new development provides appropriate access from the highway network that does not compromise safety.

South Cambridgeshire Local Plan 2004:

In the village inset plan, the site is shown to be inside the village framework boundary.

8. **Policy SE2** (Rural Growth Settlements) - residential development will be permitted provided that the retention of the site is not essential to the character of the village, the development would be sensitive to the character of the village and the amenity of neighbours; and the village has the necessary infrastructure capacity. Development should achieve a minimum density of 30 dwellings per hectare unless there are strong design grounds for not doing so.
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 villages.
10. **Policy SE9** (Village Edges)- development on the edge of villages should be sympathetically designed and landscaped to minimise the impact of development on the countryside.
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.

### **Consultations**

12. **Willingham Parish Council:** “Unanimously resolved to recommend refusal. There are concerns about road safety due to the poor state of the road and the dangerous exit onto Rampton Road. The roadway itself is unmade. There is some doubt that the proposed development might constitute a change of use and might fall outside the village envelope”.
13. **Local Highway Authority:** Schole Road is a private unmetalled track that is not maintained by the County Council. Although no recommendation is offered, the need to take into account the additional vehicular and pedestrian traffic that would be generated by the additional dwelling is drawn to the attention of this Authority.
14. **Council’s Chief Environmental Health Officer:** No objection in principle, but recommends conditions to restrict hours of operation of power operated machinery during the construction period, and control of driven pile foundations (by informative).
15. No comments have been received from the County Footpaths Section, Ramblers Association or British Horse Society.

### **Representations**

16. The agent has advised that the existing dwelling is in need of comprehensive refurbishment.

***A letter of support for the application has been received from the occupier of 28 Schole Road, so long as the developer be asked to make up the road surface to a satisfactory standard as the track is currently unsuitable for demolition/construction traffic.***

### **Planning Comments - Key Issues**

#### ***Residential development***

17. The site lies within the village framework and is 'brownfield' land. I do not consider that there are any land-use reasons to set aside the presumption in favour of residential development in policies P1/1 and SE8. The density of development does not comply with that indicated in policies P1/3 and SE2, but I consider that this is acceptable in order to reflect the pattern of lower density frontage development on Schole Road, and to take account of the location of the development on the edge of the village in compliance with policies P1/3, SE2, and SE9. All detailed matters are reserved for later approval.

**Schole Road**

18. The surface of Schole Road is unmade for much of its length. This is a matter of concern when considering further use of it by additional development. The application site is located some 130 metres from the metalled junction with Rampton End. There are 8 other dwellings to the west of the site towards Rampton End, and to the east there are 5 other dwellings and 2 mobile home sites having approximately 5 units (plus one unauthorised site). There are also several field accesses that generate traffic movements. In the context of the existing uses, the proposed development represents a 5% increase in the number of dwellings on the unmetalled section of Schole Road. The County Council assesses that an additional dwelling unit will generate 6 trips a day. I do not consider that this moderate increase in the use of Schole Road is so adverse as to justify a refusal of planning permission or that the proposal fails to comply with policy P8/1. I recommend that the applicant be required to indicate measures to be taken to protect Schole Road from damage from heavy vehicles during the demolition/construction period. I note that the Parish Council is also concerned about the increased use of the junction with Rampton End, but this concern is not supported by the Highway Authority and, in view of the moderate likely increase in traffic movements, I do not consider that this is a justifiable ground for refusal of planning permission.
19. I do not consider that the proposed development will unduly affect the amenity or safety of users of the bridleway.

**Recommendation**

20. Approval, subject to the following conditions:
1. Standard Condition B - Time limited permission (Reason B).
  2. SC1 - Reserved matters - siting, design, external appearance, means of access and landscaping (Rc1).
  3. Sc52 - Implementation of landscaping (Rc52).
  4. Sc60 - Details of boundary treatment (Rc60).
  5. Sc26- Restriction of hours of use of power operated machinery during the construction period.(Rc26).
  6. Surface water drainage details (Reason - To ensure a satisfactory method of surface water drainage).
  7. Foul water drainage details (Reason - To ensure a satisfactory method of foul water drainage).

8. 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 in consultation with the Local Highway Authority. (Reason - In the interests of highway safety).
9. An adequate space shall be provided within the site to enable vehicles to park clear of the public highway. (Reason - In the interests of highway safety).
10. The permanent space to be reserved on the site for parking shall be provided before the use commences and thereafter maintained. (Reason - In the interests of highway safety).

Before development or demolition commences a scheme shall be submitted to and approved in writing by the Local Planning Authority of means to secure the protection of the surface of Schole Road from damage by heavy vehicles coming to the site during the demolition and construction period. The scheme shall be carried out prior to the commencement of demolition and/or construction or at such time as shall have been specified in the approved scheme. (Reason - In the interests of highway safety).

### **Informatives**

#### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003:**
    - Policy P1/1** (Approach to Development)
    - Policy P1/3** (Sustainable Design in Built Development)
    - Policy 8/1** (Sustainable Transport - Links between Land Use and Transport)
  - **South Cambridgeshire Local Plan 2004:**
    - Policy SE2** (Rural Growth Settlements)
    - Policy SE8** (Village Frameworks)
    - Policy SE9** (Village Edges)
    - Policy HG10** (Housing Mix and Design)
2. The development 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

### **General**

Statement of the method for construction of driven pile foundations to be submitted and agreed by the District Environmental Health Officer.

**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/1275/04/O

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Development and Conservation Control Committee

6<sup>th</sup> April 2005

**AUTHOR/S:** Director of Development Services

**S/0312/05/F - Bassingbourn**

**Dwelling and Garage (Revised Design) Land Adjacent 112 Old North Road for Nevano Ltd**

**Recommendation: Refusal  
Date of determination 15<sup>th</sup> April 2005**

**Site and Proposal**

1. The site is a triangular piece of land at the rear of residential development fronting Old North Road. It is largely open and located outside the village framework. The site is approximately 1 hectare in size (2.5) acres. There is an 80-metre long access to the site at the southern end of the properties forming Tudor Court, Old North Road. This adjoins a parallel access road which is signed and used as public footpath and which serves Beauval and Bellevue Farms to the South. To the North of the site are redundant glasshouses.
2. The full application received 18<sup>th</sup> February 2005 proposes amendments to the already approved dwelling, increasing footprint and height in all aspects of the development.

**Planning History**

2. **S/2264/03** - Dwelling and Garage revised design - Approved
- S/2019/02** - Dwelling and triple garage - Approved
- S/1074/01** - Bungalow - Refused. Allowed at Appeal
- S/0646/00** - Four bungalows - Refused

**Planning Policy**

3. The site is within the countryside as defined in the Local Plan 2004.
4. Structure Plan 2003 **Policy P1/2** states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location.
5. Structure Plan 2003 **Policy P1/3** requires a high standard of design for all new development, which responds to the local character of the built environment.
6. Local Plan 2004 **Policy SE8** states that residential development outside village frameworks will not permitted.
7. Local Plan 2004 **Policy HG11** sets out criteria to be considered in the determination of backland development. One requires that development should not be out of character with the pattern of development in the vicinity.

### **Consultation**

8. **Bassingbourn Parish Council** recommends Approval.
9. **Chief Environmental Health Officer** is considering the application and his comments will be reported verbally.

### **Representations**

10. None received .

### **Planning Comments - Key Issues**

11. The key issue in relation to the proposal is the impact of the development on the character and appearance of the area.
12. The principle of erecting a bungalow on the site has been established at appeal. The approved drawings at the appeal stage consisted of a bungalow approximately 155m<sup>2</sup> floor area with a conservatory and 3 bedrooms. The ridge height was proposed at 5 metres.
13. Since this was approved at appeal a revised design was submitted and approved also. This was a 5-bedroom bungalow with an internal swimming pool. Floor area measured to approximately 366m<sup>2</sup> with a detached triple garage. The ridge height increased slightly by 200mm. The bungalow had increased significantly in floor area, however the height was similar to that of the approved. Certain elements of the bungalow were subservient to this height and the overall spread of the bungalow was supported.
14. The application submitted in 2003, file ref: S/2264/03 was approved. The ridge height at the highest point was 7 metres; this covered approximately 15.6 metres of the front elevation of the dwelling house. Other parts of the proposal were subservient to this and softened the bulk of its increased height. It introduced a first floor element and added dormers into the elevations. The floor area combined over two floors was 482m<sup>2</sup>.
15. The new application has a floor area of approximately 595m<sup>2</sup> spread over two floors. The height has increased to 7.2 metres to the ridge and the scheme again has dormer windows. The ridge is no longer broken with subservient elements and as a result the bulk of the development has increased.
16. The overall increase in the size of this dwelling from the approved appeal plans to the current scheme has crept up by 440m<sup>2</sup> and I am of the view that development of this size and scale is unacceptable in the countryside and contrary to the Policies of the South Cambridgeshire Local Plan 2004 and those of the Cambridgeshire and Peterborough Structure Plan 2003.
17. The view of the dwelling house from Old North Road (A1198) will be significantly increased and the impact will be detrimental to the surrounding area.
18. The original reasons for refusal of this development was due to its location outside of the village framework, not adequate justification to show that a development of this kind was essential in this rural location and it was out of character with the surrounding development.

19. This application was allowed at appeal. The Inspector considered that, amongst other reasons, *“a bungalow on the northern part of the appeal site would largely be hidden from public view by the existing trees and hedges and would be in keeping with the existing bungalows to the east and west”*. I am of the view that this is no longer the case and the proposed changes to the approved plans will further harm the countryside.

**Recommendation**

Refuse

The proposed increase in ridge height, floor area and change in design of the dwelling house would have an adverse impact on the views from the surrounding countryside by virtue of its scale, mass and form and is therefore contrary to Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy HG11 of the South Cambridgeshire Local Plan 2004.

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

Planning Files:

- S/0312/05/F
- S/2264/03
- S/2019/02
- S/1074/01
- S/0646/00
  
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Development and Conservation Control Committee      6<sup>th</sup> April 2005  
**AUTHOR/S:** Director of Development Services

**S/0166/05/F - Eltisley  
 20 Metre High Telecommunications Tower and Associated Development  
 at Land at North East Farm, Cambridge Road for Hutchinson 3G UK Ltd**

**Recommendation: Approval**

**Site and Proposal**

1. The site lies within the northern strip of two linear copses of trees located approximately 200m to the north of the A428 (Cambridge Road) and approximately 1300m south of the area of land allocated for the Summersfield residential development in Papworth Everard on land associated with North East Farm. The surrounding copses of established trees, some of which are proposed to be removed as part of this application, are approximately 15 metres high, according to the information supplied with the application. The site is located some distance away from the agricultural buildings that occupy the main farmyard at North East Farm, to the east.
2. The full planning application, received on the 28<sup>th</sup> January 2005, proposes the erection of a 20 metre high lattice tower with 3 vertical antennae and 3 dishes attached and an associated compound. The compound, which surrounds the base of the tower, has an area of approximately 40m<sup>2</sup>.
3. A Declaration of Conformity with ICNIRP Public Exposure Guidelines accompanies the application.

**Planning History**

4. No relevant planning history on this site.

**Planning Policy**

5. **Planning Policy Guidance Note No. 8 - Telecommunications**
6. This guidance note is a material consideration to which significant weight should be attached. Its general policies are set out below:
7.
  1. "The Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government also has responsibility for protecting public health.
  2. The aim of telecommunications policy is to ensure that people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available.
  3. The Government places great emphasis on its well established national policies for the protection of the countryside and urban areas - in particular the National Parks

(including the Broads and the New Forest), Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, the Green Belts, the Heritage Coast and areas and buildings of architectural or historic importance.

4. Whilst local planning authorities are encouraged to respond positively to telecommunications development proposals, they should take account of the advice on the protection of urban and rural areas in other planning policy guidance notes.

5. Material considerations include the significance of the proposed development as part of a national network. In making an application for planning permission or prior approval, operators may be expected to provide evidence regarding the need for the proposed development.

6. Authorities should not seek to prevent competition between different operators and should not question the need for the telecommunications system which the proposed development is to support”.

8. With regard to Health Considerations Planning Policy Guidance Note No. 8 states:

“29. Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case.

30. However, it is the Governments firm view that the planning system is not the place for determining health safeguards. It remains central Governments responsibility to decide what measures are necessary to protect public health. In the Governments view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

31. The Governments acceptance of the precautionary approach recommended by the Stewart Groups report "*mobile phones and health*" is limited to the specific recommendations in the Groups report and the Governments response to them. The report does not provide any basis for precautionary actions beyond those already proposed. In the Governments view, local planning authorities should not implement their own precautionary policies e.g. by way of imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development”.

9. Policy **CS8** of the **South Cambridgeshire Local Plan 2004** states that in determining whether approval of siting and appearance is required, or considering applications for planning permission for telecommunication installations, the District Council will need to be satisfied that:

- (1) The siting and external appearance of apparatus have been designed to minimise the impact of such apparatus on amenity, while respecting operational efficiency;
- (2) In the case of radio masts, the applicant has shown evidence that it has explored the possibility of erecting antennas on an existing building, mast or other structure;

- (3) Antennas have, so far as is practicable, been sited so as to minimise their effect on the external appearance of the building on which they are installed;
- (4) Applicants have considered any need to include additional structural capacity to take account of the growing demands for network development, including that of other operators, to facilitate future mast sharing.

Proposals for the location of telecommunication installations will not be permitted where they have an unacceptable visual impact on the urban or rural landscape, unless the applicant can demonstrate that no alternative more appropriate site is available”.

- 10. Policy **EN1** of the **South Cambridgeshire Local Plan 2004** states that relevant parts of the Landscape Character Areas of England are defined on the Proposals Map. In all its planning decisions the District Council will seek to ensure that the local character and distinctiveness of these areas is respected, retained and wherever possible enhanced. While recognising that landscape is a dynamic concept, planning permission will not be granted for development which would have an adverse effect on the character and local distinctiveness of these areas”.
- 11. Policy **P6/5** of the **Cambridgeshire Structure Plan 2003** states that growth of new and existing telecommunications systems will be encouraged to ensure people have equitable access to a wide range of services and the latest technologies as they become available, and to reduce the need to travel”.

The supporting text states (in part): “Coverage and capacity of broadband services, cable and mobile phone network infrastructure will be encouraged”. “The LPA’s will need to take into account environmental and health impacts of telecommunications development when drawing up Local Plans or considering planning applications”.

### **Consultation**

- 12. **Eltisley Parish Council** recommends refusal of the application and comments that the mast will be very visible once erected and the trees removed. Replacement landscaping should be ensured. There is another mast already within a mile of this site which should be used rather than another mast being erected.
- 13. **Papworth Everard Parish Council** recommends refusal of the application and states:

“The application contains no indication/assessment of the requirement for a 3G service for residents within the area of coverage of the proposed tower. It is our understanding that 3<sup>rd</sup> generation mobile technology has only marginal benefits for local residents and businesses. The stated aim in the proposal is ‘to provide 3G coverage to the A428’, yet it is now illegal for drivers travelling on the roads to use their mobile phones.

- a) The proposal repeatedly emphasises the limited visual impact on the A428 but totally ignores the impact on residents to the North of their site. The existing three large barns at North East Farm (that have no apparent landscape screening and which this Parish Council was not consulted about) are already a ground-level eyesore, particularly when viewed from the rear of St. Peter’s Church and nearby properties. Outline permission has recently been granted for a minimum of 259 new dwellings on the Summersfield site to the South West of Papworth Everard. The proposed lattice tower surmounted by large

transmission dishes and antennae would be in a very prominent position and would dominate the local skyline. At 20m the tower would be significantly taller than the surrounding foliage and be easily seen in the very open views to the South of Papworth. There are no trees on the North, Papworth-facing side of the compound that would soften or screen the view of the installation.

- b) The application gives no reason for the proposed felling of the trees (about 6 in number) at the Western end of the site outside the compound boundary (marked on the site plan as 'Shaded area indicates trees to be removed').
  - c) Despite the applicant's statement under 'Site Selection Process' that 'a pre-application consultation is undertaken with the local planning authority and then subsequently with the local community, stakeholders and interest groups', this Parish Council was not consulted and we have no knowledge of any other consultation within the village."
14. **Landscape Design Officer** comments that this will be quite visible above the tree belt. Need to re-enforce existing planting - landscaping condition if approved would be beneficial.
15. **Chief Environmental Health Officer** comments: "I have considered the implications of the proposals in terms of emission of electromagnetic radiation (EMFs).

Currently clinical and epidemiological studies cannot clarify health effects associated with low level RF exposure. However, it is believed that further studies are required to confirm whether or not the findings are correct.

It is proposed that the minimum standards in the UK should follow the recommendations of ICNIRP. To this end, the applicant should be encouraged to provide monitoring data that proves that installations meet current guidelines at a minimum and should be encouraged to look for sites which, so far as is practically possible, minimise potential exposure of local residents, avoiding proximity to sensitive areas, e.g. residential developments and school grounds. Transmitter antennae should be positioned so that they project their energy beams towards the horizon and not below. The beam of greatest intensity should not fall on any part of the sensitive location (e.g. school grounds or buildings) without agreements from the occupier(s) (e.g. school and parents). The developer should be discouraged from mounting antennae on building walls where rooms immediately behind such walls will be regularly occupied by people.

From a public health protection standpoint, the above approach is justifiably precautionary. The measures outlined will ensure that any potential health risks are minimised, whilst allowing flexibility to raise thresholds if scientific data permits."

### **Representations**

16. None.

### **Planning Comments - Key Issues**

17. The key issues in relation to this application are:
- Perceived health implications
  - The visual impact of the development on the surrounding countryside;
  - Alternative masts, buildings, other structures and sites.

**Perceived health implications**

18. The proposed mast is located approximately 1300 metres from the consented Summersfield development in Papworth Everard. At this distance, given that a Declaration of Conformity with ICNIRP Public Exposure Guidelines accompanies the application I do not consider that there is any material perception that health could be affected. Although this site is in a rural location, the issue of the potential impact on health is constant and it is my opinion that an approval of this mast would be consistent with a precautionary approach.

**Visual Impact**

19. The compound will be screened by the existing trees to the south, east and west of the site, although the existing planting would benefit from re-enforcement, as suggested by the Landscape Design Officer. This would be particularly beneficial given the potential removal of trees outside of the application site to the west, as illustrated on the plans accompanying the application. A condition to secure additional landscaping would provide the scope to do this, together with an extension to the application site to achieve such landscaping.
20. The majority of the mast will be viewed with the trees as a backdrop. The top of the mast, however, will be visible as the antennae will have to clear the top of the trees in order to operate effectively.
21. The provisions of policy **CS8** of the **Local Plan** state that the District Council will need to be satisfied that the siting and external appearance of apparatus have been designed to minimise the impact of such apparatus on amenity, while respecting operational efficiency. The lattice structure, by virtue of its design, is not heavy in appearance and in my opinion the mast will not have an unacceptable visual impact on the countryside given the proposed proximity in relation to the adjacent trees and potential for additional landscaping. Furthermore, with regard to the view from Papworth Everard, the mast would be seen in context with an existing large electricity pylon, located on fields between the application site and the village.

**Alternative masts, buildings, other structures and sites**

22. Aside from the application site, the operator has considered four alternative locations and none were considered to be satisfactory. The following table contains information supplied by the operator:

<b>Site Name and Address</b>	<b>NGR</b>	<b>Reason for Rejection</b>
Pastures Farm, Near Caxton, Cambridgeshire	529000, 260091	The coverage provided at this site would not be as good as that at the proposal site.
MMO2 Airwave Mast, Caxton Road, Eltisley	527900, 259150	No space available for further ground based equipment.
Papley Grove Farm, Eltisley	527700, 261300	There is a moat nearby which has raised interest by County Archaeological Department, and has therefore been avoided by H3G

Orange Mast, Crows Nest Farm, Ermine Street, Papworth Everard	528900, 261650	The mast lies outside the search area and therefore will not give the required coverage.
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23. The provisions of policy **CS8** of the **Local Plan** state that the District Council will need to be satisfied that in the case of radio masts, the applicant has shown evidence that it has explored the possibility of erecting antennas on an existing building, mast or other structure. In the information supporting the application the operator has illustrated a lack of coverage in the area from surrounding sites. The proposed mast is illustrated to serve a lack of coverage in the village of Eltisle, the A428 (including Caxton Gibbet), parts of Papworth Everard and some parts of other surrounding villages.
24. There are three main issues in relation to the consideration of alternative sites. These are:
- Availability**
25. The site has to be available, as stated in Policy **CS8**. This requires that the landowner is willing to enter into an agreement with the telecommunications operator.
- Suitability**
26. The site has to be suitable to the operator - there are limited options due in part to range and topography but also many other technical restraints.
- Preference**
27. If an alternative site will meet the operator's technical requirements and is available a refusal of an application can only be justified where there is unacceptable visual impact and not because it would be preferable.
28. Policy **CS8** states: "Proposals for the location of telecommunication installations will not be permitted where they have an *unacceptable* visual impact on the urban or rural landscape, *unless* the applicant can demonstrate that no alternative more appropriate site is available."
29. In my opinion Members should first consider if this mast has an unacceptable visual impact. If the mast is not considered to have an unacceptable visual impact there is no requirement for the operator to demonstrate that no alternative site is available. There may be a better site but to refuse this application because there is a better alternative would not be justified.
30. If Members are of the opinion that the site would have an unacceptable visual impact they should still consider granting consent in line with the above policy but should be confident that the applicant has demonstrated that there are no alternative more appropriate sites. If not a refusal could be justified.
31. The applicant has considered alternative sites but in my opinion the proposed mast does not have an unacceptable visual impact and I do not believe a refusal could be justified because there is or may be a better alternative.
32. The design of the mast would facilitate future sharing in accordance with Policy **CS8** of the Local Plan subject to the inclusion of additional land within the site for landscaping.

## Recommendation

Approval subject to the following conditions:

1. Standard Condition A - Time limited permission (Reason A);
2. Sc51 - Landscaping (Rc51);
3. Sc52 - Implementation of landscaping (Rc52);
4. Within one month of the development hereby permitted ceasing to be used for telecommunications purposes the Local Planning Authority shall be notified accordingly in writing. Within four months of such notification all apparatus (including any mast), equipment, fencing and hard surfacing shall be removed from the land; and all buildings and structures shall be demolished and removed from the land; and the land shall be restored in accordance with a scheme submitted to and approved by the Local Planning Authority. (Reason: To ensure that the mast and associated equipment is removed from the site when the need for the structure ceases in order to avoid dereliction in the countryside).

### **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:**  
**P6/5** (Telecommunications)
  - **South Cambridgeshire Local Plan 2004:**  
**CS8** (Telecommunications)  
**EN1** (Landscape Character Areas)
2. It is considered that the approved development does not unduly affect the following principle material planning issues:
  - Visual impact on the locality
  - Trees
  - The needs of coverage or capacity
  - Health

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

- Cambridgeshire Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning Policy Guidance Note No.8
- Planning files Ref: S/0166/05/F

**Contact Officer:** Michael Osbourn - Assistant Planning Officer  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee 6 April 2005

**AUTHOR:** Director of Development Services

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**S/6283/05/F - Cambourne****Change of Use of Flat to Offices (Use Class B1)****Recommendation: Approval****Date for Determination: 23 March 2005****Site and Proposal**

1. This is a retrospective application relating to the change of use an existing residential unit at Number 17, The Maltings, Cambourne to offices in accordance with Use Class B1.
2. The unit, as constructed, comprises a first floor flat incorporating a combined reception room / dining room / kitchen, one bedroom and a bathroom together with a hallway and stairway leading down to entrance door at ground floor level. Apart from this door and stairway, the entire ground floor of the building is occupied by three car ports. Overall, the building is of a scale and form akin to that of a modest dwellinghouse with a ridged roof parallel to the highway and a Gross External Area of approximately 45 square metres. To the rear of the building lies a parking courtyard. It is understood that the applicant owns the freehold interest in the three car ports, an area to the front of one of the car ports and one parking space within the rear courtyard but that the other two car ports are let to the occupiers of the adjoining dwellings. Either two or three car parking spaces would therefore be available for use of employees and visitors to the offices. The property lies in a primarily residential area within Great Cambourne.
3. The application, received on the 26<sup>th</sup> January 2005, seeks retrospective consent for the change of use of the property to use as an office. The two principal rooms of the flat have been observed to be in use as offices although no internal alterations to the building are apparent. Externally, an intercom has been affixed to the wall alongside the doorway together with a discreet illuminated panel, measuring approximately 200 mm by 200 mm, which identifies the property as "Madeira House" but offers no further indication of any commercial use.
4. Supporting information submitted by the applicant states that the property is occupied by a business known as KIRBY Property Management Limited which started trading in 2001 and which manages residential property in Cambourne for private landlords. He states that the offices are open from 8.30 am to 5.30 pm, Monday to Friday and from 10.00 am to 2.00 pm on Saturdays. There are only a limited number of visitors to the office, approximately three per week, and practically no unannounced visitors as the address is not advertised to the general public.
5. The applicant states that, should the business outgrow the premises, or a suitable freehold property become available, it would be the intention to re-house the business at this alternative location in the medium term, i.e. 12-36 months.

The applicant also requests a “twin residential and office use permission” in order to be able to convert the property back to a flat at short notice.

### **Planning History**

6. No relevant planning history has been identified since the grant of consent for the residential development as a whole. The current application has been submitted following an enforcement investigation.

### **Planning Policy**

7. **Policy EM3** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) seeks to restrict changes of use to B1 within the Cambridge Area, including South Cambridgeshire, subject to various provisions including limitations on offices over 300 square metres to the provision of a local or subregional service or administrative facility principally for persons resident or organisations situated in the Cambridge Area.
8. **Policy EM6** of the Local Plan states that within village frameworks planning permission will be granted for smallscale development in classes B1 - B8 provided that:
  - (a) There would be no adverse impact on residential amenity, traffic conditions, village character and other environmental factors, and
  - (b) The development would contribute to a greater range of local employment opportunities, especially for the semi-skilled and unskilled, or where initial development is dependent on the use of locally-based skills and expertise.

### **Consultations**

9. **Cambourne Parish Council:** Resolved that this application be recommended for refusal on the grounds that the principle of such a change of use would be contrary to the original design concepts of the area, and would be detrimental to the amenities of neighbouring properties because of car parking, signage and general business usage etc.
10. **The Chief Environmental Health Officer:** The property is new and, as such, the noise insulation between the properties will be robust if built to the (Building Regulations) standards. I would therefore have no objection to the use of the building as an office. However, there may be some nuisance from people entering and leaving the property and I would recommend conditions limiting the hours of opening and restricting the consent to a temporary period of two years.

### **Representations:**

11. E-mails have been received from four households in The Maltings variously objecting to the application for the following reasons:
  - This is a residential area as well as a no through road.
  - We do not believe there is adequate parking provision for the flat to be changed to an office.

- There is a small area of paved public open space in front of our property which does attract children.
- This could create additional traffic where children play.
- There is a noticeable increase in traffic making it dangerous for residents and their children.
- Traffic has already increased due to deliveries and using the address as a meeting place.
- The increase in level of traffic causes concern.
- The Maltings has been designed as a quiet “cul-de-sac” style of development.
- My wife and I moved from London to be in a quiet and safe environment, one where we could start a family.
- We chose our property because of the layout of the cul-de-sac as it would be a safe area where children can play.
- We wanted a community environment and our house offered all of this.
- The Maltings is a residential street and the houses should be used for residential purposes only.
- To date we have noticed an increase in strangers visiting the flat, some asking if Madeira House is a lettings agency where they should drop off keys.
- Business and offices should not be operating from a residential street.
- There are security issues related to an increase in people who have no personal interest in the area.
- The employees of Madeira House will not be contributing to the community spirit, including neighbourhood watch etc.
- We suspect that the premises are already being used as an office and hence we are already suffering some disruption due to the building use.
- There are no physical barriers dividing the car park and we fear that the right to park in our spaces and to access our back garden will be infringed by employees and visitors parking inconsiderately.
- We fear that access to our car port and parking space would be infringed by visitors and employees.
- There is already plenty of office space within existing office developments within Cambourne and more office space is currently under development.
- As it is operating as a business the company should be operating in the High Street or in Cambourne Business Park.

- If this application is allowed, how will you stop other “houses” becoming businesses?
- We were not aware of this fact when we purchased our property and are very annoyed that we were not consulted before.

**Planning Comments - Key Issues**

12. The application falls to be determined by reference to the relevant policies of the Development Plan together with any other material considerations.
13. No policies have been identified that offer any objection to the principle of the change of use of dwellings in general, or within the new settlement of Cambourne in particular. Rather, the application falls to be determined by reference to Policies EM3 and EM6 as outlined above.
14. Policy EM3 seeks to plan for the selective growth of jobs in the Cambridge Area and to control the growth of B1 uses, including offices, within the Cambridge Area. At 45 square metres, however, the property falls below the 300 square metre threshold for offices in Policy EM3.
15. With regard to Policy EM6, the proposal clearly falls within the definition of small scale development in Classes B1 - B8 within village frameworks for which planning permission will be granted subject to particular criteria.
16. As a small scale office use providing a professional service, the development could be said to contribute to a greater range of local employment opportunities, although presumably not for the semi-skilled and unskilled, or where initial development is dependent on the use of locally-based skills and expertise.
17. The key issues in this case are therefore, as clearly identified in Policy EM6, whether there would be any adverse impact on residential amenity, traffic conditions, village character or other environmental factors.
18. With regard to the impact on the village character there would, of course, be virtually no direct impact upon the built form of the area. The development would not therefore have any impact upon design or townscape issues.
19. The application premises have been visited on various occasions during the course of the enforcement investigation and the processing of the current planning application. At no time was the level of traffic movements or car parking observed to be a problem. The applicant has indicated the current opening hours of the offices. Should Committee be mindful to approve the application a condition could be attached to that effect to any grant of consent. The scale of the property should also effectively restrict the number of employees and visitors likely to be at the property at any point in time. Moreover, such a restriction upon the hours of opening should mean that employees and visitors would only be at the premises during the working day, at a time when many residents and their cars were not present.
20. The nature of the use now applied for (Use Class B1) is such that, by virtue of the definition in the Town and Country Planning (Use Classes) Order 1987, it is one which “can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”

21. The standards of noise insulations in modern construction are likely to limit any potential noise nuisance arising from the offices. Indeed, combined with a restriction upon the hours of opening, potential noise problems may well be less than those arising from many residential properties.
22. The above policy considerations largely address the objections highlighted by local residents. Amongst other matters raised, the availability or otherwise of alternative premises is not material to the current application which falls to be determined by reference to its own merits. The feared obstruction of private accesses or car parking spaces is a private matter between the parties concerned. In response to the concern regarding precedents it is suggested that planning controls exist over the feared change of use of any other residential units and each would have to be considered on its individual merits. The Local Planning Authority cannot accept responsibility for purchasers not being aware of an unauthorised change of use. There is statutory provision for retrospective applications, however, and local residents were notified accordingly when the application was submitted.
23. Having regard to the policies of the Development Plan, the above comments and all other material considerations, it is concluded that consent should be granted for the change of use of the premises for a temporary period of two years. The grant of a temporary consent should accord with the stated wishes of the applicant in relation to the anticipated growth and relocation of the business. Alternatively, such an approach would enable the Local Planning Authority to monitor the impact of the development and to reconsider the situation should an application be made to extend the life of any temporary consent.

### **Recommendation**

#### **Approval**

1. SC4 Temporary Consent (delete "land" insert "building" - 30 April 2007). RC 3/4 (b) (use first option "the amenities enjoyed by neighbouring residents")
2. SC40 Restrict to Use (insert at first \* "office purposes only" and at second \* insert "B1"), RC 40 (a).
3. The use of the premises hereby permitted, shall be restricted to 8.30 am to 5.30 pm Mondays to Fridays and 10.00 am to 2.00 pm on Saturdays only. The premises shall not be used on Sundays or Bank Holidays.

Reason: In order to protect the standards of amenity that might reasonably be expected to be enjoyed by the occupiers of the nearby residential properties and in accordance with Policy EM6 of the adopted South Cambridgeshire Local Plan 2004.

#### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **South Cambridgeshire Local Plan 2004: EM3** (Limitations on the occupancy of new premises in South Cambridgeshire) and **EM6** (Employment in Villages).

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- Impact upon a residential area.
  - Amenity including noise.
  - Traffic generation and car parking.

**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/6283/05/F

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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Development and Conservation Control Committee 6<sup>th</sup> April 2005  
**AUTHOR/S:** Head of Legal Services and Director of Development Services

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**DELEGATED POWERS : HEDGEROWS AND PROTECTED TREES****Purpose**

1. To increase delegated powers in respect of hedgerow and protected tree control

**Effect on Corporate Objectives**

2. Quality, Accessible Services	Powers would speed decision and action where sometimes important
Village Life	Proper tree and hedgerow control enhances village amenity and the environment generally
Sustainability	
Partnership	

**Background**

3. Committee has powers to deal with matters in relation to ***Protection of Important Hedgerows*** and ***Tree Preservation and safety***. The Director of Development Services and Conservation Manager already have limited powers to make tree preservation orders in emergency (subject to confirmation later by Committee whether or not there is any objection), to decide if hedgerows have been removed and to decide on applications for work to protected trees.

**Considerations**

4. Unfortunately, the delegated powers do not extend to the following
  - Permitting the removal of hedgerows in the circumstances set out in regulations 5 of the Hedgerows Regulations 1997 on owner's application called 'hedgerow removal notice' - regulation 6 permits where appropriate removal for substituted openings, temporary accesses, necessary accesses, carrying out development permitted, flood defence, land drainage, major highway works, electricity works, national defence, pest and disease control and proper management.
  - Requiring any hedgerow to be retained
  - Determining the arrangements for any replacement hedgerow
  - Prosecuting where hedgerows are intentionally or recklessly removed
  - Entering land for the statutory purposes (extending to any council officer)
  - Determining similar applications for the cutting down of protected trees
  - Determining the arrangements for any replacement trees
  - Prosecuting under section 210 (TPO) or 211 (Conservation Area) of the Town and Country Planning Act, 1990 ('the 1990 Act') in cases of cutting down, uprooting or wilfully destroying any protected tree, or wilfully damaging, topping or lopping any tree such as to be likely to destroy it

- Seeking any injunction to preserve any hedgerow or protected tree or to order works of replacement to be carried out
- All other Council functions under Chapter I of Part VIII – Trees – of the 1990 Act apart from the confirmation of any Tree Preservation Order where there is any objection which cannot be resolved by any modification of the order
- All other Council functions under the Hedgerow Regulations

### **Options**

5. The Director of Development Services feels that it would be sensible to have these operational powers delegated to him and the Conservation Manager to avoid doubt as to where in some cases the dividing line on powers of delegation and decision-making lie, to assist in providing a prompt and efficient framework of special control and to reflect the overall degree of responsibility already borne by the Director and his team in other areas of development control.

### **Financial, etc Implications**

6. There are no significant financial, legal, human rights, racial equality, staffing or risk management implications involved in this matter.

### **Recommendations**

7. To delegate the powers as above, subject to prior consultation with the Chairman of the Committee and local member(s) and to the constitutional safeguards.

**Background Papers:** the following background papers were used in the preparation of this report: Constitution; Hedgerow Regulations 1997; the 1990 Act and regulations and guidance made under it.

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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**

<b>Ref. No.</b>	<b>Details</b>	<b>Decision and Date</b>
S/1702/04/A	C Tirrell Oakington Tomato Farm, Dry Drayton Road <b>Oakington</b> Signs (Retrospective) (Delegated Refusal)	Dismissed 14/02/2005
S/1278/04/F	Mr T Mason former Q8 Petrol Filling Station, Cambridge Road <b>Croxton</b> Change of use to hand car wash and security fencing (Officer Recommendation to Approve)	Dismissed 22/02/2005
S/0456/03/F	Mr P O'Brien 9 Pineview, Smithy Fen <b>Cottenham</b> Siting of travellers caravan & day room. (Delegated Refusal)	Dismissed 11/03/2005
S/0457/03/F	Mr J O'Brien 10 Pineview, Smithy Fen <b>Cottenham</b> Siting of travellers caravan & day room (Delegated Refusal)	Dismissed 11/03/2005
S/0529/03/F	Mrs N Sheridan 11 Pineview, Smithy Fen <b>Cottenham</b> Siting of a travellers caravan (Delegated Refusal)	Dismissed 11/03/2005
S/0530/03/F	Mrs M Flynn 12 Pineview, Smithy Fen <b>Cottenham</b> Siting of a travellers caravan (Delegated Refusal)	Dismissed 11/03/2005

S/0545/03/F	B O'Donoghue 7 Pineview, Smithy Fen <b>Cottenham</b> Siting of travellers mobile home, caravan and day room (Delegated Refusal)	Dismissed 11/03/2005
S/0569/03/F	M O'Donoghue 8 Pineview, Smithy Fen <b>Cottenham</b> Siting of a travellers mobile home, caravan and day room (Delegated Refusal)	Dismissed 11/03/2005
S/0871/03/F	Mr P Quilligan 16 Pineview, Smithy Fen <b>Cottenham</b> Siting of a travellers mobile home (Delegated Refusal)	Dismissed 11/03/2005
S/0872/03/F	Mr D Quilligan 14 Pineview, Smithy Fen <b>Cottenham</b> Siting of travellers mobile home (Delegated Refusal)	Dismissed 11/03/2005
S/0873/03/F	Jerimia O'Brien 15 Pineview, Smithy Fen <b>Cottenham</b> Siting of travellers mobile home (Delegated Refusal)	Dismissed 11/03/2005
E461C	Mr P O'Brien Land off Water Lane <b>Cottenham</b> Enforcement against change of use to residential caravan site	Dismissed 11/03/2005
S/2447/02/F	Mr J Flynn 6A Orchard Drive, Smithy Fen <b>Cottenham</b> 1 Mobile Home, 1 touring caravan and day room (Delegated Refusal)	Dismissed 11/03/2005
S/2370/02/F	J Culligan 7 Orchard Drive, Smithy Fen <b>Cottenham</b> Caravan & day room (Delegated Refusal)	Dismissed 11/03/2005

S/2505/03/F	Messrs D Flynn, M O'Brien, J Flynn, P Flynn, D O'Brien & D Quilligan Plots 1-6 off Water Lane <b>Cottenham</b> Private gypsy site for 6 families (Non-Determination)	Dismissed 11/03/2005
S/1495/04/A	Miss J Garfitt Junction of A10 & Church Road <b>Hauxton</b> Sign (retrospective) (Delegated Refusal)	Dismissed 11/03/2005

## 2. Summaries of recent decisions of interest

### **Patrick O'Brien and 16 others – Use of land as gypsy caravan sites – Land at Pine View off Water Lane, Smithy Fen, Cottenham – Appeals dismissed.**

#### **Background**

1. These 13 appeals were the subject of a public inquiry which sat for 8 days between 20th July and 26th November 2004. Both main parties were represented by Counsel. Both the Parish Council (represented in part by Counsel) and the Cottenham Residents Association played a significant role. Seven other interested parties spoke at the inquiry, including James Paice MP and Cllr Mrs Roberts.
2. The appeals can be broadly split into three groups:
  - (i) One planning appeal for Plots 1-6 Pine View. This site had already been the subject of an enforcement appeal that had been dismissed;
  - (ii) Nine separate planning appeals and one enforcement appeal for Plots 7-16 Pine View; and
  - (iii) 2 separate planning appeals for two further plots in Orchard Drive that can be accessed off Pine View. These sites have never been occupied.
3. The decision to dismiss the appeals has been made by the ODPM. The inspector (and his assistant inspector) appointed to hold the inquiry had also recommended that all of the appeals be dismissed.

#### **Determining Issues**

4. Generally speaking, the Council's refusal of planning permission was because of conflict with countryside policies and policy for gypsy caravan sites with regard to the impact on the landscape and rural character of the area, sustainability, and highway safety.
5. It was the appellant's case at the inquiry that all but four of the appeals were to be decided taking into account gypsy status and other personal considerations. The other appeals for four single plots were to be decided on the basis of occupation by gypsies generally. Only one of the appellants appeared and spoke at the inquiry.

6. **The Case for the Appellants**

- The appellants have travelled and worked in this area for many years. They are a unique group who hawk furniture. They have never had a fixed base. The appeal sites were purchased in order to secure a fixed base from which to travel and to secure education for the children. There was no need to justify the sites based on specific personal needs. The English travellers who were previously living at Smithy Fen were not forced out.
- Part of the land previously had planning permission. There is a significant shortage of gypsy sites. It would be unreasonable to require them to leave the site with nowhere else to go.
- Opposition to the applications was orchestrated. It would disappear after planning permission was granted.
- The right to education is a basic human right. Schools would not be overburdened. The children are doing well. Families should be allowed to live close to one another and provide mutual support.
- There have been significant policy failings. The Council has not undertaken a needs assessment. This will take up to five years to provide the necessary sites. The Council has carried out a general housing needs assessment for the settled community and this is discrimination.
- There is no conflict with any of the criteria in the Council's Gypsy Policy HG23. While there is a concentration of sites at Cottenham, this is not an 'over-concentration'. There is a greater concentration of sites at Chesterton Fen. Any available provision here would be needed for families from that area.
- Provision for gypsy caravan sites in the district was comparatively high. But no other authorised sites were suitable. English and Irish travellers do not mix. While there may be an imbalance between the settled community and gypsies living at Smithy Fen, there was no evidence of friction. Pine View residents are not aggressive or offensive. All but one of the appellants were afraid to attend the inquiry. Local fears have been self-induced, aided by bad publicity.
- The appeals should not be seen as a precedent. Approval will make future applications more difficult to approve. (Conversely, the whole of Smithy Fen was likely to be occupied by gypsies over the next 20 years). Some of the plots at Pine View are not occupied at present as some families are doubling up.
- The Residents Association could not engage human rights legislation as a group. Their needs have to be balanced against the significant needs of gypsies. Refusal of planning permission was not a proportionate action.
- The Council has done nothing to encourage gypsies to discuss planning applications in advance. It has not facilitated the gypsy way of life. The Council steadfastly refuses to reopen the two closed public sites. Proposals for land-swap have been rebuffed.
- If permanent permission is not forthcoming, a temporary permission (for at least two years pending a needs assessment) is appropriate.

**7. The Case for the Council**

- Gypsy status was conceded once the appellants had properly demonstrated they travel to seek their livelihood. While the appellants may all form one discrete group, each appeal must be considered on its own merits.
- The Council's policy for gypsy site provision encompasses both an allocated site (Chesterton Fen) and criteria-based policies. This goes further than many local authorities and the lack of a quantitative assessment should be seen in this context. Any such assessment could not have predicted the influx of Irish travellers to Smithy Fen. The lack of an assessment does not invalidate the criteria in Policy HG23. The Local Plan is up-to-date and gypsy policies were subject to widespread consultation.
- The site is not reasonably located for schools and other services; the concentration of sites will continue to harm the amenities of local residents; whether taken individually or collectively, the sites harm the character and appearance of the area; and the convenient, safe and enjoyable use of Lockspit Hall Drove has been impaired.
- It is accepted that there is both a national and local shortage of gypsy sites.
- It is not accepted that the appellants formed part of a local need before they moved onto the site. This was not until early 2003. The appellants were prepared to live elsewhere if a site had been available. They had not looked at other sites in the district. Their need is part of the national shortfall. Their search should be wider. The district is home to more travellers than most districts and has been subject to 'the honeypot effect'.
- The personal circumstances that were advanced were limited. Attendance at school was sporadic. The need for education should carry limited weight.
- The Council always offers advice to travellers on a drop-in basis if they request it.. Some of the appellants knew they needed permission and knew the risks they were taking. The failure of the appellants to consult beforehand weighs against the grant of planning permission
- Allowing the appeals will set a precedent. The inspector in the Boswell (Pine Lane) appeal was naïve in thinking otherwise.
- Eviction does not mean that all of the appellants will be on the road. There are unexplored alternatives.
- Local 'fear' is capable of being a material consideration.
- Considerable weight should be given to the development plan. Refusal of permission is a proportionate action when balanced against the interests of the local community.

**8. The Case for the Cottenham Residents Association**

- Individual evidence submitted in respect of abuse of land, safety, welfare and anti-social behaviour. Residents were right to be apprehensive.

- The human rights of the settled community far outweigh those living on the site.
- Direct action to evict is not supported. The Council should instead allocate resources to resettling the appellants elsewhere as part of a land swap. Any such site should be subject to a maximum size of 18 pitches.
- The local authority could carry out a quantitative assessment and find alternative sites within a matter of months.
- The present Smithy Fen site is already twice the size of what was recently recommended in the Select Committee report. The appellants want to live as a group so the impact of any single plot is irrelevant. No further development at Smithy Fen should be tolerated. The Council should not expect Cottenham to bear a disproportionate responsibility for travellers.
- The appellants acknowledge that they have family links with Ireland. They have not demonstrated a need to be here. They have no long-term connection with the village or the district. Education has no bearing on many of the plots.
- Impact on the landscape, concentration of sites.
- There is no objection to gypsies per se. There was no conflict with the English gypsies previously living at Smithy Fen.
- Threats to the drainage system and highway safety.
- Fear is a material consideration in this case.

### 9. **The Case for Cottenham Parish Council**

- Eviction is supported if it is the next step in the planning process. Questions of fault and long-term solutions are irrelevant.
- The development has led to an unwelcome concentration of sites. Cottenham does not have the capacity to cope. Also important to look at capacity of Smithy Fen as an isolated part of the wider community. Concentration should be judged proportionally with the host settlement. Thus Chesterton Fen is seen in context of the City. Smithy Fen is proportionately too small to cope with the additional sites. Any grouping in excess of 18 pitches is a concentration of sites.
- Unacceptable highway access problems. Poor state of Smithy Fen Bridge and the surface of Lockspit Hall Drive.
- Enhanced and continuing public fear of anti-social behaviour. Fears are rational and justified given the sheer number of reported incidents
- The honey-pot effect has led to a large, sudden and unplanned fluctuation in numbers. Difficult to provide for e.g. education.
- Coalescence of the two authorised sites.

- Educational needs are of insufficient weight to warrant approval. No evidence of special educational needs.
  - The appellants have failed to show a local connection. They have failed to provide evidence of their identity and indeed of their existence in some cases.
10. The case for other interested persons did not raise any other issues materially different to those already listed.

### **Inspector's Conclusions**

11. **Gypsy Status.** There was first a need to consider the gypsy status of all but four of the appellants. There was no identified occupier in the other appeals. The inspector found that gypsy status was proven, at least for the purposes of these appeals.
12. The probable scale of cumulative development cannot be ignored. There is compelling evidence that pressure to develop other sites exists. The inspector's decision in the Boswell case (where the appeal was allowed) is "flawed" as it is illogical to treat adjoining parcels of land with similar characteristics on their merits such that different conclusions are likely to be reached. Approval of one set was likely to set a precedent. The estimated potential for 130 plots at Smithy Fen, each with two caravans is realistic and does not take account of intensification.
13. **Conformity with Policy HG23.** The sites are not in a sustainable location, but are accessible to schools, shops and other local services. Criterion HG23 (1) is met.
14. Activity **within** the sites or the larger Smithy Fen "site" would not have a material impact on the settled community. The reports of anti-social behaviour outside of the sites are considered to be, in the main, genuine and accurate. The influx of travellers in 2003 has also led to "... a genuine, very substantial and reasonably-based fear of, or apprehension about, the consequences of the continued occupation of Smithy Fen by the travellers." It is not accepted that occupation of the appeal sites over and above the authorised sites will not make any difference. It could never be assumed that none of the appeal sites would be the origin of unwelcome behaviour described by residents. This is even though there was no finding that any of the appellants themselves had been responsible for anti-social behaviour. Residents' apprehensions are not the result of prejudice or media influence and an increase in the authorised area would increase reasonable apprehensions.
15. While the impact from allowing an individual site would be modest, the collective significance would be increased. The amenity of local residents would be harmed. A concentration of sites would not be avoided. Criterion HG23 (2) would not be complied with.
16. Similarly, the enjoyment of rights of way, the feeling of personal security and the freedom from inconsiderate behaviour would be affected. There would be conflict with criterion Policy HG23 (9).
17. If it had been appropriate to grant a personal permission to the one appellant who gave evidence himself, and nobody else, the question of residents' fears should not, by itself, be a basis for refusing permission.

18. Any harm to the rural character and appearance of the area may occur as a result of approving all or several of the appeals and may be potentially increased by any precedent created. The land contributes to openness and acts as a strong visual break between lawful developments. The development of each plot would have an adverse effect on the rural character and appearance of the area. This would be “significant” even without regard to the cumulative impact. Piecemeal development would reduce the size and continuity of the open gap and undermine the potential to maintain and use this successfully. While approval of just a central plot would have least impact, there is no basis for distinguishing a particular area of land as separate or distinctive. There would be conflict with Policy HG23 (3).
19. Landscaping may soften or block views of the development. Tree planting and extensive natural screening is not characteristic of the fen landscape and would draw attention to the development. Criterion HG23 (4) is not met.
20. The Boswell decision has only served to narrow the gap between the lawful sites. The approach in that decision also seems misguided in its assessment of the landscape at Smithy Fen and its importance as open countryside in its own right. Approval of the appeals would also provide a new context for development of other plots. The landscape harm arising from this would certainly be less than from the current appeal sites. The potential for a cumulative adverse impact is obvious.
21. Police evidence of non-injury accidents, recent damage to the parapet of Smithy Fen Bridge and extensive verge overrunning are evident. They strongly suggest that the highway network close to the site is deficient. These limitations are significant when considering the appeals as a whole. These do not amount to an overriding highway objection, but should be taken into account in considering the suitability of the use.
22. Overall conformity with Policy HG23 is such that when looking at the single plot most likely to comply (5 Pine View), there would be conflict with criteria (3) and (4). Collectively, the appeals would conflict with Policy HG23 (2), (3), (4), (5) and (9). While the lack of a quantitative assessment makes the Local Plan “plainly unsatisfactory” Policy HG23 provides clear and realistic criteria and the development plan should be given “considerable weight”.
23. **Other material considerations.** Additional development at Smithy Fen would have the potential to cause fluctuations in the number of children requiring education. The adverse effect of this on the education service and social integration would be negligible. The County Council’s request that education contributions be provided should not be upheld as an objection to the development. This would be inconsistent with the important aim to encourage and facilitate traveller education.
24. There is a significant need for more gypsy sites at local level. This has emerged only recently. The appeal sites help to meet some of this need. The closure of the two former public sites has not been material to the recent increase in need. The appellants had not contested the capacity of the allocation that remains at Chesterton Fen, which could help reduce this unmet need. Even if fully developed, Chesterton Fen could not accommodate all of the unauthorised caravans in the district.

25. While the appellants have collective interests, it does not automatically follow that they must all find an alternative site together. This may be desirable, but it is not essential. If it were, it would be very difficult to find such a site. Finding a new site will not be easy. It is reasonable to assume that the appellants were taking a risk in spending money buying the land before obtaining planning permission. It was far from clear that the appellants need to be based near Cambridge given the extent of their travelling.
26. A permanent base would facilitate children's education, although the precise number that would be affected is uncertain. No special educational needs have been identified.
27. In short, the personal circumstances in all these cases fall short of being sufficient to outweigh the conflict with the development plan and the other disadvantages.
28. **Overall Conclusions.** Approval of any one plot has the potential to lead to further development. The cumulative impacts and the collective merits are relevant. It does not matter whether this is through rapid development or through a series of smaller schemes. "...Judged in this way, the case against the grant of planning permission is very strong".
29. A grant of temporary planning permission is inappropriate. None of these sites are likely to be identified as being suitable once a needs assessment has been undertaken. This may take longer than two years, maybe considerably more. The harm identified outweighs occupation of the sites while a search for a further site is made. The appellants would not need to look for an alternative site and the onus would instead be on the Council. The two closed public sites may not be regarded as suitable sites in the future.
30. The concept of land swap is "attractive", but there are "considerable practical difficulties". This is unlikely to proceed in advance of the more comprehensive review of sites.
31. **Human Rights.** Ceasing the unauthorised use of those occupied sites would have serious consequences for the occupants. The harm to the public interest should not be allowed to continue indefinitely. The enforcement notice gives a compliance period of three months. Dismissal of the appeals will not place a disproportionate burden on the appellants. A quantitative assessment would not have predicted the large arrival of Irish travellers to Cottenham in 2003. The appellants had not attempted to establish whether planning permission would be granted or whether there were alternative sites.
32. As far as the main village of Cottenham is concerned, it is unlikely that any residents would personally suffer to such a degree that there would be a violation of their human rights. The situation is less clear-cut in the case of residents at Smithy Fen. No firm conclusion is drawn. If however, planning permission is refused as recommended, no violation could occur in any event.
33. **The Secretary of State's decision**

The Secretary of State agrees with his inspector on the relative merits of and objections to the proposal. His conclusions appear to echo the inspector's findings in all respects. He concludes that there are strong planning objections to the grant of planning permission, including temporary permission.

34. **Implications**

The implications for the appeal sites are:

1. The occupants of Plots 1-6 Pine View have until 11th June 2005 to comply with the terms of the enforcement notice. This requires them to cease using the land as a residential caravan site, remove the homes from the land, remove drains, hardstandings etc and restore the land to its former condition.
  2. The enforcement notice for plots 7-16 has already come into effect. The occupation of the few plots that are currently occupied is unlawful.
  3. The two additional plots at 6a and 7 Orchard Drive remain unoccupied and no further action is pending.
35. This decision still leaves outstanding appeals for land at 1-11 Victoria View, the adjoining single "McCarthy" site, the larger adjoining "Hegarty" Site and a single plot off Orchard Drive. The appeals are due to be heard together. The Planning Inspectorate continues to prevaricate over the date of the public inquiry, though it is currently being scheduled for some time in July 2005.

3. **Appeals received**

<b>Ref. No.</b>	<b>Details</b>	<b>Date</b>
E 353	Mr P McCarthy      08/02/2005 Plot 2 & R/o plot 3, Setchel Drove <b>Cottenham</b> Enforcement against change of use of site to use a residential caravan site. (Re-Determination following High Court Challenge)	
S/1020/03/F	Mr P McCarthy R/o 2 Setchell Drove <b>Cottenham</b> Siting of 2 gypsy caravans and shower block (Re-Determination following High Court Challenge)	08/02/2005
S/2230/04/O	Mr & Mrs C Elsom R/o 17 Cambridge Road <b>Linton</b> Bungalow (Delegated Refusal)	15/02/2005
S/2177/04/F	Mr & Mrs R Walker Adj 1 Bartons Close <b>Balsham</b> Dwelling (Officer recommendation to Approve)	14/02/2005
S/0856/04/F	Mr D Bibby The Stables, Schole Road <b>Willingham</b> 4 mobile homes (Officer Recommendation to Refuse)	21/02/2005

S/2128/04/F	David Charles Ltd Bluebell Wood Caravan Site, Ely Road <b>Landbeach</b> Redevelopment of mobile home park to provide 16 retirement mobile units and excavation of amenity lake (Officer Recommendation to Refuse)	21/02/2005
S/2280/04/O	Mr F Oldham 88 Swaynes Lane <b>Comberton</b> Dwelling (Delegated Refusal)	24/02/2005
S/2533/04/O	Mr & Mrs Cole 66 Cambridge Road <b>Great Shelford</b> 2 houses and garages (Delegated Refusal)	28/02/2005
E498	Ann Sheridan Plot 2 Victoria View, Smithy Fen <b>Cottenham</b> Enforcement against laying of hard surfacing and erection of sheds and other ancillary structures on the land and change of use. For stationing of residential caravans.	01/03/2005
S/2079/04/F	Mr & Mrs Clark 18 Granhams Road <b>Great Shelford</b> Extension (Delegated Refusal)	02/03/2005
S/1851/04/F	Dudley Developments 139 Cambridge Road <b>Great Shelford</b> 8 dwellings following demolition of existing (Delegated Refusal)	07/03/2005
S/2239/04/LB	Mrs L R Maddison Lordship Cottage, Fardells Lane <b>Elsworth</b> Change of thatching material on front elevation (Delegated Refusal)	11/03/2005

**4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 4th May 2005**

<b>Ref. No.</b>	<b>Details</b>	<b>Date/Time/Venue</b>
E 502	Mr H Price Adj Moor Drove, Cottenham Road <b>Histon</b> Enforcement against:  1) Operational development by the laying of hardcore, roads and Septic tanks.  2) Material change of use of land from agriculture to the storage and Residential use of caravans.  3) Operational development by the installation of foul sewers and mains Water and electricity. (Local Inquiry Resumed to sit for 2 days).	14/04/2005 Swansley Room 10.00am

**5. Appeals withdrawn or postponed**

None.

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

<b>Ref. No.</b>	<b>Details</b>	<b>Date</b>
S/0466/04/F	Mr & Mrs North Clopton Lodge, The Cinques <b>Gamlingay</b> Appeal against condition 2 of permission - personal occupancy condition and removal thereafter (Local Inquiry)	10/05/2005 Confirmed
S/0246/04/RM	Cofton Ltd., Peter Stroude, George Wimpey East Anglia, Kings Oak Homes Ltd Phase 2, Home Farm <b>Longstanton</b> Erection of 200 dwellings and ancillary works (Local Inquiry)	19/07/2005 Confirmed
S/0629/04/F	Mr and Mrs Noyes 22 North Brook End <b>Steeple Morden</b> Extension (Informal Hearing)	04/10/2005 Confirmed

S/0628/04/LB	Mr and Mrs Noyes 22 North Brook End <b>Steeple Morden</b> Internal and external alterations including conversion of bathroom to utility room and two ground floor bedrooms (Informal Hearing)	04/10/2005 Confirmed
S/1109/04/F	Beaugrove Ltd. Crail, High Street <b>Croydon</b> Erection of two houses following demolition of existing house (Informal Hearing)	11/10/2005 Confirmed
S/0592/04/F	R W S Arnold Bennell Farm, West Street (Comberton) <b>Toft</b> Erection of B1 offices (Informal Hearing)	09/11/2005 Confirmed
S/2062/04/F	R W S Arnold Bennell Farm, West Street (Comberton) <b>Toft</b> Erection of B1 offices (Informal Hearing)	09/11/2005 Confirmed
S/0761/04/F	B Gemmil, A Sheridan, E Sheridan & K Sheridan Plots 1-11 Victoria View, off Orchard Drive Offered/Accepted Smithy Fen <b>Cottenham</b> Use of land for gypsy caravan site, (11 pitches) part retrospective (Local Inquiry to sit for 8 days)	10/01/2006
S/1569/04/F	Mr M Hegerty land off Victoria View, Smithy Fen Offered/Accepted <b>Cottenham</b> Siting of 4 gypsy caravans (Local Inquiry to sit for 8 days)	10/01/2006
S/1589/04/F	M Quilligan Land off Water Lane, Smithy Fen Offered/Accepted <b>Cottenham</b> Siting of 2 gypsy caravans (Local Inquiry to sit for 8 days)	10/01/2006

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**INDEX OF CURRENT ENFORCEMENT CASES**  
**6<sup>th</sup> April 2005**

<b>Ref.No</b>	<b>Location</b>	<b>See Page No for full update</b>	<b>Remarks</b>
18/98	Setchell Drove COTTENHAM	1-3	Prosecution adjourned for plot 10 pending outcome of planning application S/0066/05/F.
34/98	Camside Farm Chesterton Fen Road MILTON	3-8	Waiting for response to meeting held on 14 <sup>th</sup> March 2005.
4/01	1 Meeting Lane MELBOURN	8-10	Unable to locate owner. No change.
12/02	The Stables Chesterton Fen Road MILTON	10-11	Legal Office requested to proceed with prosecution for breach of enforcement notice.
17/02	Land at Sandy Park Chesterton Fen Road MILTON	11-12	Currently considering options for dealing with the breach of the enforcement notice.
18/02	Rose and Crown Road SWAVESEY	12-14	Currently considering options for dealing with the breach of the enforcement notice.
7/03	Land adjacent to Setchell Drove COTTENHAM (A Land)	14-15	Conditions complied with. Remove from active list.
8/03	Land adjacent to Setchell Drove COTTENHAM (B Land)	15-16	Appeal dismissed, and takes effect 11 <sup>th</sup> June 2005.
9/03	Land adjacent to Setchell Drove COTTENHAM (G Land)	16-17	Appeal against non-determination of planning permission dismissed on 11 <sup>th</sup> March 2005. Site now subject to Enforcement Notice E459.

<b>Ref.No</b>	<b>Location</b>	<b>See Page No for full update</b>	<b>Remarks</b>
10/03	Land at Plot 2 and R/O Plot 3 Setchell Drove COTTENHAM	17-18	Appealed. No date fixed for hearing.
15/03	Victoria View Land to rear of Plots 3, 4 and 5 Setchel Drove COTTENHAM	18-19	Appealed. No date fixed.
16/03	Shelford Lodge Cambridge Road GREAT SHELFORD	20	Enforcement Notice takes effect on 20 <sup>th</sup> April 2005.
17/03	65 Wimpole Road BARTON	20-21	Further evidence being submitted by Conservation to Legal Office for prosecution case.
19/03	Land adjacent to Moor Drove Cottenham Road HISTON	21-22	Public Inquiry adjourned until 14 <sup>th</sup> April 2005.
1/04	Woodview Potton End ELTISLEY	23	Enforcement Notice complied with. Remove from list.
2/04	The Bury Newmarket Road STOW-CUM-QUY	23	Appeal dismissed 3 <sup>rd</sup> February 2005. Enforcement Notice takes effect 3 <sup>rd</sup> August 2005.
4/04	65 Eland Way TEVERSHAM	23	Enforcement Notice appealed.
7/04	Hinxton Grange HINXTON	23-24	Appeal dismissed. Enforcement Notice complied with. Remove from list.
8/04	Berry House 33 High Street WATERBEACH	24	Awaiting appeal decision.
9/04	Land adjacent to Cow Fen Drove SWAVESEY	24-25	Awaiting appeal decision.

<b>Ref.No</b>	<b>Location</b>	<b>See Page No for full update</b>	<b>Remarks</b>
10/04	23 Church Street WILLINGHAM	25	Enforcement Notice appealed.
11/04	43A High Street LANDBEACH	25	Enforcement Notice appealed.
12/04	15 Angle End GT WILBRAHAM	26	Enforcement Notice appealed.
13/04	Scholes Road WILLINGHAM	26	Enforcement Notice appealed
14/04	25 South Road GREAT ABINGTON	26	Planning application being submitted to re-site container.
15/04	Land adjacent 12 The Common WEST WRATTING	26-27	Planning application being submitted for unauthorised development.
16/04	2 Manor Farm Barns and land adjoining LITLINGTON	27	Negotiations continue.
17/04	6 Honey Hill GAMLINGAY	27	Enforcement Notice appealed.
18/04	The Orchard Smithy Fen COTTENHAM	27	Enforcement Notice appealed.
1/05	73 High Street MELBOURN	28	Enforcement Notice took effect on 15 <sup>th</sup> March 2005. Notice to be complied with by 15 <sup>th</sup> May 2005.
2/05	Land adjacent to Hilltrees Babraham Road STAPLEFORD	28	Stop and Enforcement Notices issued on 28 <sup>th</sup> February 2005. Notice takes effect 31 <sup>st</sup> March 2005. Compliance period 2 months.

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ENFORCEMENT ACTIONPROGRESS REPORT – 6<sup>th</sup> April 2005

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
18/98 B/1/45/20 Mobile Home Site Setchell Drive COTTENHAM	<p>A. Stationing of caravans without planning permission.</p> <p>B. Unauthorised building works.</p> <p>C. Unauthorised Engineering works.</p>	<p>Planning Committee 1<sup>st</sup> July 1998 - Item 26.</p> <p>Members gave delegated authority to take Enforcement Action in respect of those breaches of planning control which could not be regularised by the submission of a planning application or resolved by negotiation.</p>	<p><b>3.4.2002</b> The requirements of the Enforcement Notices in respect of over size buildings on the front part of Plots Fourwinds, 7A, 7 and 10 have not been met. Arrangements are in hand for those concerned to take part in a formal interview, and once they have taken place (or declined) prosecution files will be compiled and forwarded to the Legal Office for processing.</p> <p><b>3.7.2002</b> The owners of the oversized structures on the front land of Plot 7, 7A and 10 have been formally interviewed as to why they have not been reduced in size, and discussions are taking place to agree a way forward to ensure maximum success in any ensuing Court proceedings.</p> <p><b>2.10.2002</b> Further discussions with local Members being planned to consider a number of issues relating to development in this area.</p> <p><b>8.1.2003</b> Prosecution files submitted to Legal Office for Plots 7, 7A and 10</p> <p><b>2.4.2003</b> Planning applications S/0024/03/F and</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>S/0025/03/F received for 7A and 10 Setchell Drove have now been refused.                      Case listed at Cambridge Magistrates Court 19<sup>th</sup> March 2003 for breach of Enforcement Notice. Adjourned to 9<sup>th</sup> April 2003</p> <p><b>2.7.2003</b>                      On 9<sup>th</sup> April the owners of Plots 7, 7A and 10 appeared before Cambridge Magistrates Court. They were each fined £200 with £45 costs. An appeal was made against the refusal of planning permission for the retention of a day room on Plot 10 S/0024/03 refers but the appeal has now been withdrawn.</p> <p>The owners of Plots 7, 7A and 10 have moved off the site and Plots 7 and 10 are now occupied. Planning Contravention Notices have been issued to establish details of ownership before commencing further proceedings.</p> <p><b>1.10.2003</b>                      The owners of Plots 7 and 10 have been reported for being in breach of Enforcement Notices. Prosecution file being submitted to Legal Office.</p> <p>Owner of Plot 7A not identified. Enquiries continue.</p> <p><b>7.1.2004</b>                      Prosecution file submitted to Legal Office for Plots 7 and 10. Enquiries continue concerning Plot 7A.</p> <p><b>7.4.2004</b>                      Prosecution files submitted for oversize</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>buildings on Plots 7 and 10</p> <p><b>7.7.2004</b> Cases listed at Cambridge Magistrates Court for 30<sup>th</sup> June 2004.</p> <p><b>6.10.2004</b> Cases listed for plots 7 and 10 at Cambridge Magistrates Court on 29<sup>th</sup> September 2004.</p> <p>Resolved to take Direct Action for breach of extant Enforcement Notices to the rear of plots 2 to 8 Setchel Drove.</p> <p><b>5.1.2005</b> Prosecution for plot 7 discontinued due to change of ownership. Prosecution for plot 10 adjourned to 6<sup>th</sup> January 2005. Legal representations being considered concerning direct action.</p> <p><b>6.4.2005</b> Prosecution adjourned for plot 10 pending outcome of planning application S/0066/05/F.</p>
34/98 B/1/45/72 and S/0133/97/O Camside Farm Chesterton Fen Road MILTON	Without planning permission the stationing of two mobile homes for residential use.	<p>Planning Committee 2<sup>nd</sup> December 1998 - Item 20</p> <p>Members authorised</p> <ol style="list-style-type: none"> <li>1. To seek an injunction .</li> <li>2. To issue an Enforcement Notice if the application for an injunction was refused.</li> <li>3 A Period of three months to comply with any Enforcement Notice issued.</li> <li>4 That in the event of failure to comply with the Notice and subject to there being no material change in circumstances proceedings be</li> </ol>	<p>The necessary information and documentation to seek an injunction is currently being processed.</p> <p>Letters of intended actions served upon contraveners, who subsequently submitted a planning application to retain the two mobile homes and also an application for a Lawful Development Certificate alleging lawful use of the two mobile homes as bedroom use only. Injunctive action held pending determination of the above applications.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		<p>taken in the Magistrates Court.</p>	<p>On advice from the Legal department an Enforcement Notice was issued under reference E342 8<sup>th</sup> June 1999 requiring (a) removal of the mobile homes from the site together with ancillary works, (b) cease to use the land as a general dealers yard, (c) restore the land to its condition before the breaches of planning control took place, (d) use the land only for agriculture and paddock with stables as before. The Notice takes effect 15<sup>th</sup> July 1999 and has a compliance period of 6 months.</p> <p>The Enforcement Notice has been appealed. The site is also part of the general review of travellers accommodation in the Chesterton Fen Road area.</p> <p>The outcome of the appeal against the Enforcement Notice is awaited.</p> <p>The appeal was dismissed 10<sup>th</sup> January 2000 with the compliance period being varied to 9 months (10<sup>th</sup> October 2000).</p> <p><b>5.7.2000</b> Compliance period ends 10<sup>th</sup> October 2000.</p> <p><b>4.10.2000</b> Still within the period before compliance which ends 10<sup>th</sup> October 2000.</p> <p><b>3.1.2001</b> Arrangements were made to formally interview two of the appellants 8<sup>th</sup> December 2000 at these offices, and both attended together with their Counsel and Solicitor. On the advice of</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>their legal advisers both declined a formal interview, with their Counsel agreeing to write to our Head of Legal Services by the end of January 2001 listing those issues his clients wished to be considered in connection with any intended prosecution. Counsel indicated that the Human Rights Act 2000 would feature greatly in his submissions.</p> <p><b>2.5.2001</b>  Summons returnable to Cambridge Magistrates Court 16<sup>th</sup> May 2001 were served 18<sup>th</sup> April 2001.</p> <p><b>4.7.2001</b>  A plea of not guilty was entered at Cambridge Magistrates Court 8<sup>th</sup> June 2001 and the case committed to Crown Court for trial, and will be listed in due course.</p> <p><b>3.10.2001</b>  A pre-trial hearing scheduled for 23<sup>rd</sup> September 2001.</p> <p><b>2.1.2002</b>  The case has been adjourned by Judge Howarth, generally, until the outcome of another case dealing with a human rights point which the defendant's Counsel asserts has a bearing on the Webb's liability. Likely to be several months.</p> <p><b>3.4.2002</b>  The outcome of the case referred to at 2.01.2002 is still awaited.</p> <p><b>3.7.2002</b>  The trial has now been fixed for November. It</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>is expected that the first day will be to hear legal arguments, followed by a further five days.</p> <p><b>2.10.2002</b> Trial still pending.</p> <p><b>8.1.2003</b> On 8<sup>th</sup> November 2002 the defendants appeared before Norwich Crown Court. They pleaded guilty and were fined as follows:</p> <p>A Webb (Senior) fined £3,500, costs £1,500, 2 months imprisonment in default of payment of fines.</p> <p>A Webb fined £1,000, £1,500 costs.</p> <p>M Webb fined £1,000, £1,500 costs.</p> <p>A letter has been sent by the Legal Office to the defendants legal representative informing them that a further site visit will be made on 10<sup>th</sup> February 2003. If the Enforcement Notice has not been complied with consideration will be given to further prosecutions.</p> <p><b>2.4.2003</b> A further summons has been issued for breach of the Enforcement Notice. Case listed at Cambridge Magistrates Court 30<sup>th</sup> April 2003.</p> <p><b>2.7.2003</b> Case adjourned to 18<sup>th</sup> June 2003. A verbal update will be given.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>1.10.2003</b> Case adjourned to November.</p> <p><b>7.1.2004</b> On 11<sup>th</sup> November 2003 the defendants appeared before Cambridge Crown Court. They pleaded guilty and were convicted as follows:</p> <p>A Webb (Senior) – Conditional Discharge for 2 years. A Webb – Fined £2,500 M Webb – Fined £2,500 Costs of £3,000 were awarded. A planning application S/2285/03/F has been submitted, which if approved, would allow the defendants to move the mobile homes subject of the Enforcement Notice to the new site.</p> <p>The situation will be monitored and a timescale agreed once the planning application has been determined.</p> <p><b>7.4.2004</b> Awaiting determination of planning application S/2285/03/F.</p> <p><b>7.7.2004</b> No change.</p> <p><b>6.10.2004</b> Planning application S/2285/03/F approved on 16<sup>th</sup> August 2004. Conditions have been imposed which are subject of further consultation.</p> <p><b>5.1.2005</b> Negotiations continue.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
4/01 S/0337/97/LB 1 Meeting Lane MELBOURN Cambridge	Unauthorised extension to a listed building – rear porch.	<p>Planning Committee 6<sup>th</sup> June 2001 – Item 30. Members authorised the serving of a listed building's Enforcement Notice to cure the removal of the porch and the making good of the rear elevation of the listed building and further for the Conservation Manager and the Legal Officer to bring an action against the owner in the Magistrates Court in respect of the unauthorised works which have effected the character of a listed building.</p>	<p><b>6.4.2005</b> Waiting for response to meeting held on 14<sup>th</sup> March 2005.</p> <p><b>4.7.2001</b> Conservation Manager and Legal Officer to carry out Members' instructions.</p> <p><b>3.10.2001</b> Enforcement Notice issued 7<sup>th</sup> July 2001 to take effect 15<sup>th</sup> August 2001 with a one month compliance period – 15<sup>th</sup> September 2001.</p> <p>No appeal lodged, inspection revealed porch not removed, prosecution file being prepared by Conservation Section.</p> <p><b>2.1.2002</b> An appeal against refusal has been lodged, and the prosecution in respect of non-compliance with the Enforcement Notice will be adjourned pending the outcome of the appeal.</p> <p><b>3.4.2002</b> Informal hearing for appeal against refusal of planning permission is scheduled for 23<sup>rd</sup> April 2002. The prosecution resulting from non-compliance with the Enforcement Notice is pending the result of this hearing.</p> <p><b>3.7.2002</b> The appeal against the refusal to grant listed building consent was dismissed 9<sup>th</sup> May 2002. Negotiations by the Conservation Section are under way to try and agree an acceptable</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>timescale to remove the rear porch and make good the rear elevation.</p> <p><b>2.10.2002</b> An application S/1656/02/LB has been submitted which should resolve the matter.</p> <p><b>8.1.2003</b> Our Legal Department is still engaged in correspondence with the owner, with the possibility that the matter will be put before the court in the near future.</p> <p><b>2.4.2003</b> It has not been possible at this time to serve the summons as the owner is abroad.</p> <p><b>2.7.2003</b> No change.</p> <p><b>1.10.2003</b> No change.</p> <p><b>7.1.2004</b> It has been confirmed that the owner is still abroad. He has appointed an agent to manage the site and to try and resolve the outstanding matters. Negotiations continue.</p> <p><b>7.4.2004</b> No change.</p> <p><b>7.7.2004</b> The owner is no longer represented by an agent and is still believed to be living abroad. At present we are unable to contact the owner.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
12/02 B/1/45/72 & S/1230/02/F The Stables Chesterton Fen Road MILTON	Unauthorised mobile home for residential use.	<p>Development and Conservation Control Committee 7<sup>th</sup> August 2002. – Item 7</p> <p>Members authorised:-</p> <ol style="list-style-type: none"> <li>1. The issue of an Enforcement Notice to cease using the land for the stationing of a mobile home and associated hardstanding.</li> <li>2. A compliance period of 6 months to comply with the Notice.</li> <li>3. Prosecution in the Magistrates Court if the Enforcement Notice is not complied with and subject to reconsideration of all material factors.</li> </ol>	<p><b>6.10.2004.</b> No change</p> <p><b>5.1.2005</b> Owner still appears to be abroad. No change.</p> <p><b>6.4.2005</b> No change.</p> <p><b>2.10.2002</b> File submitted to Legal Department for issue of Enforcement Notice.</p> <p><b>8.1.2003</b> Enforcement Notice issued 5<sup>th</sup> September 2002 to take effect on 20<sup>th</sup> October 2002. Enforcement Notice appealed Date fixed for 8<sup>th</sup> April 2003.</p> <p><b>2.4.2003</b> No change.</p> <p><b>2.7.2003</b> 7<sup>th</sup> May appeal dismissed. Compliance date 7<sup>th</sup> November 2003.</p> <p><b>1.10.2003</b> No change. Compliance date 7<sup>th</sup> November 2003.</p> <p><b>7.1.2004</b> Enforcement Notice not complied with therefore a prosecution file is being prepared. A planning application S/1934/0/F is currently being determined. The application seeks to retain the mobile home in connection with the</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
17/02 S/1452/02/F Land at Chesterton Fen Road MILTON	Without planning permission the stationing of mobile homes/caravans for residential use.	<p>At Development and Conservation Control Committee 2<sup>nd</sup> October. Item 11.</p> <p>Members authorised:</p> <ol style="list-style-type: none"> <li>1. To issue an Enforcement Notice (should officers consider this necessary) to cease using the land for the stationing of mobile homes and associated hardstanding areas.</li> <li>2. Should an Enforcement Notice be issued a six month compliance period.</li> </ol>	<p>use of the site as a tropical plant nursery.</p> <p><b>7.4.2004</b> Prosecution file submitted to Legal Office. An appeal against non-determination of S/1934/03/F has been listed for 7<sup>th</sup> September 2004.</p> <p><b>7.7.2004</b> No change.</p> <p><b>6.10.2004</b> Awaiting outcome of appeal heard on 7<sup>th</sup> September.</p> <p><b>5.1.2005</b> Appeal dismissed on 21<sup>st</sup> October 2004. Legal requested to proceed with prosecution for breach of enforcement notice.</p> <p><b>6.4.2005</b> Legal Office requested to proceed with prosecution for breach of Enforcement Notice.</p>
			<p><b>8.1.2003</b> Interviews with occupiers of land have commenced.</p> <p><b>2.4.2003</b> No change.</p> <p><b>2.7.2003</b> Planning application S/0903/03/F to S/0931/03/F submitted for siting of gypsy caravans. Applications currently being considered. Awaiting outcome before proceeding with investigation.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		<p>3. Prosecution in the Magistrates Court if the Enforcement Notice is not complied with and subject to there being no material change in circumstances.</p>	<p><b>1.10.2003</b> Planning applications S/0903/03/F and S/0931/03/F refused. Appeal lodged.</p> <p><b>7.1.2004</b> Inquiry listed for 9<sup>th</sup> March 2004.</p> <p><b>7.4.2004</b> Awaiting outcome of appeal.</p> <p><b>7.7.2004</b> No change.</p> <p><b>6.10.2004</b> Appeal dismissed on 1<sup>st</sup> July 2004. Now subject to a Judicial Review. No date fixed.</p> <p><b>5.1.2005</b> Awaiting outcome of Judicial Review.</p> <p><b>6.4.2005</b> Judicial Review dismissed. Currently considering options for dealing with the breach of the Enforcement Notice.</p>
<p>18/02 B/1/45/88 Rose and Crown Road SWAVESEY</p>	<p>Without planning permission using agricultural land for the siting of caravans/mobile homes for residential purposes and carrying out ancillary building works including laying of drains, septic tanks,</p>	<p>At Development and Conservation Control Committee 2<sup>nd</sup> October 2002 Section 4 Travellers in Swavesey Members were informed that under delegated powers Enforcement Notice E454 which takes effect on 30<sup>th</sup> October 2002 with a compliance period of one month and Stop Notices E454A and E454B had been issued. Members authorised proceedings in the</p>	<p><b>8.1.2003</b> The case was adjourned at Cambridge Magistrates Court on 4<sup>th</sup> December 2002 to 17<sup>th</sup> February 2003.</p> <p><b>2.4.2003</b> Appeal against Enforcement Notices withdrawn.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
	mains electricity connections, accesses and hardstandings.	Magistrates Court against the occupiers of the land.	<p>Appeal against refusal of planning permission for S/1966/02/F to S/1973/02/F continues. Appeal date fixed for 30<sup>th</sup> April 2003. The compliance period for the Enforcement Notices extended to 6 months and take effect on 20<sup>th</sup> July 2003.</p> <p>Proceedings in the Magistrates Court adjourned to 16<sup>th</sup> April.</p> <p><b>2.7.2003</b> Appeal against planning permission dismissed on 19<sup>th</sup> May 2003. Proceeding in the Magistrates Court for breach of Stop Notice adjourned to 25<sup>th</sup> June 2003.</p> <p><b>1.10.2003</b> Challenge to Inspector's decision being made to the High Court by the owners. Prosecution for breach of Stop Notices adjourned pending outcome.</p> <p><b>7.1.2004</b> Appeal allowed by High Court. Case referred back to Planning Inspectorate to reconsider.</p> <p><b>7.4.2004</b> No date yet fixed for new appeal.</p> <p><b>7.7.2004</b> Public Inquiry on 16<sup>th</sup> June 2004.</p> <p><b>6.10.2004</b> Appeal dismissed on 22<sup>nd</sup> July 2004. Needs audit to be completed. Subject of a Judicial Review in relation to the issue of Stop and Enforcement Notices.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p>7/03 B/1/45/20 Land between Setchell Drove and Water Lane Smithy Fen COTTENHAM (A Land)</p>	<p>Material change of use of land as a residential caravan site, ancillary provision of drains and construction of accesses and hardstandings</p>	<p>Delegated authority to take Stop and Enforcement action. Reported to Development and Conservation Control Committee 2<sup>nd</sup> April 2003 – Item 9.</p> <p>Stop Notice E460A issued 20<sup>th</sup> March to take effect on 25<sup>th</sup> March 2003. Enforcement Notice E460 issued 19<sup>th</sup> March to take effect 30<sup>th</sup> April 2003. Compliance period 3 months – 30<sup>th</sup> July 2003.</p>	<p><b>5.1.2005</b> 20<sup>th</sup> October 2004 owners prosecuted for contravening Stop Notices. All were given a conditional discharge with £40 costs.</p> <p><b>6.4.2005</b> Currently considering options for dealing with the breach of the Enforcement Notice.</p> <p><b>2.7.2003</b> Failed to comply with Stop Notice. Case listed at Cambridge Magistrates Court 25<sup>th</sup> June 2003. Enforcement Notice appealed. Hearing 14<sup>th</sup> October 2003.</p> <p><b>1.10.2003</b> Inquiry moved to 17<sup>th</sup> September 2003. Proceedings adjourned pending outcome of appeal.</p> <p><b>7.1.2004</b> On 14<sup>th</sup> October 2003 an appeal was allowed. Proceedings withdrawn as a result of appeal. Conditions imposed by appeal decision to be monitored. Remove from active list.</p> <p><b>7.4.2004</b> The appeal was allowed subject to conditions which were required within 3 months.</p> <ol style="list-style-type: none"> <li>1. A scheme for the layout of the site.</li> <li>2. The provision of foul and surface water drainage.</li> <li>3. Boundary treatment and landscaping.</li> </ol>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>4. Within 11 months a Scheme of Works shall have been approved. Details submitted are currently being considered and consulted upon.</p> <p><b>7.7.2004</b> An update will be given by the Area Planning Officer.</p> <p><b>6.10.2004</b> Site being monitored. Negotiations continue concerning outstanding conditions. An update will be given by the Area Planning Officer.</p> <p><b>5.1.2005</b> An update will be given by the Area Planning Officer.</p> <p><b>6.4.2005</b> Conditions complied with. Continuing to monitor site concerning numbers of caravans on the site.</p>
8/03 Land between Setchell Drive and Water Lane Smithy Fen COTTENHAM (B Land)	Material change of use of land – forming an earth bund, laying hardcore and handstanding	Delegated authority to take Stop and Enforcement action. Reported to Development and Conservation Control Committee 2 <sup>nd</sup> April 2003 – Item 9. Stop Notice E461A issued 20 <sup>th</sup> March 2003. Enforcement Notice E461 issued 19 <sup>th</sup> March 2003 to take effect on 30 <sup>th</sup> April 2003. Compliance period 3 months – 30 <sup>th</sup> July 2003.	<p><b>2.7.2003</b> Enforcement Notice appealed. Planning applications S/0456/03/F, S/0457/03/F, S/0871/03/F, S/0872/03/F and S/0873/03/F refused.</p> <p><b>1.10.2003</b> Enforcement appeal hearing on 14<sup>th</sup> October 2003. Stop Notice E461D and Enforcement Notice E461C issued 29<sup>th</sup> August 2003 prohibiting the use of the land for the stationing of caravans/mobile homes for residential purposes.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>Stop Notice took effect 5<sup>th</sup> September 2003. Enforcement Notice takes affect on 30<sup>th</sup> September 2003 with a 3 month compliance period.</p> <p>Site visit on 8<sup>th</sup> September 2003 confirmed that there were caravans on site in breach of the Stop Notice. Investigations commenced.</p> <p><b>7.1.2004</b> On 18<sup>th</sup> November 2003 appeal dismissed. Compliance date 18<sup>th</sup> February 2004. Appeal outstanding on Enforcement Notice E461C. Listed for hearing on 10<sup>th</sup> February 2004. There were no caravans on this site on 5<sup>th</sup> December 2003.</p> <p><b>7.4.2004</b> Appeal Inquiry pending. Date not fixed.</p> <p><b>7.7.2004</b> Appeal inquiry listed for 20<sup>th</sup> July 2004.</p> <p><b>6.10.2004</b> Appeal inquiry adjourned on 23<sup>rd</sup> July to 23 November 2004.</p> <p><b>5.1.2005</b> Awaiting outcome of appeal.</p> <p><b>6.4.2005</b> Appeal dismissed 11<sup>th</sup> March 2005. Compliance date 11<sup>th</sup> June 2005.</p>
9/03 B/1/45/20 Land between	Material change of use of land as a residential	Delegated authority to take enforcement action. Reported to Development and Conservation	<b>2.7.2003</b> Enforcement Notice appealed. Hearing on

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
Setchell Drove and Water Lane COTTENHAM (G Land)	caravan site, ancillary provision of drains and construction of accesses and hardstandings	Control Committee 2 <sup>nd</sup> April 2003 – Item 9. Enforcement Notice E459 issued 19 <sup>th</sup> March to take effect 30 <sup>th</sup> April 2003. Compliance period 3 months – 30 <sup>th</sup> July 2003.	<p>14<sup>th</sup> October 2003. Planning application S/0377/02/F refused on 13<sup>th</sup> March 2003.</p> <p><b>1.10.2003</b> Refusal of planning permission and Enforcement Notice appealed. Hearing on 14<sup>th</sup> October 2003.</p> <p><b>7.1.2004</b> On 18<sup>th</sup> November 2003 appeal dismissed. Compliance date 18<sup>th</sup> February 2004.</p> <p><b>7.4.2004</b> Enforcement Notice not complied with. Requires further investigation. An appeal against non-determination of planning application S/2505/03/F has provisionally been arranged for 20<sup>th</sup> July.</p> <p><b>7.7.2004</b> Appeal inquiry listed for 20<sup>th</sup> July.</p> <p><b>6.10.2004</b> Appeal Inquiry adjourned 23<sup>rd</sup> July to 23<sup>rd</sup> November 2004.</p> <p><b>5.1.2005</b> Awaiting outcome of appeal.</p> <p><b>6.4.2005</b> Appeal against non-determination of planning permission dismissed on 11<sup>th</sup> March 2005. Site now subject of Enforcement Notice E459.</p>
10/03 B/1/45/20 Land at Plot 2 and	Material change of use of land as a residential	Delegate authority to take enforcement action. Reported to Development and Conservation	<b>2.7.2003</b> Enforcement Notice appealed.

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
R/O Plot 3 Setchell Drove COTTENHAM	caravans site ancillary provision of drains and construction of access and hardstandings	Control Committee 2 <sup>nd</sup> April 2003 – Item 9.  Stop Notice E353N issued 19 <sup>th</sup> May 2003 took effect 25 <sup>th</sup> May 2003. Enforcement Notice E353N issued 19 <sup>th</sup> May 2003 takes effect 30 <sup>th</sup> June 2003.	<p>Stop Notice not complied with. Prosecution file being prepared.</p> <p><b>1.10.2003</b> Planning application S/1020/03/F refused 26<sup>th</sup> June 2003. Appeal against refusal of planning permission and Enforcement Notice. Hearing on 4<sup>th</sup> November 2003.</p> <p><b>7.1.2004</b> Hearing moved to 29<sup>th</sup> January 2004.</p> <p><b>7.4.2004</b> Appeal allowed. Legal to update about possible legal grounds to challenge Planning Inspector's decision.</p> <p><b>7.7.2004</b> Subject of an appeal by the Council to the High Court against the Planning Inspector's decision.</p> <p><b>6.10.2004</b> Subject to a Judicial Review. No date fixed.</p> <p><b>5.1.2005</b> Awaiting outcome of appeal.</p> <p><b>6.4.2005</b> Case to be re-determined by the Planning Inspectorate. Date not yet fixed for hearing.</p>
15/03 B/1/45/20 Land to rear of Plots 3, 4 and 5 Setchel Drove COTTENHAM	Material change of use of land as a residential caravan site.	Breach of Planning Enforcement Notices E353B, E353C and E353D issued 9 <sup>th</sup> June 1999.  Enforcement Notice E498 issued on 7 <sup>th</sup> February	<p><b>1.10.2003</b> File submitted to Legal Office for breach of Enforcement Notices.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		<p>2005 requires the following:</p> <ol style="list-style-type: none"> <li>1. Cease the use of the site for the stationing of residential caravans.</li> <li>2. Remove the caravans, sheds and ancillary structures from the site.</li> <li>3. Remove the hard surfacing.</li> <li>4. Rip up and break up the ground of the site.</li> <li>5. Cease to use the access used for the purposes of accessing the site for the use of stationing residential caravans.</li> </ol>	<p><b>7.1.2004</b> No change.</p> <p><b>7.4.2004</b> No change.</p> <p><b>7.7.2004</b> Site now known as Victoria View. Planning application S/0761/04/F currently being determined.</p> <p>Injunction issued 4<sup>th</sup> May 2004 which took effect 4<sup>th</sup> June 2004. Restrained further hardcore being deposited on the site and required the removal of hardcore from plots 2, 5,, 6, 9 and 10. It also restrained further caravans, mobile homes onto the site.</p> <p>A site visit on 4<sup>th</sup> June confirmed that there was a breach of the injunction committal proceedings listed at Cambridge County Court on 16<sup>th</sup> July.. Legal Officer will give an update.</p> <p><b>6.10.2004</b> Resolved to ensure compliance by means of direct action and prosecution. Summons issued listed for hearing at Cambridge Magistrates Court on 29<sup>th</sup> September 2004.</p> <p><b>5.1.2005</b> Subject of a Judicial Review. Update to be given by the Legal Officer.</p> <p><b>6.4.2005</b> Judicial review withdrawn. Enforcement Notice E498 issued on 7<sup>th</sup> February 2005. Enforcement Notice appealed. Date not yet fixed.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
16/03 B/1/45/39 & S/0181/03/LDC Shelford Lodge Cambridge Road GREAT SHELFORD	Unauthorised mobile home	Delegated authority given to issue an Enforcement Notice to remove the mobile home from the site.	<p><b>7.1.2004</b> File submitted to Legal Office for issue of Enforcement Notice</p> <p><b>7.4.2004</b> Enforcement Notice P246A issued 17<sup>th</sup> December 2003. Subject of an appeal provisionally arranged for 14<sup>th</sup> July.</p> <p><b>7.7.2004</b> Appeal adjourned pending outcome of planning application S/1018/04/F.</p> <p><b>6.10.2004</b> Appeal inquiry listed for 16<sup>th</sup> November 2004.</p> <p><b>5.1.2005</b> Appeal withdrawn. Enforcement Notice takes effect on 20<sup>th</sup> April 2005.</p> <p><b>6.4.2005</b> Site to be checked after 20<sup>th</sup> April 2005 for compliance of Enforcement Notice.</p>
17/03 B/1/45/8 65 Wimpole Road BARTON	Unauthorised work on listed building	Delegated authority given to prosecute for unauthorised work.	<p><b>7.1.2004</b> Case listed at Cambridge Magistrates Court on 10<sup>th</sup> December 2003. Case adjournment to 17<sup>th</sup> December 2003. A verbal update will be given.</p> <p><b>7.4.2004</b> Prosecution for unauthorised work on listed building. Defendant appeared at Cambridge Magistrates Court on 28<sup>th</sup> January 2004.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
19/03 B/1/45/51 & S/2230/03/F Land adjacent to Moor Drive Cottenham Road HISTON	Without planning permission carrying out operational development by the laying of hardcore roadways and septic tanks on the site.	Delegated authority to take Stop and Enforcement action. Stop Notice E502 issued 11 <sup>th</sup> December 2003 to take effect on 15 <sup>th</sup> December 2003. Enforcement Notice E502 issued 11 <sup>th</sup> December 2003 to take effect on 12 <sup>th</sup> January 2004. Compliance period 3 months. Injunction issued 19 <sup>th</sup> December 2003	<p>Fined £5,000 with £1,260 costs. Site being monitored by Conservation Department.</p> <p><b>7.7.2004</b> Listed Building Enforcement Notice E475 issued on 23<sup>rd</sup> March 2004 for unauthorized work. Compliance period 3 months from 23<sup>rd</sup> April 2004. Takes effect 23<sup>rd</sup> July 2004.</p> <p><b>6.10.2004</b> Prosecution file submitted to Legal Office for breaching Enforcement Notice.</p> <p><b>5.1.2005</b> Update to be given.</p> <p><b>6.4.2005</b> Further evidence being submitted to Legal Office by Conservation for prosecution case.</p> <p><b>7.1.2004</b> Stop and Enforcement Notices issued</p> <p><b>7.4.2004</b> Enforcement Notices and refusal of planning permission appealed. Public Inquiry arranged for 10<sup>th</sup> August.</p> <p><b>7.7.2004</b> No change.</p> <p><b>6.10.2004</b> Appeal Inquiry adjourned on 10<sup>th</sup> August to 14<sup>th</sup> December 2004.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p><b>5.1.2005</b> No change.</p> <p><b>6.4.2005</b> Appeal hearing adjourned until 14<sup>th</sup> April 2005.</p>
<p>1/04 B/1/45/26 &amp; S/2256/03/F Woodview Potton End ELTISLEY</p>	<p>Unauthorised structure above garage.</p>	<p>Delegated authority given to issue an Enforcement Notice to remove the unauthorised structure above the garage.</p>	<p><b>7.4.2004</b> File submitted to Legal Office for issue of Enforcement Notice.</p> <p>Planning application, S/2256/03/F, refused. Appeal pending.</p> <p><b>7.7.2004</b> Enforcement Notice E478 issued 16<sup>th</sup> March 2004. Notice took effect on 20<sup>th</sup> April 2004 with a compliance period of 3 months. Compliance date 20<sup>th</sup> July 2004.</p> <p><b>6.10.2004</b> Appeal inquiry adjourned on 10<sup>th</sup> August to 14<sup>th</sup> December 2004.</p> <p><b>6.10.2004</b> Appeal against planning permission dismissed on 19<sup>th</sup> August 2004. Prosecution file to be submitted for breach of Enforcement Notice.</p> <p><b>5.1.2005</b> Prosecution file submitted to Legal Office.</p> <p><b>6.4.2005</b> Enforcement Notice complied with. Remove from list.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
2/04 B/1/45/87 The Bury Newmarket Road STOW-CUM-QUY	Unauthorised extension	Delegated authority given to issue an Enforcement Notice to remove the unauthorised extension to an office building.	<p><b>7.4.2004</b> File submitted to Legal Office for issue of Enforcement Notice.</p> <p><b>7.7.2004</b> Enforcement Notice E473 to be re-issued.</p> <p><b>6.10.2004</b> Enforcement Notice E473A issued. Appeal provisionally arranged for 18<sup>th</sup> January 2005.</p> <p><b>5.1.2005</b> No change.</p> <p><b>6.4.2005</b> Appeal dismissed 3<sup>rd</sup> February 2005. Enforcement Notice takes effect on 3<sup>rd</sup> August 2005.</p>
4/04 S/0453/04/F 65 Eland Way Teversham	Unauthorised building	Delegated authority given to issue Enforcement Notice to remove unauthorized building.  Enforcement Notice E449 issued 16 <sup>th</sup> July 2004 and took effect on 18 <sup>th</sup> August 2004. Compliance period 3 months.	<p><b>7.7.2004</b> File submitted to Legal Officer for issue of Enforcement Notice.</p> <p><b>6.10.2004</b> Enforcement Notice appealed.</p> <p><b>5.1.2005</b> Awaiting appeal decision.</p> <p><b>6.4.2005</b> Enforcement Notice appealed.</p>
7/04 B/1/45/50 Hinxtton Grange Hinxtton	Installation of a fibrous plaster pre-made dome for light fitting in the	Delegated Authority Listed Building Enforcement Notice E450 issued 4 <sup>th</sup> June 2004 to the effect on 15 <sup>th</sup> July 2004. Compliance period one month.	Enforcement Notice appealed.

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
	kitchen ceiling.		<p><b>5.1.2005</b> Awaiting outcome of appeal.</p> <p><b>6.4.2005</b> Appeal dismissed. Enforcement Notice complied with. Remove from active list.</p>
8/04 B/1/45/33 Berry House 33 High Street Waterbeach	Erection of fence within the curtilage of a listed building.	Delegated Authority. Enforcement Notice E490 issued 19 <sup>th</sup> July 2004 to take effect on 25 <sup>th</sup> August 2004. Compliance period two months.	<p>Enforcement Notice appealed.</p> <p><b>5.1.2005</b> Awaiting outcome of appeal.</p> <p><b>6.4.2005</b> Awaiting outcome of appeal.</p>
9/04 B/1/45/88 Land adj Cow Fen Drove Swavesey	<ol style="list-style-type: none"> <li>1. Stationing of caravans for residential use without planning permission.</li> <li>2. Unauthorised erection of a temporary stable.</li> <li>3. Material change of use of land for breeding dogs.</li> </ol>	<p>Delegated Authority. Stop Notice and Enforcement Notice E485B issued 17<sup>th</sup> August 2004. Stop Notice for residential use of caravans took effect on 7<sup>th</sup> September 2004. Enforcement Notice E485A issued 17<sup>th</sup> August 2004.</p> <p>The following to take effect on 17<sup>th</sup> September 2004:</p> <ol style="list-style-type: none"> <li>1. To cease to bring any further caravans onto the land.</li> <li>2. Not to replace any caravan removed from the land.</li> <li>3. To cease to bring any further vehicles not associated with agriculture or items ancillary thereto onto the land.</li> <li>4. Not to replace vehicles associated with agriculture removed from the land.</li> </ol>	<p><b>6.10.2004</b> Verbal update to be given.</p> <p><b>5.1.2005</b> Enforcement Notice appealed.</p> <p><b>6.4.2005</b> Awaiting outcome of appeal.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		<p>5. Cease the use of the land for the stationing of residential caravans.</p> <p>6. Remove all unauthorized caravans from the land and any associated work.</p> <p>The following to take place on 17<sup>th</sup> December 2004:</p> <p>7. Cease to use the land for the stationing of vehicles not associated with agriculture and any commercial activity concerning the breeding of dogs.</p> <p>8. Remove from the land any vehicles not connected with agriculture.</p>	
<p>10/04 B/1/45/100 S/1477/04/F 23 Church Street Willingham</p>	<p>Material Change of Use for the supply of hot food. Unauthorised extraction flue.</p>	<p>Delegated authority to take enforcement action. The use for the supply of hot food to cease and for the extraction flue to be removed.</p>	<p><b>5.1.2005</b> File submitted to Legal Office for issue of Enforcement Notice.</p> <p><b>6.4.2005</b> Enforcement Notice appealed.</p>
<p>11/04 B/1/45/ S/0445/04/F 43A High Street Landbeach</p>	<p>Material Change of Use of land for residential garden land. Unauthorised structures.</p>	<p>At development and Conservation Control Committee, 7<sup>th</sup> July, Item 9, Members authorised:-</p> <p>1. The issue of an Enforcement Notice for the material change of use of the land to cease and for the unauthorised structures to be removed.</p>	<p><b>5.1.2005</b> Enforcement Notice E484 issued 28<sup>th</sup> September 2004. Compliance period 3 months to take effect 3 November 2004. Enforcement Notice appealed.</p> <p><b>6.4.2005</b> Awaiting outcome of appeal.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
12/04 B/1/45/40 S/1091/04/F 15 Angle End Gt Wilbraham	Unauthorised single storey extension.	Delegated authority given to issue an Enforcement Notice to demolish the rear extension and remove the resulting materials from the land.	<p><b>5.1.2005</b> Enforcement Notice E483 issued 20<sup>th</sup> October 2004. Compliance period 3 months, to take effect 30<sup>th</sup> November 2004. Enforcement Notice appealed.</p> <p><b>6.4.2005</b> Appeal hearing listed for 14<sup>th</sup> June 2005.</p>
13/04 B/1/45/100 Land at Scholes Road Willingham	<p>A. Without planning permission the stationing of two mobile homes for residential use.</p> <p>B. Unauthorised building works.</p> <p>C. Unauthorised engineering works.</p>	<p>Delegated authority given to issue Enforcement Notice and Stop Notice to:-</p> <ol style="list-style-type: none"> <li>1. Remove all caravans/mobile homes and sheds from the land.</li> <li>2. Cease to use the land as a residential caravan site.</li> <li>3. Take up all drains and other services, grub up all accesses and hardstandings.</li> <li>4. Restore the land to its condition before the breach of planning control took place.</li> </ol>	<p><b>5.1.2005</b> Enforcement Notice E489A and Stop Notice E489B issued on 10<sup>th</sup> November 2004. Compliance period for Enforcement Notice, one month, to take effect on 29<sup>th</sup> December 2004. The Stop Notice takes effect on 17<sup>th</sup> November 2004.</p> <p><b>6.4.2005</b> Enforcement Notice appealed.</p>
14/04 B/1/45/36 S/1847/04/F 25 South Road Great Abington	Unauthorised siting of a storage container.	<p>At Development and Conservation Control Committee on 3<sup>rd</sup> November 2004. Item 26 Members authorised:</p> <ol style="list-style-type: none"> <li>1. The issue of an Enforcement Notice to remove the storage container from the land.</li> </ol>	<p><b>5.1.2005</b> Enforcement Notice E491 issued on 16<sup>th</sup> November 2004. Compliance period for Enforcement Notice, two months, to take effect on 23<sup>rd</sup> December 2004.</p> <p><b>6.4.2005</b> Planning application being submitted to re-site container.</p>
15/04 B/1/45/97 S/1585/04/F	Unauthorised extension to Hardstanding.	At Development and Conservation Control Committee on 6 <sup>th</sup> October 2004. Item 32	<p><b>5.1.2005</b> Negotiations continuing with the Planning</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
Land adjacent to 12 The Common West Wrating		Members authorised:  1. The issue of an Enforcement Notice to remove the unauthorised Hardstanding.	Officer regarding what area of the hardstanding could be considered as permitted development.  <b>6.4.2005</b> Planning application being submitted to resolve issue.
16/04 B/1/45/60 S/2153/04/F 2 Manor Farm Barns and Land Adjoining Cockhall Lane Litlington	Without planning permission the material change of use of land to garden land and the erection of a garden room.	At Development and Control Committee on 1 <sup>st</sup> December 2004, Item 8, Members authorised:  1. The issue of an Enforcement Notice to remove the unauthorised garden room.	<b>5.1.2005</b> Negotiations continuing with the Planning Officer regarding the submission of further site plans, before formal enforcement action is taken.  <b>6.4.2005</b> Negotiations continue.
17/04 B/1/45/32 S/1533/03/F 6 Honey Hill Gamlingay	Unauthorised erection of a gate and supporting posts.	Delegated authority given to issue an Enforcement Notice to remove the unauthorised gate and supporting posts.	<b>5.1.2005</b> File submitted to Legal Office for issue of an Enforcement Notice.  <b>6.4.2005</b> Enforcement Notice appealed.
18/04 The Orchard Smithy Fen Cottenham	Stationing of Caravans without planning permission. Unauthorised engineering works.	Delegated authority given to take enforcement action. Enforcement Notice E495A issued on 22 <sup>nd</sup> December 2004 to take effect on 30 <sup>th</sup> January 2005. Compliance period 3 months.	<b>6.4.2005</b> Enforcement Notice appealed.
1/05 B/1/45/70 73 High Street Melbourn	Siting of a Portakabin on land for commercial purposes.	Delegated authority given to issue an Enforcement Notice for the removal of the unit from the site. Enforcement Notice E497 issued on 7 <sup>th</sup> February 2005. Takes effect on 15 <sup>th</sup> March 2005. Compliance period 2 months..	<b>6.4.2005</b> Enforcement Notice took effect on 15 <sup>th</sup> March 2005. Site to be checked after 15 <sup>th</sup> May 2005 for compliance.

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p>2/05 B/1/45/85 Land adjacent to Hilltrees Babraham Road Stapleford</p>	<p>Unauthorised use of land for the storage of motor vehicles, caravans/mobile homes, container trailers, timber bricks, scrap metal, and other items not associated with agriculture.</p>	<p>Delegated authority given to issue an Enforcement Notice to remove the unauthorised use for storage purposes. Enforcement Notice E489 issued on 23<sup>rd</sup> February 2005 together with Stop Notice. Stop Notice took effect on 5<sup>th</sup> March 2005. Enforcement Notice takes effect on 31<sup>st</sup> March 2005. Compliance period 2 months.</p>	<p><b>6.4.2005</b> Enforcement Notice takes effect on 31<sup>st</sup> March 2005.</p>

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Development and Conservation  
Control Committee

6<sup>th</sup> April 2005

**AUTHOR/S:** Finance and Resources Director

**Tree Preservation Orders – Cambourne, Gamlingay and Linton**

**Recommendation: To confirm without modification, or subject to modification, as indicated**

**Purpose**

1. To review Tree Preservation Order nos.12 and 13 of 2004, and 01 of 2005.

**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**

- **12/04/SC- 19 Cambridge Road, Linton**

4. Tree Preservation Order 12/04/SC was made on 22<sup>nd</sup> December 2004 under delegated powers. A plan and Schedule of trees are attached at **Appendix 1**.
5. The Council made the Tree Preservation Order because the individual trees are an important feature of the area being sky-line trees contributing visually to the street scene
6. The statutory period for the registering of objections to the Order ended on 4<sup>th</sup> February 2005.. There were no objections. Councillor JD Batchelor (local Member) does not object to confirming the Order. Councillor GJ Smith (local Member) has been consulted.

- **13/04/SC – Back Lane, Cambourne**

7. Tree Preservation Order 13/04/SC was made on 22<sup>nd</sup> December 2004 under delegated powers. A plan and Schedule of trees are attached at **Appendix 2**.

8. The Council made this Tree Preservation Order because it views the individual Ash trees as an important feature of the area being sky-line trees contributing visually to the street scene
9. The statutory period for the registering of objections to the Order ended on 11<sup>th</sup> February 2005.. There were no objections. Councillors D Morgan, E Pateman and Mrs DSK Spink have been consulted.

- **01/05/SC = 110 Cinqes Road, Gamlingay**

10. Tree Preservation Order 01/05/SC was made on 9<sup>th</sup> February 2005 At its meeting on 2<sup>nd</sup> February 2005, the Development and Conservation Control Committee had given officers delegated authority to make that Order and, subject to there not being any objections to it, to confirm it without further reference back. The landowner has stated that, "....We are delighted that all our young trees will now have this protection." The letter continues, "....The tree labelled correctly on the plan as T5 is then incorrectly described as being 'Situated in the northern boundary.....' Clearly this should read as for T6 i.e. 'Situated on the eastern boundary.....'" The plan and Schedule of trees, as they appear in the Order, are attached at **Appendix 3**.
11. The Council made the Tree Preservation Order because the trees and several groups of trees located in the grounds provide environmental enhancement and a diversity to the existing flora to the surrounding smallholding, while providing a visual buffer from the main road, and to protect the visual aspect provided by the trees from loss through possible development"
12. The statutory period for the registering of objections to the Order ended on 18<sup>th</sup> March 2005.. There were no formal objections. However, despite the delegated authority given at the February meeting, it is felt that Members should at least be aware of the alteration needed. Councillor Mrs A Elsby and Councillor SGM Kindersley (local Members) support confirmation.

### **Options**

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

### **Financial Implications**

14. There are no financial implications.

### **Legal Implications**

15. There are no legal implications.

### **Staffing Implications**

16. There are no staffing implications.

### **Risk Management Implications**

17. There are no risk management implications.

**Conclusion**

18. TPO number 01/05/SC remains provisionally in force until 8<sup>th</sup> August 2005. By confirming them now, the Council will ensure that the Tree Preservation Orders remain in force beyond those dates.

**Recommendations**

19. It is **recommended**
- (1) that Tree Preservation Order 01/05/SC in Gamlingay be confirmed as modified so that, in the First Schedule where it specifies "T5 Rowan – Situated in the Northern boundary of Rosehaven, 110 Cinques Road, Gamlingay" it states the word "Eastern" in place of the word "Northern.",
  - (2) that Tree Preservation Orders 12/04/SC in Linton and 13/04/SC in Cambourne be confirmed without modification.

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

- Tree Preservation Order nos. 12/04/SC in Linton, 13/04/SC in Cambourne and 01/95/SC in Gamlingay and the relevant files maintained by the Trees and Landscape Section

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

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**First Schedule**

**N° on Map**

**Description**

**Situation**

**Groups of Trees**

(Within a broken black line on the map)

G1

9 Limes

Located at No 29  
Cambridge Road adjacent  
to Station Road

**Areas of Trees**

(Within a dotted black line on the map)

**NONE**

**Individual Trees**

(Circled in black on the map)

**NONE**

**Woodland**

(Within a solid black line on the map)

**NONE**

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	<b><u>First Schedule</u></b>	
<b><u>N° on Map</u></b>	<b><u>Description</u></b>	<b><u>Situation</u></b>
<b><u>Individual Trees</u></b> (Circled in black on the map)		
T1	Ash	Located on the land adjacent to the northern edge of Back Lane.
T2	Ash	Located on the land adjacent to the northern edge of Back Lane
T3	Ash	Located on the land adjacent to the northern edge of Back Lane
T4	Ash	Located on the land adjacent to the northern edge of Back Lane
T5	Ash	Located on the land adjacent to the northern edge of Back Lane
<b><u>Areas of Trees</u></b> (Within a dotted black line on the map)		
	<b>NONE</b>	
<b><u>Groups of Trees</u></b> (Within a broken black line on the map)		
	<b>NONE</b>	
<b><u>Woodland</u></b> (Within a solid black line on the map)		
	<b>NONE</b>	

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**First Schedule****N° on Map****Description****Situation****Individual Trees**

(Circled in black on the map)

T1	Ash	Situated in the Northern boundary of Rosehaven, 110 Cinqes Road, Gamlingay
T2	Sweet Chestnut	Situated in the Northern boundary of Rosehaven, 110 Cinqes Road, Gamlingay
T3	Sweet Chestnut	Situated in the Northern boundary of Rosehaven, 110 Cinqes Road, Gamlingay
T4	Sweet Chestnut	Situated in the Northern boundary of Rosehaven, 110 Cinqes Road, Gamlingay
T5	Rowan	Situated in the Northern boundary of Rosehaven, 110 Cinqes Road, Gamlingay
T6	Rowan	Situated on the Eastern boundary of Rosehaven, adjacent to North Lane, Gamlingay
T7	Rowan	Situated on the Eastern boundary of Rosehaven, adjacent to North Lane and opposite lamp post SC39

**Groups of Trees**

(Within a broken black line on the map)

G1	2 Oak 2 Hazel 1 Rowan	Situating in the North West corner of Rosehaven, 110 Cinques Road, Gamlingay
G2	1 Ash 1 Crack Willow 2 Field Maple 3 Oak 1 Goat Willow 3 Hazel 1 Scots Pine	Situating on the Northern boundary, adjacent to Drove Road on the property of Rosehaven, 110 Cinques Road, Gamlingay
G3	1 Field Maple 2 Ash 2 Oak 3 Hazel	Situating on the North Eastern boundary of Rosehaven, 110 Cinques Road, Gamlingay
G4	13 Crack Willow 21 Hawthorn 13 Oak 8 Hazel 11 Holly 17 Birch 20 Goat Willow 6 Field Maple 2 Scots Pine 2 Pine 2 Larch 2 Mountain Pine 1 Alder 2 Ash 2 Rowan	Situating running from the Northern boundary to the Southern boundary of Rosehaven, through the centre of the smallholding.
G5	2 Beech 2 Silver Birch 2 Willow	Situating on the Southern boundary of Rosehaven adjacent to Cinques Road, Gamlingay.

**Areas of Trees**

(Within a dotted black line on the map)

**NONE**

**Woodland**

(Within a solid black line on the map)

**NONE**

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