

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB3 6EA

t: 08450 450 500
f: 01954 713149
dx: DX 729500 Cambridge 15
minicom: 01480 376743
www.scambs.gov.uk



28 June 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 JULY 2005** at **10.00 a.m.**

Yours faithfully
GJ HARLOCK
Finance and Resources Director

AGENDA

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

	PAGES
PROCEDURAL ITEMS	
1. APOLOGIES	
2 (a) To authorise the Chairman to sign, as a correct record, the Minutes of the meeting held on 1 June 2005 The draft Minutes have been published on the Council's website.	
2 (b) Minutes, 6th April 2005	

At the meeting on 13th May 2005, the Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting in April. These Minutes have not actually been signed yet but, unfortunately, there was a typographical error in them. Minute 35 currently states:

“that Tree Preservation Order 01/05/SC at 110 Cinques Road, Gamlingay be confirmed as modified so as, in the First Schedule, to substitute the phrase “T5 Rowan – Situated in the Eastern boundary of Rosehaven, 110 Cinques Road, Gamlingay in place of the phrase “T5 Rowan – Situated in the Eastern boundary of Rosehaven, 110 Cinques Road, Gamlingay”.

This should have stated:

“that Tree Preservation Order 01/05/SC at 110 Cinques Road, Gamlingay be confirmed as modified so as, in the First Schedule, to substitute the phrase “T5 Rowan – Situated in the Eastern boundary of Rosehaven, 110 Cinques Road, Gamlingay” in place of the phrase “T5 Rowan – Situated in the **Northern** boundary of Rosehaven, 110 Cinques Road, Gamlingay”.

Members are requested to authorise the ~Chairman to sign, as a correct record, the Minutes of the meeting held on 6th April 2005, as modified above.

TRAVELLERS' ISSUES

- | | | |
|-----------|--|---------------|
| 3. | PINE VIEW, SMITHY FEN COTTENHAM | 1 - 16 |
| | Attached to the electronic version of the agenda are responses to the consultation referred to in paragraph 7 of the report. In an effort to minimise the use of paper, the 53 pages have not been reproduced in paper form. | |

PLANNING APPLICATIONS

- | | | |
|------------|--|----------------|
| 4. | SAWSTON - S/0711/05/F | 17 - 22 |
| 5. | SAWSTON - S/0967/05/F | 23 - 26 |
| 6. | SAWSTON - S/1071/05/F | 27 - 30 |
| 7. | SAWSTON - S/1993/02/F | 31 - 32 |
| 8. | SWAVESEY - S/1000/05/F | 33 - 38 |
| 9. | FEN DITTON - S/0970/05/F | 39 - 46 |
| 10. | WEST WRATTING AND GREAT WILBRAHAM - S/2494/04/F | 47 - 74 |
| 11. | STEEPLE MORDEN - S/0945/05/F | 75 - 78 |
| 12. | WATERBEACH - S/0789/05/F | 79 - 82 |
| 13. | THRILOW - S/0713/05/O | 83 - 86 |

14.	WHITTLESFORD - S/0995/05/F	87 - 90
15.	WHITTLESFORD - S/1007/05/F	91 - 94
16.	WILLINGHAM - S/0788/05/F	95 - 100
17.	OVER - S/0367/05/F	101 - 106
18.	OVER - S/0959/04/O	107 - 108
19.	LITTLE ABINGTON - S/0826/05/F	109 - 112
20.	PAMPISFORD - S/0805/05/F	113 - 116
21.	PAMPISFORD - S/1751/04/F	117 - 126
22.	LITTLE GRANSDEN - S/0607/90/F	127 - 128
23.	LITTLE GRANSDEN - S/0916/05/O	129 - 132
24.	GAMLINGAY - S/1024/05/F	133 - 136
25.	GAMLINGAY - S/1820/04/O	137 - 140
26.	OAKINGTON - S/1004/05/F	141 - 144
27.	COTTENHAM - S/1066/05/F	145 - 150
28.	BASSINGBOURN-CUM-KNEESWORTH - S/0925/05/F	151 - 154
29.	BASSINGBOURN-CUM-KNEESWORTH - S/1416/04/F	155 - 162
30.	BOURN - S/2531/04/F	163 - 168
31.	CAMBOURNE - S/1371/92/O	169 - 172
32.	CAMBOURNE - S/6297/05/F	173 - 178
33.	CAMBOURNE - S/6225/03/RM	179 - 184
34.	ELSWORTH - S/0611/05/F	185 - 190
35.	FEN DRAYTON - S/0013/05/F	191 - 196
36.	FEN DRAYTON - S/0526/05/F	197 - 202
37.	PAPWORTH EVERARD - S/0864/05/O	203 - 208
38.	FULBOURN - S/0771/05/F	209 - 214
39.	GIRTON - S/1049/05/F	215 - 220
40.	GREAT SHELFORD - S/0897/05/F	221 - 226

41.	HIGHFIELDS CALDECOTE - S/2382/04/F	227 - 230
42.	HARSTON - S/1717/04/F	231 - 236
43.	HASLINGFIELD - S/1062/05/O	237 - 240
44.	HISTON - S/0990/05/O	241 - 244
45.	GREAT AND LITTLE CHISHILL - S/0683/05/F	245 - 248
46.	LINTON - S/0561/05/F	249 - 252
47.	LONGSTANTON - S/2481/04/O	253 - 258
	APPEALS AND ENFORCEMENT ACTION	
48.	APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION	259 - 266
49.	ENFORCEMENT ACTION - INDEX	267 - 298
	OTHER ITEMS	
50.	TO CONSIDER CONFIRMATION OF TREE PRESERVATION ORDER 03/05/SC IN WILLINGHAM	299 - 302
	Appendix 1 is available only in hard copy.	

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.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

AUTHOR/S: Strategic Officers Group

6th July 2005

PINE VIEW, SMITHY FEN, COTTENHAM

Purpose

1. To decide on appropriate planning enforcement the next steps of enforcement at Pine View, Smithy Fen, Cottenham.

Effect on Corporate Objectives

2.	Quality, Accessible Services	Traveller Issues have implications for all four objectives. 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 reflected in the Council's Policy on Traveller Issues, agreed in July 2004. The Performance Plan cites the challenge of unauthorised plots and future site provision as a major issue facing the Council.
	Village Life	
	Sustainability	
	Partnership	

Background

3. Since last month's meeting of this Committee (D&3C), the 11 June deadline for the unauthorised occupants at Pine View, Smithy Fen – to meet the Deputy Prime Minister's decision for them to leave – has expired. At that meeting, Members agreed that the full Committee should take planning enforcement decisions relating to unauthorised Traveller sites.
4. The new Advisory Committee, established by D&3C last month, met on 14 June to consider the situation, following the expiry of the deadline. It asked the Chairman of D&3C to instigate provisional preparations for injunctive action against unauthorised occupants at plots 1-6 and 7 – 17 Pine View (map of land at appendix C) ahead of the Committee's consideration of the issues at the 6 July meeting, in order to expedite matters as soon as possible after non-compliance with the ODPM's decision had been confirmed. This was authorised by the Committee Chairman on 20 June.

Considerations

5. Planning enforcement officers visited Pine View, Smithy Fen on Monday 13 June 2005, the first working day after the official deadline. They found that, whilst Plot 6 was still empty, plots 1 to 5 Pine View were occupied. There was no evidence of the Travellers packing their belongings and moving.
6. No regulatory decision could be made until after this deadline, although the Council's Cabinet, on 28 April, gave its support, in principle, to taking injunctive action against those who persistently breach planning legislation.

7. In discussing the next steps at Pine View, Smithy Fen, the Advisory Committee on 14 June took stock of a consultation letter (see Appendix A) that had been sent to partner organisations serving Smithy Fen and Cottenham, plus local community groups. D&3C Members are also asked to consider the views of respondents in order to inform further decisions about action to be taken on Travellers at Pine View.
- 140 letters were sent out to a range of organisations including schools, social services, and the PCT; local Members; Parish Council and local community groups.
 - The Advisory Committee considered a summary of responses that had been received at that time (see Appendix B).
 - As promised, copies of 18 detailed replies (including those received since 14 June) have been e-mailed to all Members of the D&3C Committee, plus the local Members for Cottenham. All replies have been acknowledged in writing.
8. Members of the former D&3C Sub-Committee, at its meeting on 10 May, considered that injunctive action could proceed in conjunction with prosecutions for breaches of enforcement notices, which are a criminal offence.

Financial Implications

9. The Council on 24 June 2005 authorised funding of up to £450,000 for any form of appropriate planning enforcement action (including injunctive action) at Pine View or any other unauthorised Traveller site in the district.
10. An estimate of the possible costs of injunctive action at one site has been provided by specialist external legal advice. Based on their experience of a similar case carried out for another local authority, the total costs (from preparatory work, through to issue of proceedings to trial, and including legal work on dealing with homelessness applications) are estimated at around £212,000 (though not necessarily all to be incurred in one financial year). It is possible, of course, that the Council may need to consider taking appropriate planning enforcement action on more than one site, given the need to take a consistent approach towards all cases of unauthorised traveller encampments.
11. Our in-house legal team has, in the past conducted criminal court prosecutions for breaches of enforcement notices. Provided there is capacity within the team there is no reason why this cannot be continued, with minimal cost and within existing budgets. If the proceedings were carried out by external legal teams the costs would be in the region of £6,000 - £13,000 per prosecution (of a single defendant or group i.e. family).

Legal and Equal Opportunity Implications

12. The Council, as the Local Planning Authority, is duty bound to uphold planning decisions made by the Deputy Prime Minister and other aspects of planning law as appropriate.
13. The Commission for Racial Equality states "Gypsies and Irish Travellers are recognised ethnic groups for the purposes of the Race Relations Act (1976), identified as having a shared culture, language and beliefs".

14. Members will have to consider an updated needs assessment for all those that would be subject to injunctive action and against a breach of the enforcement notices. In addition officers will advise members on the council's responsibilities under the Race Relations Act.
15. Whilst the recent passing of the 11 June deadline means that the current focus is on Pine View, Smithy Fen (occupied by Irish Travellers). It is important that the Council is consistent in responding to all the unlawful Traveller sites in the district and can demonstrate an equitable approach to dealing with both English Romany Travellers and Irish Travellers.

Staffing Implications

16. The Council's approach to Traveller Issues continues to take up a considerable amount of staff time from managers across the range of Council services. This is overseen by a Strategic Officer Group and co-ordinated, on a day-to-day basis, by the Corporate Projects Officer.

Risk Management Implications

17. 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 management action plan was included in the report to Cabinet on 12 May 2005 on Strategic Risk Management.

Consultations

18. This report has been prepared following recommendations from the D&3CAC on 14th June 2005. It includes consultation responses from the public, partner agencies and local community groups.

Recommendations

19. That the Committee consider the comments made by those consulted on the situation at Pine View, Smithy Fen, Cottenham.
20. Agree to serve injunction proceedings against Travellers at Pine View, Smithy Fen, as recommended by the D&3CAC.
21. Agree to prosecute for breaches of enforcement notices in concurrence with the Injunction proceedings.

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

- Development and Conservation Control Sub Committee Agenda and papers 10th May 2005
- Minutes of the D&3CAC 14th June 2005
- Minutes of Cabinet 28th April 2005

Contact Officer: Strategic Officer Group on Traveller Issues
E-mail: traveller.project@scams.gov.uk
Telephone: (01954) 713297

Our ref:

Chief Executive's Department

Your Ref:

Contact: John Ballantyne

26 May 2005

Direct Dial: 01954 713011

Dear

Pine View Travellers Site, Smithy Fen, Cottenham

You will, no doubt, be aware of the Deputy Prime Minister's decision that illegally camped Travellers at Pine View, Smithy Fen must move by 11 June 2005. The Council is working hard behind-the-scenes to find a way forward, and is keen to liaise closely with its partners. As part of this, I am writing to public bodies serving Smithy Fen and Cottenham, plus a range of local community groups and neighbouring residents, in order to seek your views.

Background

As you may know, the Travellers who own pitches 1-17 Pine View appealed against the District Council's decision to refuse planning consent for the use of this land as a Travellers' site. There was a planning inquiry into the appeal, culminating in a report by a Government planning inspector. Taking account of the report, the Deputy Prime Minister considered the Travellers' appeal and announced his decision on 11 March 2005.

The Deputy Prime Minister's decision was to dismiss the Travellers appeal. His letter concluded:

"The Secretary of State considers that the enforcement notice as amended should be upheld, and that the period for compliance with the enforcement notice should be 3 months."

The 3-month period expires on 11 June 2005, and by this time the Travellers living at Pine View should have complied and left.

The Council's approach

In this interim period between the decision and the deadline, the Council is taking a two-track approach to the situation at Pine View. We are in negotiations with the Travellers, to help them comply with the decision, but we are also making plans in case they do not move.

The Council's Cabinet has already reaffirmed its commitment to taking legal injunctive action against named individuals who are persistently in breach of planning enforcement notices. That said, it is also clear that legal processes inevitably take time. The Council cannot and will not be marching onto Pine View or any other unauthorised site immediately after official deadlines expire. The option of eviction and land clearance is a last resort, and the Council hopes that it will be possible to find alternative, acceptable solutions.

Cont'd/2-

The Council is considering what action it should take if Pine View is not vacated in compliance with the enforcement notice and the ODPM decision. Certainly, some of the Travellers at Pine View have indicated that they do not wish to leave, largely due to a lack of other sites to which they can go. They say that they want to remain in or near Cottenham, as they have become settled with children attending Cottenham schools etc. In contrast, the ODPM indicated that "there is limited evidence that the [alternative] site or sites must be in the Cambridge area".

The Council wants to take account of the needs and wishes of all sections of the community in and around Cottenham (both residents and Travellers).

To help us to take all relevant matters into consideration, we are writing to you and others to seek your views. We would like to hear from you on three points, in particular.

1. Are there any factors, concerning the needs of the Travellers or the needs of settled residents, which you think we should consider in our decision on action at this site? If so, please outline them.
2. Are you aware of any issues, which would indicate a need for the Travellers to remain in or around Cottenham? Or any issues, which you feel, would indicate that their remaining in Cottenham is inappropriate?
3. Are there any other points, relevant to the situation at Pine View, which you would wish us to take into account.

I would be grateful if you could respond by Friday 10 June 2005, ideally in writing. Alternatively, you may prefer to telephone Simon McIntosh (Head of Community Services) on (01954) 713350. In replying, please indicate whether your views could be made public or if you wish them to be confidential, and whether these views are on behalf of an organisation or your own personal opinion. All replies received will be shared with members of the Council's Cabinet and the local district councillors for Cottenham.

In closing, it is perhaps worth reflecting on recent media coverage. There is a lot to be said for the adage "Don't believe all you read in the press". The Council is working hard to find a fair, realistic and consistent approach to Traveller sites across South Cambridgeshire. The problems presented by Traveller issues are not limited to Cottenham, and neither are the solutions. Preparations are being made for different possible courses of action post-11 June, but it would be premature and prejudicial for the Council to make firm decisions before the deadline has passed. Given that not all media coverage of Traveller issues is fair and balanced at the moment, you may like to keep an eye on the news releases on the Council's website in order to keep abreast of the Council's approach.

I look forward to hearing from you.

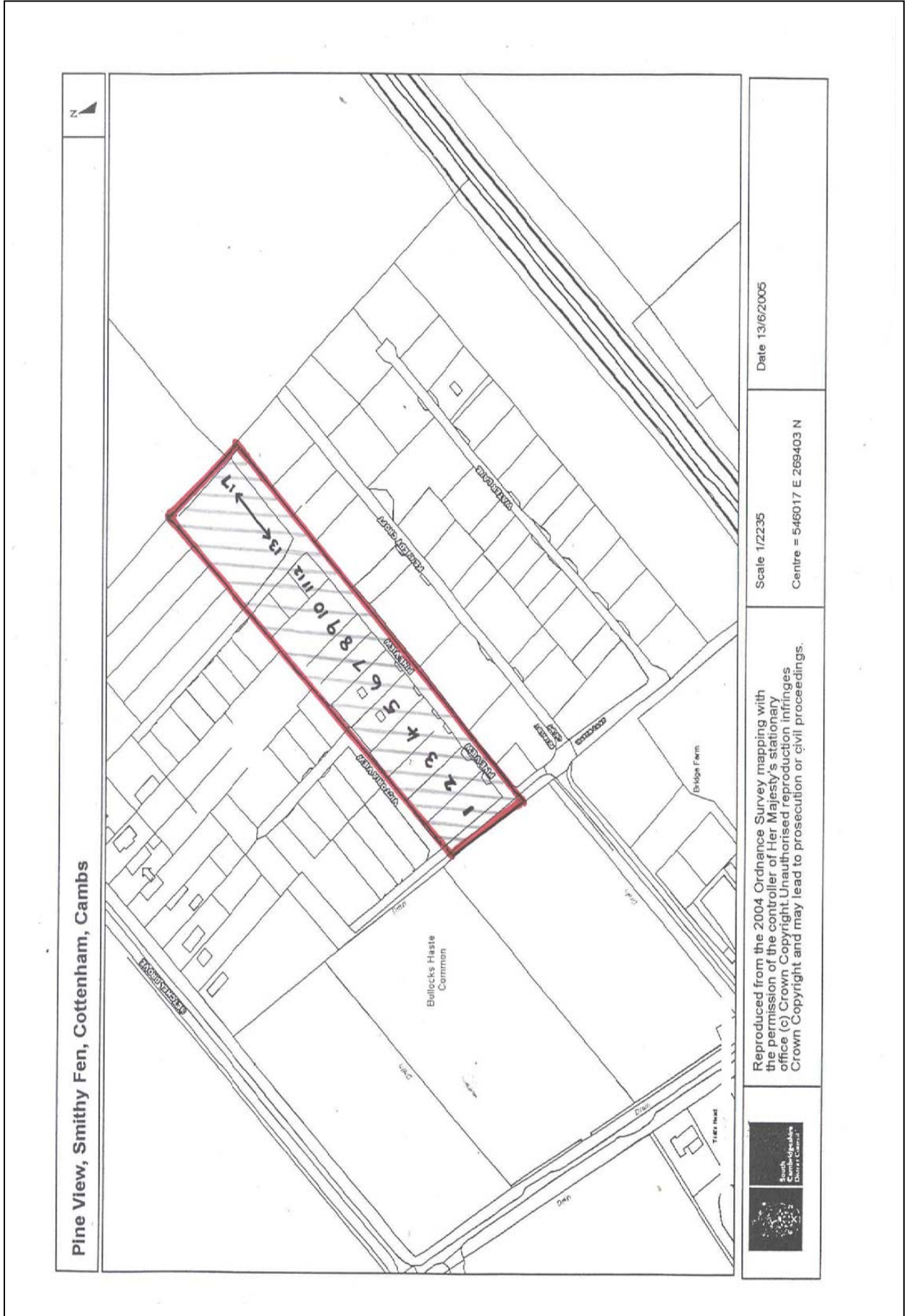
Yours sincerely,

John Ballantyne
Chief Executive

Appendix B

Respondent	Key Points
Cottenham Resident	<ul style="list-style-type: none"> • Travellers should travel and not occupy land illegally. • Schools, doctors and dentists are full in Cottenham. • Should comply with ODPM decision.
<i>Cottenham Residents Association</i> Ken Kelso	<ul style="list-style-type: none"> • There can be no justification for SDCDC to do other than comply with the ODPM decision. • Any increase over the 37 approved pitches would be totally disproportionate. • There are no issues sufficient to outweigh the best interests of the village. • O'Brien living at 1-6 Pine View would prefer to stay in Cottenham and at least 3 of the families have integrated well. • Suggest SDCDC buys vacant pitches at Water Lane (CPO?) and swaps 6 for all the O'Brien pitches, or buys and develop services for new land elsewhere. • Adopt a policy for 'land swap' above only for past developments, so it does not attract other travellers to the district. • CRA feels they represent at least other 20% of Cottenham's 2300 households, and their views should be given appropriate weight.
Clr Simon Edwards	<ul style="list-style-type: none"> • Injunctive action has not been our policy until recently, and concerned that it may be ineffective. • Feel other courses should be considered: <ul style="list-style-type: none"> - prosecution for breach of enforcement notices - compulsory purchase of Pine and Victoria Views to provide amenity land for those on lawful sites - 'Direct Action', and seek second opinion on timescales - Resist provision of further sites in the district - Resolve quickly
Smithy Fen Resident	<ul style="list-style-type: none"> • Appalled that extra licences granted on Water Lane, no additional licences should have been granted and two recent ones revoked • Agree with CRA letter that SDCDC should not modify the ODPM decision, and should CPO vacant sites and 'land swap'.
Smithy Fen Resident	<ul style="list-style-type: none"> • The law must be upheld and due process followed to conclusion. • Needs of settled residents, for unfettered access to our homes, has been acknowledged by 11 March judgement (have not been before), and obstructive behaviour will remain a problem while site exceeds the legal pitches. • Pine View travellers have no longstanding connection to Cottenham. • Site is illegal and should be returned to open aspect with travellers evicted if they haven't complied with legal ruling.
Smithy Fen Resident	<ul style="list-style-type: none"> • Totally against the illegal travellers remaining in Smithy Fen. • Appeal decided they do not need to be in Cambridge and they should move on. • Inspectors report indicates low attendance of traveller children in school. • Don't let us down again – <p>[long list of continuing incidents submitted.]</p>
Cottenham Resident	<ul style="list-style-type: none"> • Do not think there are any needs of travellers to be taken into account.

Respondent	Key Points
Traveller Education Unit <i>Cambridgeshire County Council</i> Ms M Wood	<ul style="list-style-type: none"> • There are no needs for travellers to be in or near Cottenham. • The law has told them to go and we should enforce it. • Children from Pine View are enrolled in school, settled and making progress, and their education would be disrupted if they moved out of the area. • Great commitment shown by schools, Traveller families, Traveller Education team and others to improve educational achievement of Irish Traveller families, with public service targets to increase numeracy and literacy. Achievement of them will benefit all in South Cambs.
<i>Cambridge City & South Cambs PCT</i> Ms Sally Standley	<ul style="list-style-type: none"> • PCT will continue to meet its duty to provide and commission health services whatever decisions made. • PCT signed up to the Local Public Service Agreement targets, including improving the educational achievement of Irish Travellers children. • Traveller population generally suffers from poor health, and lack of continuity of care can hamper efforts to improve this.
Smithy Fen Resident	<ul style="list-style-type: none"> • The travellers have no planning permission. • The appeal decision was based on settled residents human rights. • Those on Pine View have no need to be in Cottenham or even in Cambridgeshire. • Why are we not evicting? Do what is right.
Ormiston Trust Ms Sherry Peck	<ul style="list-style-type: none"> • Ormiston considers the situation for children as being of paramount importance, and the Council should consider the impact on children when deciding its response. <p>[Research document enclosed on needs of travellers in the Eastern Region.]</p>
Smithy Fen Resident	<ul style="list-style-type: none"> • Site must be reduced to its original legal size. • Need the travellers to leave now. • Travellers need to be dealt with fairly but firmly, without violence unless this is provoked. • Smithy Fen and Cottenham must not have them any longer.
Cottenham Parish Council Mrs JM Groves (Clerk)	<ul style="list-style-type: none"> • Parish Council has consistently asked the District Council to take a pro-active role. • Dismayed that SCDC has waited until the end of the compliance period before consulting on possible actions to ensure travellers leave. • Parish's view stated on 12 April '05: hope that a negotiated withdrawal can be achieved to land to be identified over the next 3 months, but support eviction as the final sanction.
Cottenham Village College Mr Tony Cooper	<ul style="list-style-type: none"> • There are no education issues to indicate a need for travellers to remain in or around Cottenham • 7 Travellers are on role and their attendance rate is well below that of most students at the College.



Cottenham Residents Association

Mr John Ballantyne – CEO
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne, Cambridge, CB3 6EA

Arrived at
2 June '05

31st May, 2005

Dear Mr Ballantyne,

Re: Travellers at Pine View, Smithy Fen, Cottenham.

I write on behalf of the CRA and in so doing warrant that the line taken by the Association has, from the acknowledgements of four separate public meetings, the support of at least 20% of the households of Cottenham – we have no intention of over-stating the level of 'actual' support we enjoy and trust you will accept that in all of our dealings we act with honest intent, we ask that you, too, remember not: "to believe all that you read in the press".

You raise three issues for comment:

1. Factors concerning "needs" which should be considered by you.
2. Issues which affect the 'appropriateness' of continued (Traveller) residence in Cottenham.
3. Other points relevant to the position at Pine View.

You do not, in fact, solicit any suggestions for a solution to these issues at Smithy Fen. However, we offer our solution in anticipation of your demonstrating the same open minded approach shown by the Select Committee to the House of Commons when it accepted our evidence on Travellers even though at total variance with the guidelines given.

(a) Important Background.

Every so often it is suggested to us that: "a reminder of the past is unhelpful, we must look forward". Such is an admirable notion *providing* any mistakes of the past have been acknowledged and necessary steps taken to prevent reoccurrence. Clearly it is inappropriate at this time to address the nature of SCDC/CRA disputes, however, when considering our position as stated below please be mindful of the fact that:

we were notified by the Legal Advisor to SCDC that:

- **planning disputes involving Travellers 'could' take time to resolve (a minimum of two years post a planning decision was mentioned on several occasions)**
- **'to win at appeal' was no guarantee that direct action (eviction) would automatically follow (SCDC and the Courts had to reconsider the humanitarian affects of forced removal especially if no alternative sites were available)**
- **'the Council's case at appeal could only be enhanced by a strong representation from local residents' and that it was: 'better (in his opinion) that those residents presented their case in a natural manner and without the formality of legal procedure or formal representation'.**

The 'advice' of the Legal Advisor prompted our seeking an alternative solution to the problem in Cottenham – **not because his comments suggested any lack of commitment from SCDC but because the comments imparted inferred that SCDC would have no alternative but to conform with the law (no matter how perverse the law might appear to us).** Bearing in mind that we have but one objective (peace and stability for the village) it became obvious to us that:

- a 'win' was no guarantee that Cottenham's Traveller population would be stabilised
- a 'win' offered no guarantee that the Travellers would not move away for a while and then return to repeat the whole process, or alternatively sell the land on that A.N.Others might pursue the retrospective process in their stead
- the only certain way to ensure a stabilised, maximised, size of site in Cottenham was to reclaim the land unlawfully occupied
- we couldn't afford to buy the land; the Council would not be able to compulsory purchase the land; the Travellers were of no mind to 'gift' the land and certainly would not move without an alternative (and lawful) place to go.

In July 2004, just a week prior to the opening of the Pine View inquiry and after having bounced a broad idea of land swap across the desk of some SCDC councillors, we learned at a meeting of SCDC representatives, Cottenham Parish Council, and ourselves (CRA) that:

- SCDC had no alternative site(s) for Smithy Fen Travellers
- had no alternative policy (in the event of victory) to direct action (eviction)
- no amount of lobbying, post the appeal decision, for eviction (should we win) could influence SCDC – SCDC would act appropriately, and in Cottenham's best interests, but ultimately the Courts would decide.

Seven days to appeal and to 'win' might bring the same, ultimate, result as to 'lose'!

(b) Relevant matters to be considered at Smithy Fen.

With regard to the factors, the issues and the points against which you seek comment we would, most respectfully, suggest your consideration of the following:

1. The Office of the Deputy Prime Minister (ODPM) supported the findings of the Inspector in that, broadly:
 - the presence of the Travellers on Pine View was an unacceptable contravention of the Local Plan and the 'needs of the Travellers' were insufficient to outweigh all 9 conditions of the Plan (HG23)
 - the Travellers had failed to demonstrate any 'real need to be in Cambridgeshire', had in fact acknowledged that: "Coventry would be OK if they owned the land"
 - in accordance with the Convention, the human rights of the settled community (and especially the residents of Smithy Fen) cannot be violated by the persistent anti-social behaviour of some Travellers
 - the behaviour of the Travelling community, legitimate or otherwise, residing at Smithy Fen was the source of a real fear for safety to the residents of Cottenham, and such was also a material consideration to the outcome of the appeal.
2. The Inspector (in the Pine View appeal) goes on to suggest that his findings should apply to any/all development on Smithy Fen, that he fully expects his findings to set a precedent (never previously acknowledged by Inspectors we understand) and the ODPM makes no effort to disagree with, or contradict, him.

3. There can be no justification for SCDC to attempt, without the full understanding, involvement, and unanimous agreement of **all** interested parties, to modify or otherwise alter the decision of the ODPM. **Put simply: SCDC has no mandate for such action.**

That said we will assume from your letter that all comments received will be used to fashion SCDC's strategy at forthcoming meetings involving such as the Commission for Racial Equality (an organization likewise bound to ensure that there is no "arbitrary judgement" when determining the future of a village), the Parish Council, Traveller Groups and ourselves. Thus:

4. From the first we have argued that the source of friction twixt the (so named) Irish Travellers and the settled community has been one of numbers. With a caveat for behaviour and peaceful integration we have argued (as has SCDC) for a maximisation of site size at 15 – 20 pitches. We already have two such sites on Smithy Fen which, we argue, is disproportionate to the size of the village **but**, being lawful, we have vowed to strive for peaceful integration with the lawful numbers. These numbers:

- (i) 18 pitches on Setchell Drove allowing 18 chalets, 18 touring caravans, 18 day rooms.
- (ii) 15 pitches on Water Lane (unfettered) with councillor after councillor and officers alike assuring us of no expansion and confirming at the Parish Council. AGM 28th April 2005 that each pitch was licensed to a maximum of 1 chalet, 1 touring caravan 1 day room and, it was also added, there would be no increase in the number of licences.
- (iii) Boswell: 4 pitches and 12 caravans etc per the Mr Roberts ruling.

The Irish Travellers (and unlike the Romany Gypsies) seek larger sites for the benefit of the extended family, there is no specific rationale save for a statement of inter-dependence and a desire to live together. We see this reference to larger sites as a "wish" and not a "need" and as such irrelevant.

Our view is that the decision of the ODPM is correct and there is no specific need for the Travellers to be in Cottenham. The village has accepted that it must sustain, even though considered too many, the 37 official pitches but any increase beyond that would be totally disproportionate and would further swamp the settled community of Smithy Fen. Furthermore we expect the Council to use its powers of enforcement fully and properly in order to contain numbers to the permitted maximums as shown above and to fulfil its promise to Cottenham that there will be no increase to the number of licences on Water Lane (meaning that two need to be revoked!)

5. There are no issues, as determined by the ODPM, sufficient to outweigh the best interests of the village or to undermine the importance of the LPA's local plan. **We are, naturally, happy with this conclusion and suggest that there is no need for further consideration of the personal issues raised by the Travellers at the appeal.**
6. We feel that there are other areas of importance and relevant to all Gypsy & Traveller matters, we see these as under:
- a) **Cost.** SCDC spent (we are told) circa £400,000 in 2004/05 on Traveller issues. Several appeals with associated legal, bailiff and other administrative costs, yet at the end of it all (and despite good wins at Chesterton Fen and Cottenham) no final solutions and certainly nothing to dissuade more Travellers settling in the District (see Great Shelford/CEN 28th May 2005).
 - b) **Humanity.** Some Travellers are guilty of anti-social behaviour and, perhaps, various social crimes, but not all. In any event the law sees Travellers as an ethnic minority and as such allows an element of preferential treatment by way of Race Related legislation, but the simple truth is that eviction/direct action is anachronistic, solves nothing, simply transfers a problem and should only be used as a last resort.

- c) **Quantitative Need.** New guidelines are due out this year but hitherto nothing but the caravan count (we are told) has given any insight into Gypsy & Traveller numbers. Like most other LPA's South Cambs. basically ignored circular 1/94 and decided not to effect any QN assessment. However, the caravan counts do give SCDC a base from which to determine the apparent, current, need (by combining lawful and unlawful numbers) and thus, by using the history of the count, it could make a reasonable effort to project future needs.
 - d) **Use of Pitches.** Water Lane has 6, possibly more, official pitches which have been vacant for at least a year. The 'Boswell' site (the Roberts decision) allowed 4 pitches to named individuals - one such pitch has been unoccupied for over a year. The argument levelled by all groups supporting Gypsies & Travellers is that there is a desperate need for 'accommodation', they have 'no-where else to go', **but** on Smithy Fen official plots remain vacant whilst others reside unlawfully.
7. We are aware that the O'Briens' living on plots 1-6 Pine View would prefer to remain in Cottenham. We know that three at least of these families have integrated well with the village. We believe it is possible for the decision of the ODPM to be met in full whilst finding a humanitarian solution to the O'Brien dilemma.

We are aware of the Commission for Racial Equality's interest in **how** you will handle June 11th and we know forced removal is difficult and expensive. We know that the Court can levy fines but may show reluctance if humanitarian aspects are not properly observed.

Working on the assumption that new money spent by SCDC must be well spent, we suggest that SCDC **either** buys the vacant plots above mentioned (compulsory purchase at land registry values perhaps) and 'swaps' 6 of these pitches for **ALL** of the O'Brien land (the land applicable to the 'Baldock' appeal) **or** SCDC locates, buys, and develops to the point of main services, new land (in or outside of the District) within 6 months and relocates the 6 families of O'Brien again taking **all** of the 'Baldock' appeal pitches in exchange. (It is probable that the 6 O'Briens can buy-out family members from the remaining appeal pitches, indeed would have to as their part of the 'bargain').

Relocation will doubtless mean a cost to SCDC but (as at Chelmsford DC **which has** land-swapped) it should be manageable relative to eviction costs and as **the land returned by the O'Briens' is the same land whether swapped of sequestrated there is no added detriment to SCDC.**

Action in the form of swap, or relocation, satisfies the O'Briens' accommodation needs and, even if left on Smithy Fen official plots, helps to stabilise the situation in Cottenham.

8. **Land swap does not create a honey-pot whereas inaction always will.** The moment the concept is adopted Council makes a statement to all Gypsies & Travellers:

"We accept land swap as a retrospective option to resolve some if not all unlawful, and private, developments existing as at, (say), June 11th 2005.

In accordance with legislation, old and new, we are effecting a quantitative need assessment and in the near future we shall have identified land, and or areas, appropriate for Gypsy & Traveller sites development.

Gypsies & Travellers seeking to reside in the District are asked to conform to government guidelines and discuss their needs with the planning department.

Land swap will not be applied to any unlawful development occurring after, (say) June 11th."

We appreciate having been asked to contribute and whereas we may well have over-stepped the mark by commenting beyond the parameters of your letter we ask that you give appropriate weight to our comments representing, as they do, some 20% **at least** of the 2300 households in Cottenham.

We look forward to reading of your decisions and will be happy to participate in any meetings should you so wish.

Yours sincerely,

K.S. Kelso - Chairman
Cottenham Residents Association
Fen End Farm
Smilhy Fen
Cottenham,
Cambs. CB4 8PT

8 Manor Farm Close
Oakington
CAMBS
CB4 5AT

2nd June 2005

Dear John

Thank you for your letter of 26th May asking for my views on the planning situation at Pine View, Smithy Fen. I welcome this opportunity to bring to your attention a number of issues which I believe have, hitherto, been largely overlooked, and which I feel deserve consideration and debate.

Background

You have, in your letter, set out the context of the Deputy Prime Ministers decision with regard to Pine View, but I feel it would be useful to cast our minds back a little further to widen the context, and to also consider the background of Victoria View, which will help to set out the likely expectations of the settled community.

In the case of Victoria View, we have an almost identical situation to Pine View. Planning applications were made and refused. Appeals were undertaken and dismissed by the Inspector. Deadlines for vacating Victoria View came and went. At the time this was happening the council set aside a sum of, initially, £250,000 (June/July 2004) and set up the "Direct Action Sub-Committee" (DAS) in order to make preparations for evicting any travellers who remained on site after the final deadlines. As you know, full council were subsequently asked to increase this sum, and in the Autumn of last year did so to the tune of £450,000. During the run up to the deadline dates, where the travellers were required to vacate the site, a number of letters were sent out by this council detailing the position, and advising the travellers that they must vacate the site by the required deadline or the council would evict them. (Not quite in those terms, but that was the message). This resulted in the travellers launching a last gasp attempt to stop eviction by calling for a Judicial Review (JR). The legal advice given to the DAS at the time was that we would lose the JR because the original enforcement notices were not robust enough to stand up to detailed scrutiny by the legal experts. The DAS therefore decided to postpone (and it was a postponement, not a cancellation) Direct Action until we had re-issued the enforcement notices. This we did, and they of course were promptly appealed. The appeals are due to be heard later this year. Should we win these appeals (again) I fully expect the settled community to demand that we continue with our plans to evict the travellers from Victoria View.

So, last year, both the travellers and the settled community were under no illusion that it was this council's firm intention to evict the travellers from Victoria View should they have remained on site after the deadline. Not only this but both communities were quite aware that the period of time between making the decision to evict, and being ready to do so was around five months.

Councils Approach

Now, as you have set out in your letter, the Cabinet have "*reaffirmed*" its commitment to taking legal injunctive action against named individuals who are persistently in breach of planning enforcement notices. To date I have seen no evidence that the Cabinet have been informed of, discussed, or debated alternative action in the event that travellers remain on site after June 10th, and in this respect I feel this council is ill being rather short sighted. My real concern though is that any well informed person might well look at the councils approach of injunctive action and come to the conclusion it is neither effective nor rational. The questions of effectiveness and rationale might be put as follows:

- Is it rational for this council to adopt a policy of injunctive action just for travellers who are in breach of enforcement notices? Is this not discriminating against them, if we do not take the same action against any other member of the public who breaches an enforcement notice?
- Was it effective when this council took injunctive action against 2 travellers some time ago, both of whom were committed to jail, but both of whom are to this day still walking free, and where no Direct Action has been taken to remedy the breach of planning law on the land they own?¹
- Was it effective or rational when this council took injunctive action against 2 other travellers, both of whom were young ladies and both of whom had just had babies, and yet these travellers have had no further action taken against them, and they continue to live on site?¹

Your wording in your letter that the Cabinet have "*reaffirmed*" its commitment to injunctive action also gives the impression that this course of action has always been the Cabinets preferred approach. Our council policy, adopted last July, makes no mention of the use of injunctive action and it is only recently that this course of action was deemed to be favourable by the Cabinet. We run the risk of misleading the public into thinking we have had this preferred approach for some time, where clearly we haven't. Indeed one could be forgiven for thinking that Direct Action has always been this council's preferred approach in light of the overwhelming support of full council last year to allocate nearly half a million pounds to evict travellers from Smithy Fen. The public perception is naturally going to be one of the council reneging on its commitment last year to evicting travellers.

Alternative Approaches

Injunctive Action is of course a valuable weapon in our legal armoury for dealing with breaches of planning control. However, as I have already indicated, injunctive action has failed to improve the situation at Smithy Fen previously, and it is difficult to see how this can do anything to improve matters in the future. At the recent presentation made by Chelmsford Borough Council, where we were told us of their experiences in taking direct action, they were quite clear that they had already tried

injunctive action and it simply hadn't worked. I am also very concerned that the Cabinets desire is to take injunctive action against named individuals. This has certainly proved ineffective in the past, due to the mobile nature of travellers, and was the reason this council changed its strategy to one of taking out injunctive action against "persons unknown." Targeting named individuals, rather than persons unknown, will be seen as another way of not being able to follow through the injunctive action effectively, and we will undoubtedly be seen as sidestepping the issue.

I do feel there are a number of other courses of action this council should consider, some of which could be embarked upon concurrently and some sequentially. I am unaware that any of these scenarios have been formally considered by Cabinet. Some examples of alternative action are :

1. Prosecution for breach of an enforcement notice.

This course of action is quite often a very useful and effective method of preventing continued breaches of planning control.¹ Whilst the first occasion a prosecution is brought is unlikely to result in a significant fine, prosecutions can be brought forward for each and every breach, and that means every day a traveller remains on site they can be prosecuted. Each prosecution will result in an increased fine, which could eventually ramp up to a maximum of £20,000. I liken this to the Japanese water torture. A dripping tap on the forehead is no punishment at all; but leave it there for a few days, or weeks, and it will eventually drive you mad. Prosecuting breaches of enforcement notices again and again might just ensure Travellers move from the site willingly, and for good.

2. Compulsory Purchase.

Our age old argument for refusal of planning permission for the Victoria View and Pine View sites has been our desire to see this land maintained as a green section of open land separating the current legal sites of Water Lane and Setchell Drove. The legal sites at Smithy Fen are just as entitled to our consideration of Community Development as any other section of the community. I feel there is a very strong case for this council to acquire the Pine View and Victoria View sites under compulsory purchase powers to allow us to provide a valuable section of amenity land between Water Lane and Setchell Drove for the benefit of the travellers who are on lawful sites. Having acquired this land it could then be cleared and we could provide a number of facilities such as a small play area, community gardens, allotments, or any other such amenity facilities that the travellers on lawful sites themselves would benefit from. The other advantage is that once the land is owned by the council, removal of unlawfully sited travellers is quite simple under trespass laws, and it would not be a costly and lengthy process for the council.¹

3. Direct Action.

Our current legal advice suggests that Direct Action is inappropriate and that Injunctive Action would be far preferable. However, we are being told that the timeline between starting injunctive action and actually clearing the site is some 19 months. This is in comparison to 5 months for direct action alone, as we experienced last year. If the settled population of Cottenham knew (as I believe they should do) that it would be a further 19 months before a resolution could be found it would cause uproar. We must not forget the first enforcement notice was served in 1999. The

settled community feel that having had 6 years to sort this out the council do not deserve a further 19 months. One has to sympathise with the public perception, and I feel not enough weight has been given to this factor in coming to the decision to favour injunctive action on this site, over direct action.

Regarding the extended timescales we have been given, my view is that our current legal advice is falling short of the high standards we should be demanding. A second opinion is the minimum we should be seeking, from a completely independent and suitable firm of solicitors. The simple fact is that it was possible to take Direct Action at Chelmsford, and so it should be possible for us to do it to, if that is our desire.

4. Additional site provision

I feel very strongly that we should resist any call by central government to allocate more sites in our district. It is quite clear from the most recent ODPM Caravan Counts that we have already made ample provision for travellers in our district and we should not consider any further allocation until all other authorities have made some provision themselves. If all the other authorities made even a small provision, then the unlawfully sited travellers in our area would have somewhere else to go, and no doubt would willingly do so.

In summary I am sure there are other options available to this council to remedy these breaches in planning control. Rather than trying one course of action, and if it fails, follow another course. I think we should embark on action on all fronts simultaneously. This might even result in travellers leaving the site earlier than expected as a result of, for example, prosecution for breach of enforcement notices, and thus saving us vast amounts of money in following through 19 months of legal process to take injunctive action.

Whatever we do, we owe it to the people of Cottenham, who have suffered 6 years of utter misery in their lives, our dedicated, immediate and committed attention to this issue in order to resolve the problem in the shortest possible timescale.

Yours faithfully

Simon Edwards

Local Member for Cottenham, Rampton, Oakington and Westwick.

P.S. My views and observations are ones which I have no objection to being shared as widely as you deem necessary.

¹ This information was given to me by Chris Taylor during an informal discussion in February 2005.

Copy to 13/06/05

Te

Mr. J. Ballantyne,
 South Cambridgeshire District Council,
 South Cambridgeshire Hall,
 Cambourne Business Park,
 Cambourne,
 Cambridge. CB3 6EA

2nd June, 2005

Dear Mr. Ballantyne,

Pine View Travellers Site, Smithy Fen, Cottenham

Thank you for your letter dated 26th May. I must first express concern over your heading "Pine View Traveller Site". May I remind you that Pine View is only part of the Traveller site at Smithy Fen, your wording implies it is somehow separate from the rest.

Whilst I appreciate you are dealing with the Pine View area at present I wish to take this opportunity to remind you that residents of Cottenham and Smithy Fen have been assured on numerous occasions that SCDC are committed to taking whatever legal action is necessary to halt the breach of planning enforcement notices. To this end I must state that I am appalled to learn that there have been additional licences granted on Water Lane resulting in an increase of the official pitches from 15 to 17 with no notification to Parish Council, the Residents Association or indeed householders at Smithy Fen.

One of Cottenham's arguments at the Pine View appeal was the impact from unplanned families on the amenities and facilities of the Village. For Officers of SCDC to ignore this is, I consider, a total disgrace and as CEO, I expect you to personally stand by the promises made by senior Officers and Council's Cabinet (as recently at the Parish Council's AGM 28th April, 2005) and ensure that no additional licences are granted, indeed that the two recently approved are revoked.

With regard to Pine View specifically, I have read the Cottenham Residents' letter and concur that it is not for SCDC to modify or alter the ODPM decision but to ensure that the law is enforced to the full and in the correct manner. If, as your officer's say, there are six official pitches which have been and continue to be unoccupied then, as recommended by the Residents' Association, I believe SCDC should compulsory purchase these and transfer ownership to Mr. O'Brien and his extended family in exchange for the entire area of land covered in the "Baldock" appeal.

Yours sincerely,

John Ballantyne
South Cambridgeshire Hall
Cambourne Business Park
Cambourne CB3 6EA

Dear Mr Ballantyne

Thank you for the opportunity to give our views over the traveller sites on Pine View, Smithy Fen.

We feel that the law must be upheld and cannot sanction any action, or indeed inaction, that does not see the due process of law through to its logical conclusion. In specific response to your letter and the 3 points you raise we respond:

1. The needs of the settled residents have not been considered in the past over this site on Smithy Fen but now they have been acknowledged by the appeal judgement of 11 March 2005. Our needs are for unfettered access to our homes and for our businesses and this we have not had, and continue not to have, with the large numbers of travellers using the access via Setchell Drove. Obstructive behaviour continues and will continue to be a problem whilst the site exceeds that of the original legal pitches.
2. The travellers in question on Pine View may well express a desire to remain near Cottenham, in the main it is indeed a desirable area to live, but they have no longstanding connection to the area and it is unrealistic to claim one. I would note that their claim is only bolstered to some degree by the time it had taken for SCDC to act on this illegal encampment.
3. The Pine View site is illegal.

In conclusion our view is that if some residents of Pine View do not comply with the legal ruling then they should be evicted. The site must be returned to its former open field aspect as soon as possible to help avoid further breaches of planning law.

Yours sincerely





Dear Mr Ballantyne

Ref. Pine View Smiddy Fens.

We are totally against the illegal Pine view travellers remaining in Smiddy Fen Cottenham.

At every Council, resident, Parish, Traveller liaison meeting that we have attended, the Council has said "it needs government direction" Now for once you have it for all our sakes act on it! either on June 11th or through the Courts if this is the best way.

Just because the travellers say "We don't want to go" your questioning a government decision! What more do you need?

In the Inspector's report he states "the children in School there was none in Secondary School and the children in Juniors, the attendance was only 50% when the traveller norm is 75% which is considerably less". If schooling for their children was important to them they would have sent them to School.

They may wish to stay in Cottenham but a thorough

appeal has decided they do not need to be in Cambridge let alone Smilthy Fen.

Therefore they should have to respect the verdict and move on.

We would have no redress if the decision had gone in their favour.

We put ourselves on the line giving evidence, and continue to get intimidation against us because of it.

Don't let us down again. We have enclosed a copy of our list of events, we have suffered as a family. please take the time to read it and when you have bet your glad you don't live here!

P.S. If you use the correct procedure to evict you will send a clear message that SDC is not a soft touch. If they don't abide with Gwts decisions they will have to pay fines, costs ect. Could you then contra the land against the fines that way you get the land back. Please remember Smilthy Fen already had more than double the recommended size for trawler sites. 38 plots is already too many for our saltery.

Copy also sent to: new tender. S.K.

Dear Sir,

1. My family and I moved to Smithy Fen, Cottenham 4 years ago and until February 2003 we had found our dream home with friendly neighbours that included English Travellers.
2. Then overnight heaven became hell. The original Travellers had been replaced by new ones and when the unlawful and anti-social behaviour began I assumed South Cambridgeshire District Council and the Police would do all they could to protect us. I soon realised we were on our own.
3. I have been brought up to believe you only phone the police when you are desperate but when you are told by officers that the night shift only has two patrol cars for 51 villages or that they have already been notified of the problem and are dealing with it, you feel very vulnerable and insecure in your own home when no one turns up. I have since learnt to ask for incident numbers to ensure my calls are logged and recorded.
4. My two elderly parents live with me and my husband, my mother is registered disabled and my father has a heart condition, diabetes and prostrate trouble. Both are now frightened of living here and in the dark winter evenings they are scared to go out because of the intimidation we have experienced.
5. On many occasions the single track fen road has been blocked either by articulated lorries delivering to the site, or by the travellers in their vans and cars. With my parents both in need of medical attention I am concerned that emergency services will be unable to attend when needed. My mother has already had to wait 8 days for an appointment at the Doctor's surgery because their resources are so stretched, and the police themselves have admitted being unable to access the Fen because of the congestion.
6. My husband does not get home from work until late evening and he is never sure if he will get past the bridge without incident. We should not have to live our lives in fear, this is not a question of English or Irish Travellers it is the concentration of numbers that is the problem. The site must be of a manageable size and at 37 plots, 226 persons, I believe it is already too big.
7. I regularly clear up rubbish dumped on the grass verge outside my house which includes used condoms, dirty nappies, soiled sanitary towels, human excrement and drug related litter. I know it is the Travellers who drop it because I have watched them doing it.

8. On the attached pages I have listed some of the incidents I personally have witnessed and experienced which have affected my family and made it necessary for me to make this statement. Many of the villagers and neighbours have suffered, too, but are too frightened to give evidence. I am also fearful but I am more frightened of what the future holds if I don't stand up for my rights.

9. Please help us; our future safety is in your hands.

Yours faithfully,

LIST OF INCIDENTS IN DATE ORDER

- 12th April, 2003 * Loss of electricity supply for 12 hours due to a traveller's Ferrari crashing into the electricity pole.
- 12th April, 2003 Witnessed and rang the police as 5 traveller children abandoned a car in the middle of the road when it caught fire. Fire crew and police attended.
- 13th April, 2003 Dangerous driving and speeding up and down the fen drove for hours on end. Police Incident No. 400/13/4.
- 14th April, 2003 Woken in the middle of the night by horns blasting, revving car engines and loud music. Police Incident No. 826/13/4.
- 15th April, 2003 Phoned the police 3 times to report dangerous driving, noise and anti-social behaviour. Advised they were already aware of the situation.
- 22nd April, 2003 Car set on fire. Police helicopter flew over – no further action taken. Burnt out car still there one week later.
- 23rd April, 2003 12.30am Mercedes⁺ transit racing up and down the drove at high speed with loud music blaring, horn blasting and the drivers drinking. Police Incident No. 39/23/4.
- 28th April, 2003 Another night of car racing, horns blasting, loud music and shouting. Police Incident No. 722/28/4.
- 30th April, 2003 Police helicopter over the site from 3.50-4.30pm and again 7.30-7.55pm.
- 1st May, 2003 Police helicopter and cars back and forth due to lorry with £850,000 of contraband cigarettes on traveller site.
- 600,000 x 2
3rd August, 2003 My neighbour and I were riding our horses at 6.30pm and were driven at by a young traveller at high speed. We could see he wasn't slowing down so we pulled the horses off the road onto the grass verge which has deep drainage ditches running along side them. The traveller slammed on his breaks and skidded the car until he was facing us. My horse took off in fright and it took all my strength to regain control of it. The traveller then threw open his door shouting "get off" as he grabbed the reins of my neighbour's horse, "I want to ride it". My neighbour was frightened and I could hear the panic in her voice when she told

Handwritten initials

him No. She challenged the traveller asking him if he was trying to kill us, his reply to this was "Yes".

There was a girl in the passenger seat of the traveller's car and she called to him; he got back in the car, slammed the door and drove away wheel spinning as he left. Again my horse bolted and I struggled to gain control.

My neighbour and I returned home as quickly as possible in case he returned and once home safely I was physically sick through fear.

Still shaking I telephoned the police who arrived 40 minutes later. I knew the car had not passed my house and was still up the Fen and I told the police I wanted to take the matter further and was prepared to make a statement if they arrested the man. They tried to dissuade me by pointing out how intimidating it would be were I to give evidence in court but I was determined to make a stand.

The police arrested the traveller, charged him and then released him on bail pending court appearance the next day. Needless to say he didn't turn up and the case was dropped.

14th August, 2003

In the middle of the night Traveller transit vans facing both ways parked outside my house horn blasting and shouting at each other to get out of the way. A fight then broke out. I was very frightened and phoned the police. Incident No. 826/14/8.

31st August, 2003

Late afternoon, two traveller boys drove into the drainage ditch as the result of wreckless driving. Telephoned the police who arrived 45minutes later. The car was still there 8 weeks later.

10th September, 2003

Whilst driving home I was run off the fen drove by a traveller in a transit van. Having regained composure I continue home only to find another traveller defecating on the drove verge.

13th September, 2003

I was riding my horse on the Fen Drove with my husband on his bicycle beside me when a young woman traveller with 4 children started to shout at me "Bitch, Bitch, Bitch" for no reason that I could see except she had to slow down because of my horse.

1st October, 2003

Traveller children no more than 10 years of age driving transit vans up and down the fen. Telephoned the police but no action taken.

July 2007
Oct 2007

- 7th October, 2003 Transit vans driven by travellers racing up and down the drove beeping horns and drinking beer whilst driving. This occurred again on the 18th and 19th of October.
- 25th October, 2003 Fen road blocked by 6 limosines in the early evening to collect travellers for a night out. They returned in the early hours of the morning and from 2.20-6.40am about 10 vehicles raced up and down the Drove with music blaring and horns blasting.
- December, 2003 During this month a mobile police station was parked by Smithy Fen bridge as a result of the murder of Peter Stone. I experienced the first uninterrupted nights sleep since April 2003.
- 3rd February, 2004 The police have left and the travellers begin their night time car races again.

There are many more incidents of wreckless driving and anti-social behaviour during the day and night and well into the early hours of the morning with over 40 vehicle registrations already given to the police.

OK

Proof of Evidence part 2 . 4th June 05 .

Dear Mr Taylor

I wish to include the following into my evidence as nearly a year has passed since it was submitted.

Unfortunately I would like to be able to say things were better, but this is not the case and fear, intimidation and despair continue to enter my life daily, through incidents that happen to me and my family, but also my friends and neighbours.

I know I am only ~~suppose~~ to list events that happen to myself and my family but when incidents happen to friends and neighbours it still has an effect on our lives as it is upsetting and unweaving.

On a regular basis four to seven times a week, travellers park outside my home at night and in the night and can stay there for anything from five minutes to two hours. Although nothing has happened other than full beam headlights and loud music + beer having animals outside you feel very vulnerable, if you ask them to leave you receive abuse and more beeping, you scared to go to sleep just in case something does happen it's all unweaving; especially if you have had an encounter that day, or the appeals have finished & it's in the ~~news~~ because you have given evidence.

As a family I think have now experienced all so stressed Mr

health problems, which the doctor advises are stress related.

With the size of the site still being developed and more and more applications for planning permission being received (respectively) for us to comment on, the whole situation feels out of control and totally immoral.

Please keep our site at 38 plots this is already more than twice the recommended size for travellers.

Only ^{settled} fourteen families live at the fer, please protect us, and livelihoods at Smithy fer, that rely on people not being too scared to come down here, Re-size of site and traveller behaviour.

Chron. Continues attached.

Date

8 Feb 04: Husband went to tell Speeding travellers to Slow down,
 Blue Passat nearly mowed him over. Police Inc No 3138/2.

21 Feb 04 Returning to my vehicle at local Market heard some Show
 Irish accent as I looked at the van and number plate
 02-3C-11820 white I recognized it from the site on
 the fer, The driver saw me looking and swerved the
 vehicle at me I had to jump out of the way and
 he was laughing with the passengers it shook me up.

March and April More racing up and down porches, Merc, BMW, Vaux
 Land music days night Incident S30 28/5.

15 th May 04.	Blue Transit H703MF?	Racing up & down
	Vauxhall Omega Green T108LOM.	Land music.
16 th May 04	AS above both vehicles	~ ~ as above.

28 th May 04	Pen Green Sm car EK 52UP.	No response.
	Silver Satra H52? Silver Satra.	Incident S30/28/5.

28 th May 04.	Dumped Rubbish	Rang Council Ref 44714 + 44624.	No Response
--------------------------	----------------	---------------------------------	-------------

30th May 04. Helicopter at site 10.20pm 5 minutes.

June 04. Odd racing on bank not on usual Seale.

17th July 04. Burg. Transit O3-44401 Racing up & down.

19th July 04. Pale Blue Sporty Car. NK 02222 18.45 ~ ~

Aug 04. Odd Racing up & down.

- 17th Sept 04 Police Helicopter over site 15.29
 - 22nd Sep 04. Black Passat T408 TBU. Racing 1.30-2.00pm + 14.35pm.
 - 26th Sep 04. Silver Range S/waggaw. X451 HGF 8.12pm. Racing loud ^{noise}
 - 3rd Oct 04. Police Helicopter 10 o'clock pm (lots of racing)
 - 6th Oct 04. Silver Range Rover 2-72-10 17.39pm. ~ ~
 - 17th Oct 04 Silver saloon AV 04 ENN 3.15am ~ ~
 - 31st Oct 04 03-LK 926 + 03-LK 279 Red + Silver TRANSITS up + down ~ ~
 - 24th Nov 04 Y676 02: large Bk Saloon 1am to 1-30 ~ ~
 - 1st Dec 04 03C 933 Red transit 1pm up down racing
FLS170m car 7.19 ~ ~
- BDS3 WMX Silver car 4.05pm Staring "intimidating
AF 04 2JB Navy 4x4 3.42pm } all racing up + down
BDS3 PLX 3.18pm. } Beeping

Note date above end of last appeals preview.

- 2nd Dec 04. EX 04 EXD JAGUAR 10.16 Racing up + down
- 9th Jan 04. LD 04 F Silver car type 6.13pm. ~ ~
- PI 32 TAG car 8.23pm. ~ ~
- AJS 4 XZU Navy people carrier 2.06pm ~ ~

- 17th Jan 05 Police Helicopter over site 2.30am.
- 20th Jan 05. Road Block entering for Police dogs 16 police Transporter.
5pm.

- 21st Jan 05. FDS3 AW F Silver car type 1.07pm young child driving ¹²⁻¹⁴
- 23rd Jan 05. 11 o'clock pm Helicopter over site: 11.30 Blue van Irish plates
driving dangerously.

- 2nd Feb 05. LK 05164 Blue Transit 2/2 Inc 659
- 5th Feb 05 05-KK-846 ~ ~ 8.23pm. Racing up/down
- 05-C 384 Red Transit 8.23 racing up/down

- 18th Feb 05. DeB S34 MJL Car 9.23pm. Dark Cabw Racing
- 20th Feb 05 X752 NKL Silver car 9.05pm.
- 20th March 05 BT04 PPU Silver people Car. Staring
- 26th March 05 3 Traveller girls large Terrier Terrier type dog in my garden being abusive when told to get out wouldn't pick dog up or put it on a lead 5pm.
- 28th March 05 OS-UK-493 Am + Pm White low top Transit Van. Racing up
- 30th March 05 OS C-3384 Red Transit on + off all day + Eve
- 31st March 05 AF02 Green/Silver 4x4 parked outside loud music + Neighbour Paul Smith + Tractor started police called.
- 1st April 05 OS-C-3384 Red Transit
K387 GVT Gold Cabw
OS UK 493 White low top Van. 7pm - 11.19 + in the night
OS UK --- Silver Van Police incident S46. 2/4
No response!
- 2nd April 05. OS-C 3384 Red Transit Racing up + down again + Incident with Tractor + Neighbour's Horse.
+ 2 police cars Police helicopter not related to above!
- 3rd April 05. @ 3.30am beeping for 10 minutes as raced up + down
Couldn't get number light out on reg.
- 5th April 05. OSC 3384 Red Transit. 10.30am 2-3 youngsters ^{74 yrs}
- 10th April 05 BT04 UVB Red Transit 16.15 to 16.50 ^{music beeping} Racing up/down
- 16th April 05 Silver Grey Transit 2100056. Racing up + down
day + night neighbour Paul Smith called police did attend

- 17th April 05 Con. friend visiting were driven at when leaving fen by white van - Irish plates
Bad day on the fen.
- 18th April 05. E004 m77 Yodock Navy people carrier driver Intimidate Red TRANSIT OS C 801 19.57 - 21.00. + Yellow Car
Beeping racing ect ect.
- 19th April 05 Drugs found outside house on the verge in packet!
- 20th April 05 L004 FRA Silver VW 8am. Racing + loud music
- 28th April 05 Blue Transit O3Rn405 ~ ~ ~
- 29th April 05 Blue Transit O3Rn405. on + off all day - early eve.
Blue People carrier AJS + XZU. 19.15 - 19.35. 2 Blonde Girls
- 30th April 05 OS-C-3384 Red TRANSIT. 3.15 pm up + down ^{Racing Speed}
W418LEL Silver Carlton Type.
- 1st May 05. L554 WAV Blue TRANSIT Driver in 30's! ^{Racing up + down Low} 8.07 - 8.15 _{am} ^{music}
- 3rd May 05 O3-C-801 Bug TRANSIT. 11am Intimidating
- 4th May 05 OS-LK-1222 Blue TRANSIT 19.51 - 20.00pm Racing + music low
- 5th May 05 5 police cars on the fen in orgo! Pick up lorry onto Site ^{take corner}
- 9th May 05. BJ04 EW4 Navy TRANSIT. White Volvo-type Car Racing up + down
- 11th May 05 OS-LK-1751 ^{7.15} Silver TRANSIT 5.56pm - 6.37pm ~ ~ ~
- 5th June 05 11 Octalish Police car + Helicopter all over place and on site

This may seem a lot of incidents but there are lots more not listed as they have happened when I haven't had pen + paper

DAGM



June 2005

Dear Mr Ballantync

RE PINE VIEW TRAVELLERS SITE, SMITHY FEN

Ref A: Your letter dated 26 May 2005

1. I am concerned that you are being very selective as to who you have sent the above letter to. Do the people of Cottenham not deserve a say?
2. As a Cottenham resident I must object to the fact that you do not appear to be complying with the Directive of the ODPM. You (the council) have spent much of your time telling us (the residents of Cottenham) that you needed direction from the ODPM! Now you have it you are still prevaricating. We have also been told on many occasions, including being mentioned on the TV that you have a £450,000.00 fund to cover any evictions. We do not expect you to move them on the 12 June but we do expect you to move them! After all they have had three months notice to move. They are breaking the law. When we threatened to withhold our council tax we certainly weren't given 3 months grace but there again up until then we were law abiding tax paying residents of this country. You obviously find it more difficult to take action against travellers than to take action against us.
3. Travellers, according to the Oxford Concise Dictionary are "A person who travels or is travelling". Residents, "A permanent inhabitant, not a visitor". If these people are not travelling they must be residents and bound by the same laws as us, they cannot have it both ways!

This is my view of how I see things:

- a. If they are travellers they should travel and not use our liberal laws against us to occupy land illegally. Cottenham has had a traveller's site for many years without too many problems. It is only the last couple of years since the "ethnic Irish minority" moved in en-block that the trouble has arisen. I understand we can do nothing about the legal plots but even the gypsy council agree that the legal plots constitute a site that is too large.
- b. I understand the schools, doctors and dentists are all full which means anyone now moving to Cottenham who is a law abiding tax paying resident will have to go out of the area to get their children in schools and medical treatment, surely this cannot be right!
- c. Some of the travellers who have been here two years are still driving around with Irish number plates on their vehicles, can I ask how they do this as I would like to save over £100 per year. I see they do not have to abide by the law as they do not

use seat belts and pack in as many people as they can in the front of their vehicles, children included, usually with the children stood up leaning on the dashboards. This really shows their children mean a great deal to them, or so they would have us believe.

4. Just as a matter of curiosity, can you tell me where the nearest site of travellers is to the council member's homes? In their village? Their town? Or perhaps they say not in my back yard thank you very much!

~~Yours sincerely~~

A handwritten signature consisting of a few simple, connected strokes, possibly representing the letters 'S' and 'A'.



Hi

Yes, I am quite happy for my opinions to be read out loud.

Re - SMITHY FEN

1) I do not think that there are any need of travellers to be taken into account but I do most strongly think that you should begin to consider the legally settled tax paying residents not only who live close to Smithy Fen but those people whose lives have been changed so dramatically during the last 2 1/2 years. Simon Motwosh has told me of his visits to Smithy Fen and his personal talks with travellers - how many people in the village has he afforded this chance to express fears etc etc.

2) No, there are no needs for Travellers to be in or near Cottenham they will be granted the same conditions etc wherever they go in the country.

It is inappropriate for them to stay here because the law of this country has told them to go.

to go.

2/

we spent lots of money - time etc to get Prescotts office to wake up and make a judgement on this issue, now he has. it would be criminal not to enforce it.

3) Please take into account that you are in office to carry out the laws of the land - had John Prescott found in favour of travellers I am quite certain you would have used that fact many times against our arguments. If these people have to leave they will find other sites with plenty of spaces in other counties - they just need to find one where the council is ~~as~~ as LAX as SDC has been.

Also please note that you and the local police are responsible for any racism that has arisen by favouring in travellers favour time and time again - and of course the police never charge them with anything. Your performance has created the horrible atmosphere in Cottenham.

In Cottenham in the last week there have been at least 16 instances of motoring / parking / obstruction offences but not one charge or ticket issued.

Yours



Cambridgeshire
County Council

My ref: mw/jh
Your ref:

Date: 8 June 2005

Contact: Margaret Wood
Direct dial: 8700
E Mail: Margaret.Wood@cambridgeshire.gov.uk

Office of Children and Young People's Services
Deputy Chief Executive, Gordon Jeyes

John Ballantyne
Chief Executive
South Cambridgeshire District
Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB3 6EA

Cambridgeshire Race Equality and Diversity Service
Team for Traveller Education

Box No: ELH 1605
CPDC
Foster Road
Trumpington
Cambridge
CB2 2NL



Tel: 01223 508700
Fax: 01223 506013

Dear Mr Ballantyne

Pine View Travellers Site, Smithy Fen, Cottenham

I am writing in response to your letter of 26 May sent to Jenny Loaker and Kate D'Arcy, who are two of my team colleagues in Cambridgeshire Race Equality and Diversity Service Team for Traveller Education.

The Travellers at Pine View, along with other families living on Smithy Fen, have had their children enrolled at local schools for some time now. The children are settled in education, making progress and there is no doubt that their education would be disrupted if they were to move out of the area.

The Cambridgeshire Team for Traveller Education have been supporting the local schools and the Traveller pupils and their families in order to promote as continuous an education as possible.

We are also a partner in a Local Public Service Agreement (LPSA), along with City & South Cambs PCTs, SCDC and others, which is intended to improve public services. Our target is to improve the educational achievement of Irish Traveller children throughout the county, many of whom live on Smithy Fen and indeed some on Pine View. The agreed public service targets involve the Traveller pupils achieving higher than expected rates in numeracy and literacy. There has already been tremendous commitment shown by the local schools, the Traveller families and the Traveller Education Team as well as partners in the health service, the Care and Education Partnership, pre-school providers, the voluntary sector and the Libraries Service, to enable these children to benefit fully from the educational opportunities and support available locally.

There has also been some considerable progress in enrolling some of the secondary age children from Smithy Fen at Cottenham Village College. Within the LPSA the children will be major contributors in meeting the public service targets, but most importantly by achieving at these levels, they will ultimately benefit their own community and the wider community in South Cambridgeshire.

I am happy for these views to be made public.

Yours sincerely,

Margaret Wood

Margaret Wood, Team Manager
Traveller Education



Cambridge City and South Cambridgeshire
Primary Care Trusts

Our ref: SS/CM/TB
Your ref:

Please reply to
Heron Court
Ida Darwin
Fulbourn
Cambridge
CB1 5EE

Mr John Ballantyne
Chief Executive
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB3 6EA

Switchboard: 01223 884008
Direct Tel: 01223 885718
Fax: 01223 885728

Email: sally.standley@southcambs-pct.nhs.uk
Website: www.camcity-pct.nhs.uk



08 June 2005

Dear Mr Ballantyne

I am writing in response to your letter of 26th May 2005 regarding the Pine View Travellers Site, Smithy Fen, Cottenham and the pending expiry date of 11th June. Thank you for giving us the opportunity to comment on this issue.

The PCT will continue to meet its duty to provide and commission health services for the population of Cottenham and South Cambridgeshire, regardless of the decisions made relating to Traveller sites.

However, as you are no doubt aware, as part of the Local Strategic Partnership, the PCT is signed up to the Local Public Service Agreement targets. This includes targets relating to improving the educational achievement of Irish Traveller children and young people in the county. Moreover the Traveller population generally suffers from poor health; our efforts to improve the health of this community can be hampered by a lack of continuity of care. We would therefore support any efforts that would enable this important work to continue.

Yours sincerely

Sally Standley
Chief Executive





7th June 2005

re: Pineview Travellers Site, Swithney Fen, Cottenham.

Dear Mr. Ballantyne,

Thank you for your letter dated 26th May 2005.

I am not given to whinging or complaining but I can say categorically that I am not happy with this letter. In the 1st instance, whoever sent this letter (in your name) did not even give me the courtesy of a name. Surely when you are at SCDC given so much time, it appears, to help the needs of the travellers, I and my family could be given enough consideration for someone bothering to write "rather than Dear _____"

I could write a lengthy missive with regards to the situation here on this fen; but, surely if you bothered to read the files on the appeal sites the information is already with you in black and white. I have enclosed a copy of the statement that my husband gave, in person at the last appeal. Perhaps you could read it? Nothing here has changed except we have another appeal pending for yet more travellers, will it ever end, not unless you do something

My opinion is as follows: -

It is not the job of the residents to sort out the travellers, it is the responsibility of the District Council and by writing a letter like this you are trying to shift the blame for any decisions to the public. How many people who are affected by the travellers received this letter? Indeed nor even all those living in the fen itself?

The law, is the law. The travellers have no planning permission and have been through the legal system, and a lengthy appeal. John Prescott, has made a decision based on our Human Rights in clearly states that those people on Pineview have no proven need to be in Cottenham, or even in Cambridgeshire. So why would you not evict them? Why are you even debating this?

This letter serves not your council well at all, not in the way it has been sent out, worded, its content, nor what it is trying to do.

I can only hope and trust that eventually SCOC will do what is right!

Yours faithfully,

Dear Sir,

By allowing any part of the appeal site to remain in situ, you will be putting the whole of "Bullocks Haste Common" (150 acres of arable land) at risk from flooding.

I offer the following objections to the appeals:

1. Drainage.

The Common drains south through a main pipe which runs beneath the middle of the appeals site and under several different plots (approx 17). This pipe is now under hundreds of tonnes of rubble and hardcore etc; should it become fractured, blocked or broken it would be virtually impossible to find and/or repair it.

The Old West Internal Drainage Board have informed me that this drain is not its responsibility but is the responsibility of those under whose land the pipe runs. If appeal is granted it is essential that the full names of the owners are made together with any alternative 'home' addresses.

2. Abuse of Land.

The owners of the plots at the north east end of the appeal site have filled in the drainage ditch and made an earth bank above it. The boundary of one of my fields is some 8 feet the site side of the hedge, this is now under some 8-10 ft. of earth. Whatever the appeals outcome I must ask that you order that the bank be removed and the ditch reinstated.

3. Safety and Welfare.

As a small family farm of just over 110 hectares we have been encouraged by government to diversify. This we did some 5-6 years ago. We set-up a plant/shrub nursery and also sell our own potatoes as 'Farm Gate Sales'. The business increased year on year until last spring (2003) when a number of our customers experienced difficulties coming into/going out of the Fen. Such difficulties took the form of being blocked-in by vans or cars, with some travellers offering verbal abuse to them when refusing, having been asked, to move/pull over.

The affect of this became most apparent last winter (2003-2004) when we were selling potatoes at £3.50 per bag (the cheapest in the area) and we were lucky to sell ½ tonne per week whereas in previous years it had been 3-4 tonnes per week. Customers, to whom we have spoken, have admitted that they are now afraid to drive into Smith Fen for fear of what they may encounter from the travellers.

This spring (2004) our sales from shrubs and plants have dropped to approx £50 per week compared to earlier years of sales between £200-£400 per week. This cannot be allowed to go on. I (the family) have invested £200,000 in this farm over the past 8 years!

Since the massive and unauthorised increase in the site, courtesy of the new Irish Travellers, the running of our business has become extremely difficult. Problems occur almost daily and include:

1. our field adjacent to the site on its north east boundary having been burned out
2. the gates to our grass field (livestock) on Setchell drove being burned
3. vast amounts of rubbish - including chairs, sofas, household waste - having been dumped in our field gateways and roadside drainage ditches
4. children jumping from the droves onto the back of my farm machinery
5. children throwing stones at me/my tractor whilst passing the site
6. joy riders, on off-road motor cycles, biking through my crops.

As a family, and over the past 18 months, we have found ourselves increasingly bickering, more argumentative, short tempered and generally at odds with one another. The quality of our lives has changed: we fear for the safety of one another if on the Fen unaccompanied, we are drained, constantly tired. The sleepless nights are now to numerous even to estimate, the result of travellers in vans and/or cars either racing up and down, or simply cruising with music blaring and car horns blasting, or arguing and shouting ... the disruption in whatever form is carried into the early hours of the morning without any regard for the welfare of those living on the Fen.

It is now necessary to have one member of the household at the house/farm 24 hours a day. We can no longer go out together as a family unit.

4. Conclusion.

Smithy Fen has, in my opinion, become a blighted area with houses, buildings and land well below true value. If further expansion of the traveller site is allowed this Fen will become even more blighted, property will become unsaleable.

I ask you to consider the Health, Welfare and Safety, and Human Rights of the residents of Smithy Fen and those of North Cottenham. Free us from the hassle and abuse that we are forced to endure, reject the current appeals, close the site to further expansion. Alternatively find us new homes new lands that will support a return to the peaceful, uninterrupted, way of life that is our right!

Sent: 10 June 2005 21:49
To: cllr.ballantyne@scambs.gov.uk
Cc: Deborah Roberts; mikemason
Subject: Response to your letter re Pine View deadline - 11th June

Dear Councillor Ballantyne

My apologies for sending this in so late, but it will technically be within the deadline. Further, my apologies for length and repetition, I have been busy appealing the enforcement notice as well as other things, and haven't given this enough time to tidy it up. So here it is.

First I would comment that while welcoming an attempt to consult with people as to our opinions regarding removal of the travellers from Pine View I am a little suprised at the way this has come to us, and I have reservations as to why it has been sent.

This is because the Inspector reported at length after the 8 day public enquiry on this site, and made his decision about the needs of the travellers and the needs of the residents. The very first thing I would ask you to do is to read his report, not just the summary but the whole report. I would also ask that you make sure you read the submission from the Residents' Association, as well perhaps as my own, tho mine is harder to read and concerns more difficult issues at times.

I also would like to point out that despite many attempts to work with the Residents' Association over the last year, they have consistently kept me out and not involved me either in helping to put their evidence together or in policy making or in information gathering, and this for no good reason, but the impact of this is that while they get to go to meetings such as the one you had with the CRE and the Ormiston Trust and the travellers and the Vicar, I do not, yet I am - unfortunately - an integral part of this problem and need to have the same information and contact with travellers as everyone else. There are at least two other important families on the Fen who are in a similar position to me.

I am concerned that this exercise is more of a public relations job, tho I trust that it is not. As I say, the Inspector and John Prescott made it clear that these particular travellers do not have a specific need to be on Smithey Fen, near Cambridge, or indeed in Cambridgeshire. They are highly mobile, and their total breaking of the law in the manner both of their arrival here and behaviour while initially on the site, as well as being the probable destroyers of my 300 fruit trees, does not endear me or anyone with an ounce of fairness in their bones towards them nor does it incline us in any way at all to give them leeway. They have had two years of illegal leeway.

Add to this that this is the second biggest site in England; that the residents of Smithey Fen and Cottenham in 1987 signed two petitions asking to keep the site to 12 pitches - about right for the resident population of this Fen - but year after year the Council let things become worse and worse for us residents, sometimes on appeal but often not, and often through dismal failure to enforce planning law - the same planning law this council now wishes to enforce against me, by the way.

Cottenham does not need to carry the burden of these travellers any longer and those of us living on the Fen - I have recently been camping in my cottage that I left at one point because I felt too vulnerable - get daily and weekly intimidation and harassment. This is not an exaggeration.

So our need is for this site to be reduced to its original legal size, a size that is now in dispute because subdivision of plots that was not foreseen apparently by the council have allowed several more pitches (over 10 I believe) to come into being on the authorised land to the eastern end of the site. That is another battle to be sorted, but at least, at the very least, we need no more than the original authorised area, which until recently was occupied by 38 pitches.

There is a fundamental need that is not being achieved by tinkering and it is this; we need that the travelling community be fairly treated and fairly settled. That is not, I hope, in dispute. I know from a very reliable source indeed that the levels of alcoholism and domestic abuse are high among the travellers on Smithy Fen, and none of us wants that to continue, certainly I do not. But from saying ' these people have miserable lives ' to saying ' these people must be allowed to break planning law, take over someone else's land and defend themselves with violence, be party to the massive littering of the fen droves, to violent attacks on a resident taking people out for rides as is her business, to damage to residents property on a regular basis, to keeping vulnerable and elderly residents under strain from deliberately creating noise and mayhem on the road outside, and so on and so on, there have been blockings in, I met couple who live at Smithey Fen farm and their children do not want to come to visit them now out of fear, even if that fear is not always matched by circumstance, nonetheless it is well-founded.

So we need them out NOW. Now, now now. Not next week, or next month, or next year. Two years of this is far too much, and people are suffering huge strain living with this issue, yet tend to cover it up because it is a little like the little boy who 'only does it to annoy because he knows it teases'. If you let the travellers know they are getting to you, they will intensify the pressure. On the whole. I can give you a whole personal account of how I have been subjected to what I would maintain is prosecutable under the Criminal Damage and PUBLIC ORDER ACT, on my own land. This year, in the pursuit of delivering legal notices to travellers of a hearing for a possession order.

But we need them out firmly and not with violence, unless they absolutely insist in creating it. I hate violence, I believe in non-violent action, I believe that you can more or less remove non-violent people without mayhem, but if anyone on either side is intent on provoking violence it may be difficult to avoid. I don't believe the bailiffs I have met would want to create violence, and mostly I have seen the travellers do their utmost to provoke you into violence, because they can then look innocently at you and say, SEE, I'm not violent, You are. I lost my temper once with a traveler who was actually denying me right of entry to my land, unfortunately. I won't do it again. He knew exactly what he was doing.

They are not all in his mould, thank heavens. But for people like him you need firm but thoroughly non-aggressive action, it is, I would suggest the only way.

We need a solution that will leave both sides feeling good, even if it comes with a lot of protest and disgruntlement on the way. We need a solution that respects the law, and redresses unfairness. I cannot redress the many years of abuse and vagabondism that some travellers and gypsies will have suffered, it's not in my power. I do not have to suffer their being on my land because someone else feels sorry for them. To let them get away with that is to invite abuse.

Giving the travellers things doesn't work, unless you want to give it to them. If it is a personal act of generosity, that is fine, but not giving someone else's time, freedom, land, peace and quiet etc. without their consent or willingness.

I believe you should take these people within a week or two, to get yourselves together, and put them over the border of Cambridgeshire and tell them not to come back, except to work the land should they want to accept it as agricultural land. Failing that I believe you should simply put them out of S. Cambs. because this district has too many travellers already.

I don't believe that they all come from the UK. At least one family has come recently from S. Ireland, and I believe that many more have done the same. The UK should not be putting up Eire's escapees. And S. Cambs in particular should not be leaving them in Smithey Fen.

We have the money set aside for an eviction, and I believe we should use it. Firmly, nicely but very very definitely.

They need somewhere to go, but wonder if they don't already have a very good idea of where to go. Apparently S. Cambs is known in Rathkeal as a soft Council. They came here of their own volition and broke all our laws and have been belligerent and have lied consistently. I like travellers, believe it or not. What I hate is having to have these arguments about them. I know how they tick, I would not mind their way of life without the violence and alcoholism of course. They have charm and a sense of humour. But go their way, because Smithey Fen and Cottenham must not have them any longer. Full stop.

What I believe could facilitate this process would be some kind of meeting ground between travellers and residents. I don't mean the Parish Council, because they don't live on the Fen or near it. I mean all the people who have been hurt over the years on and near the fen; and the travellers who have their own stories of hurt to tell. In a neutral place, with no agenda, no desire to achieve anything other than to hear each others' stories.

About my land, and the enforcement and so on:

As for my piece of land, first I began to take practical action geared towards court action before this enforcement notice came my way; second, it blames me, which I will never ever accept and is blatantly aimed at me; third, I went to court because having appealed it, I knew it was no longer effective, and thought that since the Council had imposed this without consulting with me, which it should have done, and I had appealed it, the travellers would need to know that there was some higher authority working on getting them out, so I went for the possession order. I have asked the council to withdraw this order, which came out of the blue and for no justifiable reason; they have not acceded. I have asked for a meeting with Mr. Taylor since the middle of January, both by letter and via a councillor, and got nowhere. I have asked that the Council use trespass legislation if it wishes to help this situation, and while Mr. Taylor has acknowledged that they could he has then insulted me by saying that I would only want them to do it again and again. I would be overjoyed if they would do it just once.

While the appeal continues on my Enforcement Notice, the notice is in abeyance. I have postponed action that would involve the Court bailiffs for various reasons:

- a) a total failure of the council to talk to me about this and discuss what is happening on the site and what could be happening; we are after all both dealing with illegal occupants of land
- b) the upcoming uncertainty over whether or not the council will evict from Pine View next week or thereafter, should eviction be needed. While you do not act as soon as your enforcement notice comes into force (tomorrow) I don't think you can ask me to do the same, do you?
- c) were I to evict while surrounded still by many unauthorised sites and people on them who can form gangs in no time flat and enjoy doing it, it would be a phenomenal waste of effort, for the long thin strip that is mine is far too easy to invade, even if I were to put up large fences and notices. They are nothing to determined travellers, nothing at all. It would be a sheer waste of money and I know whereof I speak. I do.

Finally I will not at this point rehearse the reasons why I feel that this Enforcement Notice is an insult to me. Most of Cambridgeshire does understand that, believe me. And people who have had long term experience of travellers on the fen know exactly what I mean. Over the years this Council has been party to the expansion of both legal and illegal sites on the Fen, and it has been with the density of travellers and the placing of legal plots on my boundary that my orchard became untenable. This is not my fault, and no-one in their right mind would say it was, because anyone who knows about travellers knows how difficult it is - once the site reaches a certain size - to stop them from expanding into neighbouring land whether it belongs to them or not.

There are good sites, very good sites. They belong to different kinds of travellers.

More on needs

Now I will come to another need of the residents: smallholdings like mine need to be away from travellers. We don't have the same resources that farmers have to physically defend our land; you can't move trees for a year and bring them back; you can't be there the whole time to protect the land. We need planning protection. At present it won't happen, as the law stands. But the law was not made for this situation.

On to what no doubt Mr. Macintosh may regard as something more constructive: travellers need intelligent help, not soft landings help. The Ormiston Trust sounds as if it is doing good work. But you need tough love, not gooey love. Find these people - the willing ones that is - sources of help for living their lives despite the conditions they are in. That will be more important than schools in a way, because many of them take their children out of schools very young. Still, any education that can be achieved will be helpful, but they are always going on about their children and their education and then they move on and take them out of school, and no it isn't always because they are being evicted.

I believe we need a contract of behaviour for the travellers who stay on the fen and the residents. I would like to draft - with others - a residents' contract, what our expectations are or would be, and some questions too for the travellers

I believe that we shall need a police station on the fen, personally. If we are ever to get good law and order. I was willing to lend the end piece of my land for that purpose, and still would be.

I apologise for the length of this but it is done in a hurry and with very little time for editing

Thank you for your attention

Joanna Gordon Clark
Ivy Cottage, Smtihey Fen, Cottenham Cambs. CB4 8PT

Cable Angela

From: McIntosh Simon
Sent: 13 June 2005 11:38
To: Cable Angela
Cc: Wetherfield Tim; Simmons Kirsty; Jones Gareth; Ballantyne John
Subject: FW: Re letter from John Ballantyne dated 26th May 2005



embedded_object.p
df

Angela,

Please register this as a response to the Pine View consultation. Can you also bring me a copy of the attached report.

thanks
simon

-----Original Message-----

From: Sherry Peck [mailto:sherry.peck@ormiston.org]
Sent: 09 June 2005 16:42
To: McIntosh Simon
Subject: Re letter from John Ballantyne dated 26th May 2005

Dear Simon

Could you forward the attached research which details the facts about the situation for Travellers in the Eastern Region and comments to John since I dont have his email address

Ormiston children and Families Trust considers the situation for children as being of paramount importance. We would hope that when the council considers its response to the situation at Smithy Fen it too considers the impact on the many children living there.

Regards

Sherry Peck
Ormiston Children & Families Trust
sherry.peck@ormiston.org
01480 496010
07866200503
<http://www.ormiston.org>



COTTENHAM VILLAGE COLLEGE

Mr J Ballantyne
Chief Executive
South Cambs District Council
South Cambs Hall
Cambourne Business Park
Cambourne
Cambridge CB3 6EA

9 June 2005
AJCooper/cd

Dear Mr Ballantyne

In response to your letter dated 26 May re: Pine View Travellers Site, Smithy Fen, Cottenham, I am writing to confirm that there are no educational issues which would indicate a need for travellers to remain in or around Cottenham.

The number of travellers on role from Smithy Fen is only seven out of a total of nearly 1,000 students. Their attendance rate is well below that of the majority of students at the College.

Yours sincerely

Tony Cooper
Headteacher



INVESTOR IN PEOPLE



SCHOOLS CURRICULUM AWARD

COTTENHAM PARISH COUNCIL

CLERK: Mrs J.M. Groves
44 Victory Way Cottenham Cambridge CB4 8TF
Tel 01954 202928 email Julie.groves@ntlworld.com

10th June 2005

Mr J Ballantyne
Chief Executive
SCDC
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB3 6EA



Dear Sir
Pine View Travellers Site, Smithy Fen, Cottenham

Cottenham Parish Council were very disappointed to receive your letter of the 26th May 2005 seeking their view on how to deal with the travellers currently occupying pitches 1-17 Pine View.

In March the ODPM dismissed the appeals on this site and as you have stated gave these travellers until the 11th June 2005 to leave this site. Cottenham Parish Council are dismayed that South Cambridgeshire District Council has waited until this period of compliance has ended before consulting ourselves when considering possible actions to ensure that these travellers leave.

Cottenham Parish Council presumed that during this three-month period South Cambridgeshire District Council would have been actively working towards a speedy conclusion to this matter. Whilst the Parish Council shares your view that eviction should be the last resort please note the enclosed statement from the Parish Council, where you can clearly see that they actively support eviction if no other action results in the travellers leaving these unauthorised plots.

To receive a letter from you asking for the Parish Councils views on such matters as the educational needs of traveller children and asking the Parish Council if they feel whether it is appropriate, or not, for the travellers concerned to stay in Cottenham is somewhat surprising. Cottenham Parish Council has always maintained the same stance in regard to recent planning applications for this site, that the number of authorised pitches is already too many and they do not support any further applications. Please refer to the evidence submitted by the Parish Council for the Pine View Appeal.

Please find enclosed Cottenham Parish Councils Statement of Case for the next set of Appeals due to begin on the 12th July 2005. This document clearly outlines the Parish Councils views on further developments at Smithy Fen.

The Parish Council, along with other local stakeholders, has consistently asked the District Council to take a pro-active role in dealing with this problem. The Parish Council finds it astonishing that

the latest recommendations to the Planning Committee are proposals that the Parish Council have been suggesting for months if not years.

Please feel free to share these points with all relevant parties.

Yours sincerely

Julie Groves.

Julie Groves
Clerk

Statement from Cottenham Parish Council

Direction Action at Smithy Fen

Cottenham Parish Council (CPC) wishes to clarify it's position on the prospect of evictions at Smithy Fen.

CPC supports the eviction of travellers on land without planning permission where the appeal has been dismissed. We believe that this is also the wish of the majority of residents of the parish of Cottenham.

We would hope that a negotiated withdrawal from the unauthorised pitches could be achieved, with all parties using the next 3 months for identify a more suitable piece of land. However eviction should be the final sanction and also the last resort.

As previously stated we believe that Government needs to change the planning system for travellers and gypsies. The Government needs to force planning authorities to provide sites for travellers. It also needs to increase the level of control planning authorities have.

Cottenham Parish Council

12th April 2005

Statement of Case
Cottenham Parish Council

Planning and Enforcement appeals concerning land at Smithy Fen, Cottenham

Appeals by:

Mr and Mrs McCarthy

Bridget Gemmill, Ann Sheridan, Elizabeth Sheridan and Kathleen Sheridan

Margaret Quilligan

Michael Hegarty

- (1) Cottenham Parish Council will recognise that there is a national and local need for gypsy sites but will show that the expansion of existing individual sites at Smithy Fen is not of benefit to either the travelling or settled community and that this is because there is a significant impact on a wide range of amenities of the local residents and adjoining land use and unacceptable highway access problems.

- (2) The Parish Council will demonstrate that allowing the appeals would fatally undermine the probability of creating a successful mixed and inclusive community of settled and traveler residents in Cottenham contrary to PPG3.

- (3) It will show that such development is contrary to Policy HG23 of the South Cambridgeshire Local Plan:
 - Criterion 2 - 'The site would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided'; and/or,

- Criterion 5 - 'The use of the site would not give rise to unacceptable parking, highway access or service provision problems'; and/or
 - Criterion 9 – 'The use would not detract from convenient, safe and enjoyable use of a public right of way'
- (4) The Parish Council will demonstrate that allowing the appeals will have a significant adverse impact on the amenities of local residents. For example it will demonstrate that an intensified use of the land gives rise to an increased number of incidents reported to the police and a consequent fear of crime and anti-social behaviour.
- (5) Further, the Parish Council will contend that allowing the appeals would have a significant adverse effect on major services in Cottenham. For example the Parish Council will demonstrate that:
- a. Across the whole age range of educational provision in Cottenham all of the educational establishments are practically full to capacity. All predict that any additional development within the village would cause severe problems and contend that unexpected demands, both peaks and troughs, are very difficult to manage within the educational environment.
 - b. The General Practitioner surgeries experience difficulties in administering to a large and changing population.

- (6) The Parish Council will demonstrate that there is already a concentration of sites at Smithy Fen and that it is just too big.
- (7) Further or alternatively it will demonstrate that allowing the appeals will create a concentration of sites at Smithy Fen.
- (8) It will demonstrate that the existing concentration of individual sites at the Smithy Fen site and the potential for further concentration in the future is the major concern of the Parish Council and residents of Cottenham.
- (9) It will demonstrate that allowing the appeals will increase the potential for dramatic, unplanned, detrimental and unsustainable population swings at Smithy Fen due to the Traveller lifestyle.
- (10) Further, it will contend that the issue of concentration of sites in criterion 2 should be considered in relation to the main village of Cottenham - between 2-4km in distance from the appeal sites – and in relation to the settled community on Smithy Fen.
- (11) The Parish Council will demonstrate that the local highway network has deficiencies in that the roads close to the sites are too narrow, there is no provision for pedestrians or cyclists, there is insufficient forward visibility on Smithy Fen Bridge and Lockspit Hall Drove and Setchell Drove is of very poor construction.
- (12) The Parish Council will contend that the personal circumstance of the appellants is not sufficient to justify allowing the appeal.

- (13) The Parish Council will contend that imposing conditions if sites receive consent is a problematic approach, as the conditions need to be enforceable. It is contended that conditions are unenforceable in the first instance, if only due in part to the resource implications on the local planning authority in monitoring any site in perpetuity.

Cottenham Parish Council

May 2005

13th June 2005

Dear Mr Ballantyne

Re: Pine View Travellers Site, Smithy Fen, Cottenham

Further to your letter dated 26 May in connection with the above seeking our views on what action the Council should consider taking and in particular consideration of needs of the travellers and also needs of the settled community.

We are aware that authorised traveller sites have been existence on the fen for many years, however we are primarily concerned about the un-authorised developments that have taken place since February 2003 and which are a fundamental breach of planning legislation and are in fact illegal developments.

We believe that there are a number of factors concerning the needs of travellers and the settled community that must be taken into consideration:

Impact on the settled community

- The increased number of travellers, since the first influx in February 2003, has resulted in some of the worst anti-social behaviour that we as residents of Smithy Fen, who have lived here for over 10 years, have ever seen. This anti social behaviour has impacted on us as a family.
- We are concerned about the impact of the additional volume of traffic on the fen, which is primarily served by a single-track road. Entrance to the fen is via a small bridge and the significant increase in volume of traffic is causing problems. We have experienced many near mishaps on this bridge as vehicles driven by travellers are often at great speed with scant regard given to safety.
- A direct result of increased travellers on the fen has resulted in a higher incidence of speeding vehicles often driven by individuals who appear to be significantly below the legal age limit
- A further detrimental impact to life on the fen has been the significant increase in the amount of litter and fly tipping that is spoiling the environment.
- The travellers are still running businesses from these plots with large European container lorries delivering a supply of sofas and other furniture.
- The size of the site has a direct impact on local services such as schools, doctors and dentists unable to cope with the increased unplanned demand for services.
- The site looks unsightly and is sprawling across the open countryside. At night the site looks more like Blackpool with bright street lighting, which is not at all in keeping with the fen environment.

Whilst we appreciate that in recent months the behaviour by some of the travellers appears to have become more controlled and we have not experienced such severe anti-social behaviour, this really does depend on which individuals are on the site at any given time. As a family we have come to easily recognise when the "trouble makers" are back on site and primarily it is for this reason that

we are against any further development. No authority is able to police this situation, the elder travellers themselves are unable to control the younger travellers, and we have little satisfaction from the Police who consistently fail to respond or take appropriate action against individuals.

The increased numbers of travellers only causes more problems, we would prefer that the site remain with the authorised plots as at December 2002 with no increases in numbers.

Traveller needs:

- We feel that there is a shortage of approved traveller sites across the district and indeed across the whole of the UK. All Local Authorities, not just SCDC, need to identify suitable land for development of approved traveller sites and it is this increasing failure to identify land for either private ownership or to operate Council maintained sites that has led to the aggravated situation as at Smithy Fen and other unauthorised sites across the UK.
- Travellers obviously need access to services such as health provision and education for their children and we would not wish to see any traveller deprived of these important facilities, however these services are available in every County and this is not reason enough alone to justify the expansion of numbers at Smithy Fen.
- Travellers themselves do not welcome living on large sites and we are surprised that given many recent reports that such a large site as could potentially be developed on the fen would be considered.
- The Council should explore opening closed traveller sites in the region or develop new sites in liaison with neighbouring local authorities that are failing in their duty to provide sufficient traveller sites.

We are not aware of any particular need for the travellers currently on the unauthorised plots to remain at this site. We agree with the findings of the ODPM report that there is no evidence to say that these particular travellers have to stay at Smithy Fen, their business, hawking furniture, can be carried out anywhere in the country. Whilst some of the travellers claim to have family on the fen this is not reason enough to justify them remaining. If for example a resident in the settled community wanted to apply to develop a property for their immediate family on their land they would have to apply under current planning legislation and abide by any decisions made by the local authority. Why should this be any different for a member of the travelling community? It would appear that there is direct discrimination against people in the settled community who abide by planning legislation and those in the traveller community who do not and who by their very actions undertaking unauthorised development cause significant financial costs to the local council tax payer and local authority. We are well aware that there is a severe shortage of affordable housing for people and many individuals are unable to own a home of their own but they don't go around developing sites with impunity.

We support action to be taken to remove the illegal developments at Smithy Fen and if this results in eviction of the unauthorised travellers then we are in agreement to this course of action. We are disappointed with the Council's proposal to take injunctive action as this will only delay the process and in the meantime the travellers will remain on site and increase in numbers. We would respectfully ask that the officers of the Council are more diligent in ensuring that where possible enforcement

notices are served at the earliest opportunity, stop notices are served on all unauthorised developments, further licenses are not issued to plots on the site unless they are for authorised sites, the council monitors the site on a regular scheduled basis for fly tipping and unauthorised trading in particular carrying out the business of selling furniture and using plots to store furniture on ceases.

Yours sincerely

My Ref: 05.06.14gordonlister.ec.doc
 Your Ref:
 Date: 14th June 2005
 Please ask for: Ian Stewart
 Direct Dial No: 01223 717090
 Fax No: 01223 717096
 Switchboard: 01223 717111
 E-mail: ian.stewart@cambridgeshire.gov.uk



Cambridgeshire
County Council

John Ballantyne Esq
 Chief Executive
 South Cambridgeshire District Council
 Cambourne Business Park
 Cambourne
 Cambridge CB3 6EA

Box RES 1109
 Shire Hall
 Castle Hill
 Cambridge
 CB3 0AP

Chief Executive's Office

Dear John,

Pine View, Smithy Fen Travellers' Site, Cottenham

Thank you for your letter dated 26 May 2005 addressed to Jessica Miller. I am grateful for the opportunity to offer views on action your Council may take should Pine View not be vacated in compliance with the enforcement notice and the ODPM decision.

You have asked for comments on three points and I will deal with them in turn:

1. *Are there any factors concerning the needs of the Travellers or the needs of settled residents which we think should be considered in the decision on action at this site?*

It is encouraging to hear that you are negotiating with the Travellers affected by the enforcement notice to assist them to comply with it. The complexity of the issues and difficulties your Council is currently seeking to address are understood and appreciated. The negotiation of a solution will benefit both the settled community and the Travellers and help to reduce the risk of continuing conflict. It is hoped that this approach proves to be successful.


2. *Are you aware of any issues which would indicate a need for the Travellers to remain in or around Cottenham. Or any issues which you feel would indicate that remaining in Cottenham is appropriate?*

As you will be aware the Council has had no direct contact with the travellers affected by the enforcement proceedings. However, a number of children from Smithy Fen attend local schools. You will no doubt be considering the social welfare and health impacts of any proposed action in the same way as you would for any unauthorised encampment and will consider this along with other factors before making any decisions. We are not aware of any other issues of this kind that you should be taking account of in making your decision.

3. *Are there any other points, relevant to the situation at Pine View which you would wish us to take into account?*

If you are successful and achieve your objective of removing Travellers subject to enforcement proceedings from Pine View it may result in generating greater anxiety in the settled community elsewhere who may believe that encampments may occur near to them as a result. I am sure your open approach to communication will enable some of this anxiety to be addressed. However, any action will generate demands on limited staff resources because of heightened sensitivities and concern and I would hope that the channels of communication between our organisations will be used to the full to ensure all are aware of issues as they develop.

I hope my comments are of help to you. Please let me know if I can be of further assistance.

Yours sincerely


Ian J Stewart
Chief Executive

This page is intentionally left blank

**SUPPLEMENTAL REPORT TO DEVELOPMENT AND CONSERVATION CONTROL
COMMITTEE**

6 JULY 2005

Append plan, enforcement notices, Inspector's report (copies to be made available to Members), decision letter.

1. Government guidance on enforcement

In making a decision on the exercise of enforcement powers, Members should consider relevant Government guidance on the use of enforcement. A summary of the guidance is detailed below.

PPG 18 – guidance on enforcing planning control

In this general guidance on planning enforcement, local authorities are reminded that the decisive issue is whether the breach of planning control would unacceptably affect public amenity or the existing use of land meriting protection of the public interest. Local authorities are also reminded that enforcement actions should always be commensurate with the breach of planning control to which it relates.

Circular 1/94 – guidance on planning and gypsy caravan sites

It is provided at paragraph 27 that local planning authorities "*have a range of enforcement powers available to them where the breach of planning control is sufficiently serious to justify taking action*".

Local Authorities are also reminded of their obligations under other legislation, and in particular to take account of the effects of any action on the education of children already enrolled in school, and any housing requirements.

Circular 1/94 is currently under review and the new circular "Planning for Gypsy and Traveller Sites" was published for consultation in December 2004. It is understood that the First Secretary has not completed his consideration of the consultation exercise. As such little weight can be afforded to the emerging guidance. However, para. 54 of the Consultation Draft should be noted:

"54. The provisions of the European Convention on Human Rights should be considered as an integral part of local authorities' decision-making - including its approach to the question of what are material considerations. Local planning authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned, both Gypsies and Travellers and local residents, and whether it is necessary and proportionate in the circumstances. Before considering the question of proportionality, authorities are reminded that it is also necessary to establish that the chosen remedy is the one which causes least interference with the rights in question, in order to serve an overriding public interest. Any facts that may be relevant should be established and considered before determining planning applications. Gypsies and Travellers should co-operate by responding to requests for relevant information..."

Circular 18/94 – guidance on gypsy sites policy and unauthorised camping

Although this Circular is primarily directed at the unlawful occupation of sites belonging to others and to the provisions of the Criminal Justice & Public Order Act 1994, it is relevant to note that local authorities are reminded not to use their power to evict gypsies needlessly and they should use their powers in a *“humane and compassionate way, taking into account the rights and needs of the Gypsies concerned, the owners of the land in question, and the wider community whose lives may be affected by the situation”* (paragraph 9).

When deciding to evict, local authorities are reminded that they are expected to liaise with other local authorities who may have statutory responsibilities to discharge in respect of those being evicted. When deciding to proceed with an eviction, local authorities should liaise with the relevant statutory agencies, particularly where pregnant women or newly-born children are involved, to ensure that those agencies are not prevented from fulfilling their obligations towards those persons (paragraphs 12 and 13).

OPDM Managing Unauthorised Camping (March 2004)

Local authorities are reminded that decisions about what action to take in connection with unauthorised encampment must be made in the light of information gathered and decisions must be lawful (in line with local policy and procedures), reasonable, balanced (taking into account the rights and needs of both the settled community and Gypsies and Travellers) and proportionate.

The guidance also provides that local authorities should always follow a route which requires a court order and must have regard to considerations of common humanity and ensure that the human rights of unauthorised campers are safeguarded (para 6.5)

2. The development plan

The development plan consists of the Cambridgeshire and Peterborough Structure Plan 2003 and the South Cambridgeshire Local Plan 2004. Structure Plan policies P1/2 and Local Plan policies deal with development in the countryside. Structure Plan policy P5/4 states that local plans should make provision to meet the locally assessed housing needs of specific groups, including travellers and gypsies. Local plan policy HG23 deals with the provision of gypsy caravans sites outside the Green Belt and states:

“Outside the Green Belt, proposals for caravans for gypsies and travelling show people on a site consisting of a single or more pitches, will only be considered when the need for a site is shown to be essential to enable the applicants to continue to exercise a travelling lifestyle for the purpose of making and seeking their livelihood. Occupation would be restricted to gypsies or travelling show people (as the case may be) and may be limited to a temporary period and/or for the benefit of named occupier(s)”

HG23 lists 9 criteria to be met where the need is proven including that the site have minimal impact on the amenities of existing local residents and would not have a significant adverse effect on the rural character and appearance, or the amenities of the surrounding area.

3. The site

The site, plots 1-17, Pine View, Smithy Fen is part of the wider Smithy Fen gypsy encampment, a mixture of authorised and unauthorised sites (see attached plan). The

development is within the countryside and the landscape is open. The plots lie to the north west of Pine View. A detailed description of the immediate vicinity and of local views is given in paragraphs 2.3 and 2.5 of the recent Inspector's report. At the present time plots 1-5 are occupied.

4. Planning status of site

Members will be aware that the Secretary of State has recently upheld an enforcement notice (E461C) in relation to plots 7-17. The enforcement notice thus upheld requires cessation of use as a caravan site by 11 June 2005. At the same time s78 appeals in respect of plots 7-17 were dismissed.

Plots 1-6 are covered by enforcement notice E459. This was upheld on appeal on 18 November 2003. This enforcement notice required the cessation of use as a caravan site by 18 February 2004. The Secretary of State's recent decision dismissed s78 appeals seeking planning permission for use of plots 1-6 for gypsy caravans with the result that enforcement notice E459 continues to be effective.

Earlier episodes in the complicated planning history of the Pine View area are set out in section 3 of the Inspector's report.

The Secretary of State accepted that the occupiers of the site should be treated as gypsies. Members should do likewise.

The Secretary of State found that the present usage causes very considerable planning harm, in particular:

- It harms the amenities of existing local residents by reason of activities taking place outside the site, in breach of criterion (2) of local plan policy HG23;
- It prejudices enjoyment of local rights of way in breach of criterion (9) of local plan policy HG23;
- It has a significant adverse effect on the open fen landscape, in breach of criterion (3) of local plan policy HG23;
- Highway access is not acceptable in breach of criterion (5) of local plan policy HG23;
- Allowing the appeals would create a harmful precedent for further development at Smithy Fen.

The Secretary of State recognised that there was a significant need for additional gypsy sites both nationally and in Cambridgeshire, that there was no immediately available alternative accommodation for the present residents of Pine View and that finding such alternative accommodation would not be easy. However, so far as the appellants before him were concerned, he considered that it was not essential that they should live together, nor that any alternative site should be in the Cambridge area. Further the Secretary of State accepted that the allocation of land at Chesterton Fen in South Cambridgeshire could help to reduce the unmet demand for gypsy sites.

The Secretary of State considered evidence about the personal circumstances of the appellants and concluded that this did not outweigh the harm occasioned by the use of the site.

The Secretary of State considered that the interference with the appellants' Article 8 rights (right to respect for private and family life) that would be involved in refusing planning permission and upholding the enforcement notice was necessary within Article 8(2) and would be proportionate. The Secretary of State considered that there would be no violation of the appellants' rights under Article 1 of Protocol 1 (protection of property). In respect of Article 2 of Protocol 2 (right to education), the Secretary of State considered that any claim of violation of rights under Article 2 would be unfounded as the decisions recommended did not seek to deprive any person of the right to education nor would they have the effect of doing so.

It is significant that the Secretary of State did not extend the original 3 month time limit in enforcement notice E461C. Further, as the Secretary of State had before him s78 appeals relating to plots 1-6, he had it within his power to override the requirements of enforcement notice E459 by granting a temporary or permanent planning permission. He did not do this.

5. Personal circumstances and human rights

In deciding whether to take further enforcement action, Members must form a judgment on the planning merits of the offending development as they exist at the present time. Apart from the additional information that has been gathered about the personal circumstances of some of the occupiers set out below, there have been no material changes in planning circumstances since the time of the Secretary of State's letter.

In particular it remains the case that the Council cannot point to any suitable alternative site for the occupiers and that there is a need for gypsy sites in Cambridgeshire.

As for the harm caused by the development, officers endorse the assessment of the Secretary of State set out above.

As the Council is unable to provide any alternative site for the occupants, any eviction will involve interference with the occupants' rights under Article 8 and will cause hardship. Article 8 is a qualified right and an interference with it can be justified if this is necessary in a democratic society for the protection of the rights and freedoms of others and is proportionate. Upholding planning policy and protecting the environment are relevant to this. Members must reach their own view on the degree of hardship involved in any eviction (as to which see the information presented below following inquiries into the needs and personal circumstances of the occupants) and on whether the interference with Article rights involved with any eviction would be necessary and proportionate.

Some time has elapsed since the Inspector's decision and the Members must reconsider the personal circumstances and human rights of the Pine View occupants.

Officers have conducted interviews with the occupiers and updated needs audit forms have been completed. The needs audits forms have been sent to Members in advance of the meeting for their consideration. Members will need to consider the updated needs assessment for all of those who would be subject to enforcement action before weighing the evidence against the harm. In particular, Members should remember that a decision to proceed with enforcement action is likely to result in the removal of the occupants from the site which may result in an interference with homes, private and family life and education. That interference must be balanced against the public interest in pursuing legitimate aims.

Officers consider that there have been no significant changes to personal circumstances since the Inspector's decision. In particular, there have been no new arrivals or changes to the personal circumstances of each plot occupant.

Officers consider that the planning and environmental harm and the public interest in pursuing legitimate aims (such as the economic well-being of the country, public safety and protecting the rights and freedoms of others) outweighs the interference with the occupiers homes and private/family life and the hardship which enforcing planning control and evicting will have. Officers consider that enforcement action is necessary and justified and would not involve the violation of Article 8 rights.

6. Legal (including equality) implications

Racial discrimination

Racial discrimination occurs if a person is treated less favourably on racial grounds than another person would be in the same circumstances or in circumstances which are not materially different. It also occurs where a policy or procedure that is applied to all has a disproportionate and negative impact on a racial group and which cannot be justified.

The Race Relations (Amendment) Act 2000 places local authorities under a “general statutory duty” requiring that, in carrying out their functions, including their planning functions, they must have due regard to the need:

- to eliminate unlawful racial discrimination;
- to promote equality of opportunity; and
- to promote good relations between people of different racial groups.

In carrying out this general duty, the Council is obliged to have a Race Equality Scheme which is to be a “timetabled and realistic plan, setting out the Council’s arrangements for meeting the general statutory duty.” The Race Equality Scheme must state the functions and policies of the Council that have been assessed as relevant to its performance of the general statutory duty. The Council has such a Scheme. The Commission for Racial Equality has issued a Statutory Code of Practice on the duty to promote race equality.

If the Council fails to have “due regard” to the three race issues identified above, it may have failed to comply with a statutory duty.

Relevant racial groups

The meaning of “gypsy” as a racial group is not the same as the meaning given to “gypsy” in the planning legislation. Romany gypsies have been identified as a racial group (*Commission for Racial Equality v Dutton* [1989] QB 783). Under the race relations legislation “racial group” also includes “national origin”. Therefore “Irish” would be a racial group. “Irish Traveller” is reported as having been identified as a racial group.

The present case

Two main issues arises in the present case because the occupants of land at Pine View appear to be of Irish descent and may be Irish Travellers: they thus belong to a distinct racial group.

First, that racial group is different from the racial group occupying the Chesterton Fen site which is populated principally by English travellers and gypsies. It has been suggested that a discrimination issue could arise out of the Council’s different treatment of these two sites. In the case of Chesterton Fen an enforcement notice requiring the removal of gypsy

caravans was upheld on appeal by decision letter dated 29 April 1998. Twenty nine s78 appeals against refusals to grant planning permission were dismissed by the Secretary of State on 1 July 2004. The period for compliance with the enforcement notice thus upheld expired on 29 April 1999. At the present time there are 34 plots at Sandy Park (Chesterton Fen), 23 of which are occupied. Although the Council is far from tolerating the unlawful development at Chesterton Fen, it has not decided to prosecute for failure to comply with the enforcement notice, nor to take direct action, nor to seek an eviction injunction. If Members were to decide to take such action in respect of Pine View, it would undoubtedly be the case that more vigorous action was being taken against that site. However the planning circumstances of Pine View are wholly different from those of Chesterton Fen. In particular:

- The present unlawful development at Pine View has been found to have an adverse impact on the amenities of nearby residents, whereas the Chesterton Fen site has not.
- A principal objection to the Chesterton Fen site is that it is in the Green Belt. While this is plainly a very important objection, delay in removal does not involve *increased* injury in the way that delay in remedying harm to residential amenity does.
- The Chesterton Fen site is very self-contained and the unlawful development does not create the risk of encouraging occupation of other nearby land.

Secondly, the Council must consider whether its policy and the application of that policy has a disproportionately greater impact upon one racial group rather than another.

Assuming for present purposes that the policy does have such a disproportionately greater impact, the Council may consider that the policy and its applications are justified and that there are no sufficient reasons to depart from that policy principally because the development has been found to have an adverse impact on local authorities and the presence of the site creates the risk that others will be encouraged to occupy adjoining land.

Prompt action at Pine View is justified by the circumstances of the site and is wholly unrelated to questions of the racial origin of the occupants. The circumstances of the two sites are materially different and it is this which accounts for the difference in approach. Officers therefore consider that the different approach does not involve racial discrimination and that a decision to take eviction action at Pine View could be taken consistently with the Council having due regard to the three matters identified above.

7. Enforcement options available to the Council

The occupiers are in breach of the enforcement notices which is a criminal offence under s179 of the Town and Country Planning Act 1990.

Members have already been advised of the different enforcement options open to them and the Cabinet agreed a preference for taking injunctive action in the first instance (as opposed to direct action under s178 TCPA) at the meeting on 28 April 2005.

Officers consider that it may be helpful to remind Members of the different enforcement options open to them as follows:

Direct action under s178 TCPA

Where any steps required by an enforcement notice are not taken within the compliance period, the Council may enter the land and take the steps and recover from the person who is the owner of the land any expenses reasonably incurred in doing so.

The Council would have to give 28 days notice before taking direct action under s181(4)TCPA.

Once notice is given of the proposed direct action, plot occupiers may apply to the High Court for judicial review of the decision and also obtain an injunction to stop the direct action taking place pending the determination of the judicial review.

Prosecutions

Non-compliance with an enforcement notice is an offence under s179 TCPA. If found guilty of an offence under this section, the plot occupiers would be liable to (a) on summary conviction to a fine not exceeding £20,000 and (b) on conviction on indictment, to a fine.

Injunction proceedings

The Council could apply for an injunction under s187B TCPA against the current owners/occupiers requiring compliance with the enforcement notices.

The court has considerable discretion as to how it deals with the application. If an injunction is granted and breached, the ultimate sanction is committal to prison.

In deciding whether to grant an injunction, the court has to decide whether it would be prepared to commit a defendant to prison for contempt if the injunction is breached. The court has to weigh the public interest in securing compliance with planning legislation against the private interests of the plot occupiers. The court will consider human rights and any issues or hardship which arise should the plot occupiers be evicted.

The Court will take into account whether the LPA has properly considered questions of hardship and the necessity for and proportionality of eviction.

It is likely that injunction proceedings would be opposed by the plot occupiers and the matter would be dealt with at trial when the court will decide whether or not to grant the final injunction. If the injunction is granted, a date will be fixed for compliance before enforcement action to evict can be taken.

Compulsory purchase

The Council has compulsory purchase powers under s226 TCPA. This provides:

"(1) A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area

(a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land, or

(b) which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

(1A) But a local authority must not exercise the power under paragraph (a) of subs.(1) unless they think that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objects

(a) the promotion or improvement of the economic well-being of their area;

(b) the promotion or improvement of the social well-being of their area;

(c) the promotion or improvement of the environmental well-being of their area.”

Guidance on this power is found in ODPM Circular 06/2004. In order to justify the compulsory acquisition of land a compelling case in the public interest would have to be demonstrated (para. 17 of the Circular):

“17. A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.”

The Government’s guidance on managing unauthorised camping specifically recognises the ability to use compulsory purchase against unauthorised development in order to restore land to its lawful use for agriculture. There are various stages for a Council to follow including establishing who the owners/occupiers are and publishing press notices. There is also a period for objections.

If a Council starts the CPO process and an order is made, it still has to obtain vacant possession of the land. Members should be aware that the recent Court of Appeal case of *Price v Leeds City Council* [2005] EWCA Civ 289 has called into question the absolute right of a local authority to evict trespassers from its land. The case has gone to the House of Lords who will decide whether Article 8 of the Human Rights Act (right to respect for private and family life) is engaged where a local authority takes possession action.

In dealing with the CPO process, a Council should make it clear that it has properly considered Article 8 and that the decision to purchase compulsorily has been made only after taking this into account.

The Council would need to demonstrate that it had the funds to carry out the acquisition.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

S/0711/05/F - Sawston**Erection of Buildings for Business Use (Classes B1a (Offices), B1b (Research & Development) and B1c (Light Industry)) at South Cambridge Business Park (Part of Dales Manor Business Park), Babraham Road for H B Sawston No.3 Ltd****Recommendation: Approval****Date for determination: 12th July 2005 (Major Application)****Site and Proposal**

1. The application relates to a 0.45 hectares/1.1 acre site that forms part of a 2.2 hectares/5.5 acres site on the Dales Manor Business Park (now called the South Cambridge Business Park) on which planning permission has been given and is being implemented for B1 development, plus the adjacent storage yard. The site is currently covered by hardstandings or hardcore and is being used as a compound and for parking by the contractors working on the South Cambridge Business Park. It is bounded by the blank (save for solid doors) rear elevations of existing industrial units to the northeast and northwest, a hedge with a public footpath and fields beyond to the southeast and the South Cambridge Business Park to the southwest.
2. This full application, registered on the 12th April 2005, proposes the erection of 2 B1 buildings comprising 7 units with a total floor space of 1382 square metres. The buildings would be 8.4 metres high and would match the design of, and materials used for, the newly erected industrial units on the South Cambridge Business Park.

Relevant Planning History

3. The following applications relate to the South Cambridge Business Park
4. Outline planning permission for B1 development was granted in August 2000 (**S/0945/99/O**). The permission included a condition stating that development shall not exceed 8000m² gross external floor area. The reason for this condition is "To define the scale of development in relation to the traffic impact report." The site is subject to a Travel to Work Plan (a 'Green Transport Plan') dated 9th August 2000.
5. An application to vary condition 2 of planning permission S/0945/99/O to introduce separate individual phased development was approved in November 2000 (reference **S/1764/00/F**).
6. An application to renew permission S/0945/99/O as amended by permission S/1764/00/F is yet to be determined (reference **S/0701/03/O**).
7. A reserved matters application for B1 development was approved in 2004 (**S/1711/03/RM**).

8. An application to vary condition 5 of permission S/0945/99/O to allow B1c (light industrial) use of the buildings for a period of ten years from the time of first occupation of each new building was approved in December 2004 (**S/1961/04/F**).
9. An application to remove condition 14 of permission S/0945/99/O, which required the provision of a bus shelter, was approved in May 2005 (**S/0582/05/F**).
10. Permission for the erection of a building for Business Use (Classes B1a (Offices), B1b (Research & Development) and B1c (Light Industry)) was approved in June 2005 (**S/0710/05/F**).

Planning Policy

11. Structure Plan 2003 **Policy P2/2** relates to the general location of employment.
12. The site is within the village framework. Local Plan 2004 **Policy EM6** states that, within village frameworks, planning permission will be granted for small-scale development in classes B1-B8 provided that: there would be no adverse impact on residential amenity, traffic conditions, village character and other environmental factors; and the development would contribute to a greater range of employment opportunities, especially for the semi-skilled and unskilled, or where initial development is dependent on the use of locally-based skills and expertise.
13. Local Plan 2004 **Policy EM3** sets out the 'local user' limitations on the occupancy of new premises in the District.
14. Local Plan 2004 **Policy TP1** states that the District Council will promote more sustainable transport choices including by requiring Green Travel Plans in appropriate circumstances.

Consultation

15. **Sawston Parish Council** recommends approval subject to operational time restrictions of Monday to Friday 0800-1800 hours, Saturdays 0800-1200 and closed on Sundays.
16. **Landscape Design Officer** has no objections subject to full landscaping conditions.
17. **Local Highway Authority's** final comments in relation to the application, including the submitted Traffic Impact Assessment, were awaited at the time this report was compiled.
18. **Cambs Fire & Rescue Service** asks that adequate provision be made for fire hydrants by way of Section 106 Agreement or planning condition.
19. **County Archaeology** confirms that no archaeological investigation is considered necessary.

Representations

20. None received.

Planning Comments - Key Issues

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

- Traffic; and
 - The character and appearance of the area.
22. Outline planning permission was granted for 8000m² gross external floor area of B1 development on part of the Dales Manor Business Park, including part of the application site, under reference S/0945/99/O. The reason permission was restricted to 8000m² was to define the scale of development in relation to the traffic impact report. Including the floor space proposed as part of this application, the total floor area of development on the existing South Cambridge Business Park and this site would be 8600m² gross external floor area. The Traffic Impact Assessment submitted as part of this application purports to demonstrate that the traffic that will be generated by the approved units on the South Cambridge Business Park and Sindall House is less than was envisaged when application S/0945/99/O was being considered and, even with the additional vehicular movements that would be generated by the additional floor space now proposed, the level of traffic generated would be less than the level considered acceptable at the time application S/0945/99/O was approved. At the time this report was compiled, the final comments of the Local Highway Authority were still awaited. Subject to the Local Highway Authority raising no objections, the proposed development is considered to be acceptable in terms of traffic generation.
23. The proposed buildings would be in keeping with the design and appearance of the newly constructed adjacent buildings and, subject to appropriate landscaping, would not detract from the character or appearance of the area. Adequate vehicle and secure cycle parking would be provided.
24. It is considered that conditions attached to other permissions for development on the South Cambridge Business Park should be attached to any approval. There are no conditions restricting operational times and it would not be reasonable to attach such a condition to any approval, particularly as these units are further away from residential properties than many of the other units on the South Cambridge Business Park.

Recommendation

25. Subject to the Local Highway Authority raising no objections, approval subject to the following conditions:
1. Standard time condition A (Reason - A)
 2. Standard matching materials condition 19 (replace 'existing building' with 'Units 13–18 on drawing no. 1536 13') (Reason - 5ai)
 3. Standard landscaping condition 51 (Reason - 51)
 4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation (Reason - To enhance the quality of the development and to assimilate it within the area.)

5. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) - for a period of ten years from the time of first occupation of these Class B1 buildings (as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order) shall be used and occupied only for one or more of the following purposes subject to the respective limitations:

(a) Offices [Use class B1 (a)]

(i) without limit of size, comprising a local or sub-regional service or administrative facility principally for persons resident or organisations situated in the Cambridge area excluding national or regional headquarters offices: or otherwise;

(ii) to a maximum floorspace of 300 square metres;

and/or

(b) Research and Development [Use class B1(b)]

(i) occupied by one or more high technology research and development firms, or organisations which can show a special need to be closely related to the Universities, or other established facilities or associated services in the Cambridge area;

and/or

(c) Light Industry [Use class B1(c)]

(i) to a maximum planning unit size of 1,850 square metres of floorspace.

(Reason - To safeguard the policies of the Cambridgeshire Structure Plan 2003 and the South Cambridgeshire Local Plan 2004, Policy EM3 in particular, which limit employment development in the Cambridge area to uses that need to be located close to Cambridge; and to reduce the movement of HGVs on the local road network.)

6. The buildings hereby permitted shall not be occupied until the associated car parking areas shown upon drawing no. 1536 13 have been laid out, drained and surfaced in accordance with details to be approved and those areas shall not thereafter be used for any purpose other than the parking of vehicles (Reason - To ensure the provision of appropriate level of car parking in the interests of highway safety.)
7. No parking of vehicles shall take place on the application site other than on, and following the completion of, the designated car parking areas approved in accordance with Condition 6 of this Decision Notice (Reason - To achieve a balance between car parking provision and encouraging the use of alternative means of transport.)

8. The secure and covered cycle parking accommodation shown upon drawing no. 1536 13 shall be provided in accordance with details which shall previously have been approved in writing by the Local Planning Authority before the buildings are occupied, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the facilities shall be retained unless otherwise agreed in writing by the Local Planning Authority (Reason - To ensure appropriate provision for the secure and covered parking of cycles.)
9. Details of the location, type, noise characteristics and attenuation proposals for any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the buildings but excluding office equipment and vehicles and the location of the outlet from the buildings of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restriction (Reason - To ensure that plant and equipment is not visually intrusive and to protect the amenities of residential properties.)
10. Except with the prior written agreement of the Local Planning Authority, no construction work shall be carried out or plant operated other than between the following hours: 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays (Reason - To protect the amenities of residential properties.)
11. Visibility splays shall be provided on both sides of the access to Babraham Road and shall be maintained free from any obstruction over a height of 600mm within an area of 4.5m x 90.0m measured from and along respectively the highway boundary (Reason - In the interests of highway safety.)
12. The junction of the proposed access road to Babraham Road with the existing road shall be laid with 7.5 metre radius kerbs (Reason - In the interests of highway safety.)
13. No deliveries shall be taken at or dispatched from any light industrial units (B1(c) units as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order) on the site outside the hours of 07.30 to 19.30 Mondays to Saturdays (Reason - To protect the amenity of local residents in respect to noise and disturbance.)
14. Standard fire hydrant condition and reason.
15. The buildings hereby permitted shall not be occupied until a Green Travel to Work Plan has been submitted to and approved in writing by the Local Planning Authority; implementation of the Plan shall be carried out in accordance with the approved details of the Plan (Reason: To encourage car sharing and the use of alternative means of travel to the site other than by car.)

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: P2/2 (General Location of Employment)
 - b) South Cambridgeshire Local Plan 2004: EM3 (Limitations on the Occupancy of New Premises in South Cambridgeshire), EM6 (New Employment at Rural Growth Settlements) and TP1 (Planning for More Sustainable Travel)
2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise: operational time restrictions.

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

- County Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning file Refs: S/0945/99/O, S/1764/00/F, S/0701/03/O, S/1711/03/RM, S/1961/04/F, S/0582/05/F, S/0710/05/F and S/0711/05/F.

Contact Officer: Andrew Moffat - Area Planning Officer
Telephone: (01954) 713169

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	6 th July 2005
AUTHOR/S:	Director of Development Services	

**S/0967/05/F- Sawston
Change of Use from Residential to Offices (Class B1) at 45 High Street, Sawston
for P Bassett**

**Recommendation: Approval
Date for Determination: 12th July 2005**

Site and Proposal

1. No 45 High Street is a 2 storey semi-detached house in a pair with No 47. It is adjacent to a gravelled driveway at the side leading to the car park at the rear. The driveway is owned by No 43 and there is an existing private right of way for No 45. Neighbouring properties are business/commercial uses; No 47 is a dental practice, No 49 is an accountancy office and No 43 is a solicitors' firm.
2. The application, received on 17th May 2005, proposes the change of use from residential to offices (Class B1). It is stated in the application form that the proposed office will not have frequent visitors given that the firm's client base is outside Sawston and mainly in London. The public relations firm will be relocating from existing leased premises in Langford Arch, London Road, Pampisford. The number of employees is 4-5. The provision of car parking is at the rear of the house for 2 cars and there is a public car park adjoining the rear of the property. One cycle parking is available on site.

Planning History

3. **S/1076/84/F** - Planning permission was granted in 1984 for a porch
4. **S/2962/88/F** - Planning permission was granted in 1989 for change of use to dental surgery
5. **S/0171/92/F** - Planning permission was granted in 1992 for change of use to dental surgery

Planning Policy

6. **Policy EM6** of the **South Cambridgeshire Local Plan 2004** states that planning permission will be granted for small-scale development in class B1 new employment at rural growth settlements provided that there would be no adverse impact on residential amenity, traffic conditions, village character and other environmental factors.
7. **Policy TP1** of the **South Cambridgeshire Local Plan 2004** partly 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 to reduce the need to travel, especially by car. To give effect to these aims, planning permission will not be granted for developments likely to give rise to

more than a small-scale increase in travel demands unless the site has (or will attain) a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel mode(s).

Consultation

13. **Sawston Parish Council** recommends refusal and states that 'as there is a significant shortage of housing in Sawston and therefore a greater need of this building to remain as a residential property rather than offices.'
14. **Chief Environment Health Officer** considers that the proposal will not have significant impacts in terms of noise and environmental pollution.

Representations

14. None received

Planning Comments - Key Issues

15. The key issues in relation to this application are
 - Sustainability and
 - The loss of a residential property in the village.
16. The application site lies inside the village framework and is accessible by public transport. The property has 2 on site parking spaces at the rear of the building. The floor area of the building is approximately 58.6 square metres, 2 parking spaces could meet the standard for car parking provision listed in the Local Plan that requires 1 space per 25 square metres of gross floor area for Use Classes Order B1 offices. There is also one secure cycle parking provided and it meets the aims of sustainable travel by a non-car mode. It is my view that the proposal would have no adverse impact on traffic conditions.
17. High Street, Sawston has various retail shops, offices and restaurants. B1 offices are already apparent in neighbouring properties at Nos 43, 47 and 49. I am of the view that the proposed change of use would be in line with the existing use of neighbouring properties. The development would contribute to new employment in this Rural Growth Settlement and given that there is no adverse impact on residential amenity, village character and other environmental factors, the proposal will comply with Policy EM6 of the Local Plan.
18. Regarding the Parish Council's concern on the loss of a residential property in the village, there are no planning policies in this Authority's Local Plan requiring existing residential properties to be retained and to withhold permission on this basis would not be justifiable.

Recommendation

17. Approval subject to conditions:
 1. Standard Condition A - Time limited permission (Reason A)
 2. The two permanent spaces to be reserved on the site for parking shall be provided before the use commences and thereafter maintained. (Reason - In the interest of highway safety)

3. Notwithstanding the provisions of Regulation 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the premises shall not be used other than for Offices and for no other purpose (including any other purposes in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order). (Reason - To safeguard the character of the area.)

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: None

South Cambridgeshire Local Plan 2004:
Policy EM6 (New Employment at Rural Growth Settlements); and
Policy TP1 (Planning more Sustainable Travel)

2. The proposal is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: loss of a residential property in the village

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/1076/84/F, S/2962/88/F, S/0171/92/F and S/0967/05/F

Contact Officer: Emily Ip - Planning Assistant
Telephone: (01954) 713250

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

S/1071/05/F- Sawston
Addition of Roller Shutters to Shop Front (Retrospective) at 80 High Street, Sawston
for Andrew McCulloch

Recommendation: Refusal
Date for Determination: 26th July 2005

Conservation Area**Site and Proposal**

1. No 80 High Street is a 2 storey building with 3 glazed gables under pitched roofs. The property falls within the Sawston Conservation Area. To the south are three listed buildings, Nos 82, 84 and 86. To the north of the site is a single storey building used as a restaurant. The property is currently used as an electrical retail shop and the shop front measures 14.8m wide and 3.7m high.
2. The application, received on 31st May 2005, seeks to retain the addition of roller shutters to the shop front. The details as shown on the submitted plan state that the roller shutters are coated blue perforated steel and electrically operated.

Planning History

3. **S/0946/05/A** - Planning application submitted for signs (this application was considered at the 20th June 2005 Chairman's Delegation Meeting. The meeting decided to refuse the application.)

Planning Policy

4. **Policy P7/6** of the **Cambridgeshire and Peterborough Structure 2003** requires development to protect and enhance the quality and distinctiveness of the historic built environment.
5. **Policy P1/3** of the **Cambridgeshire and Peterborough Structure 2003** requires a high standard of design that responds to the local character of the built environment.
6. **Policy EN30** of the **South Cambridgeshire Local Plan 2004** states that proposals will be expected to preserve or enhance the special character and appearance of the Conservation Areas.

Consultation

7. **Sawston Parish Council** approves the application and states that 'The Parish Council welcomes this new business into the village to occupy a building that has been empty for nearly two years. Because of the nature of the business and the site of the property the Parish Council supports the application for the shutters on this building.'

8. **Conservation Manager** raises objection and states that “where roller shutters are required for security they should be sited behind the glass of the display windows, so as not to create a dead image to the streetscape when the shops are shut. Preferably the rollers shutters should be sited behind the window display to minimise the visual impact, in which case planning permission would not be required.’

Representations

9. None received

Planning Comments - Key Issues

10. The key issue in relation to this application relates to the impact of the development upon the character and appearance of the Conservation Area.
11. The application site is situated in the centre of the Sawston Conservation Area. Although the premises is a rather modern building, having considered the adjacent Listed Buildings and its sensitive location, it is the officers' view that the existing roller shutters do not preserve or enhance the special character and appearance of Conservation Area. At the time of the case officer's site visit in June, it was noted that the roller shutters are not perforated; they are industrial roller shutters as shown on the submitted shutter brochures. The case officer visited the site at an evening when the shop was closed and found that there was no perforated lath incorporated partially or wholly to allow shop display to be viewed when the shutters were pulled down. The agent has been requested to submit photos to show the existing perforated roller shutters that have been installed to the shop front and the photos are awaited.
12. Crime prevention is a material consideration and, therefore, Officers have no objection in principle to the provision of roller shutters to the shop fronts in relation to security; it is considered that in order to avoid affecting the street scene and reduce the visual impact when the shop is shut, the roller shutters should be sited behind the display windows.
13. Since there is an alternative solution and as the development will neither preserve nor enhance the character and appearance of the Conservation Area, the proposal would contravene the aforementioned planning policies. Delegated authority to issue an Enforcement Notice and to prosecute, against non-compliance with the Notice, if required, would be necessary if this retrospective application is refused.

Recommendation

- A. Refusal of the application for the following reason:

No 80 High Street is sited at a prominent location in the Sawston Conservation Area. The addition of industrial roller shutters to the shop front adversely affects the street scene when the shops are shut to the detriment of the character and appearance of the Conservation Area. Consequently, the development is 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 and South Cambridgeshire Local Plan 2004: Policy EN30 which states that permission will be refused for schemes which adversely affect the setting of Conservation Areas.

- B. Delegated authority to issue an Enforcement Notice to secure the removal of the industrial roller shutters with a compliance period of 2 months and subject to a review of all material circumstances appertaining at the time, to instigate prosecution proceedings in the event of non-compliance with the Enforcement Notice.

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/0946/05/A and S/1071/05/F

Contact Officer: Emily Ip - Planning Assistant
Telephone: (01954) 713250

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

S/1993/02/F - Sawston**Dwelling - Proposed Amendment to Approved Scheme - Land r/o 2 & 4 Westmoor Avenue (Fronting Martindale Way) for Mr & Mrs Freeman and Mr & Mrs Aylward****Recommendation: Approval****Site, Proposal and Background**

1. The site lies to the rear of Nos. 2 & 4 Westmoor Avenue. In February 2004, an application to erect a 6.5 metre high chalet-style dwelling on the site was allowed at appeal (Ref: S/1993/02/F).
2. The approved dwelling had two dormers in its front/south elevation together with two dormers and a rooflight in its rear/north facing roofslope. The amendment, received on 12th May 2005, seeks to substitute the previously approved dormers in the rear elevation for rooflights. In addition, the rooflight that was approved in this rear roofslope would increase in size from 650mm x 800mm to 900mm x 1000mm. Alterations are also proposed to the ground floor fenestration in the rear elevation.

Consultation

3. **Sawston Parish Council** recommends refusal of the proposed amendment stating:
 - "Overdevelopment of site
 - Overlooking neighbouring houses
 - Out of keeping with the area"

Representations

4. No.2 Westmoor Avenue has objected stating that they will not agree to any alterations in design that may affect relations with neighbouring properties.

Planning Comments

5. The Parish Council's objection on the grounds of overdevelopment of the site relates to the principle of the development rather than specifically to the amendment applied for.
6. The key issues in the consideration of this amendment are:
 - Whether the substitution of dormers for rooflights would result in greater overlooking of neighbouring properties; and
 - Whether the development would result in a design of development that would be out of keeping with the character of the area.
7. The rooflights would not overlook neighbouring properties to a greater degree than the previously approved dormers/rooflight. Although an objection has been received

from No.2 Westmoor Avenue, these comments specifically related to an amendment to substitute the approved rooflight in the rear elevation of the dwelling for a dormer (hence resulting in three dormers in the rear elevation). This proposal was received around 2 weeks before the amendment being considered here and I can confirm that the applicants no longer intend to do this.

8. No.2 Westmoor Avenue was consulted on the later amendment that is being considered in this report but raised no further objections.
9. The area is not characterised by dwellings with dormers and removing the rear dormers would not result in a form of development that would be out of keeping with the character of the area.

Recommendation

10. Approve the amendment

Background Papers:

- Planning application ref: S/1993/02/F

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

**S/1000/05/F - Swavesey
House at Land Adj. 41 Priory Avenue for T Mendham**

**Recommendation: Approval
Date for Determination: 15th July 2005**

Site and Proposal

1. The 0.046ha site is located on the corner of Gibraltar Lane and School Lane. The site comprises of an area of largely flat, grassed garden land. It is surrounded along the School Lane and Gibraltar Lane boundaries by a belt of mixed, mature planting, including some approximately 5.6m high trees and a 3 metre high hedgerow, and a 2 metre high close board fence which obscure views into the site. The adjacent properties in Priory Avenue are 2 storey semi-detached dwellings.
2. The application, received 20th May 2005, proposes the erection of a two-storey detached, 3 bedroom, dwelling, featuring a conservatory on the south-west elevation, with a vehicular access onto Gibraltar Lane. The density equates to 22dph.

Planning History

3. **S/1479/04/F** - Application withdrawn for a detached 1 ½ storey dwelling with access onto Gibraltar Lane.
4. **S/0716/83/F** - Application approved for an extension and garage for 41 Priory Avenue. No additional conditions were attached to this consent.
5. **C/0700/71/D** - Application approved for the erection of 97 houses with garages for Trend Housing Ltd at land at School Lane. This application granted consent for the erection of all houses in the Priory Avenue estate, including no. 41. No conditions were placed on this consent relating to access from Gibraltar Lane.

Planning Policy

6. The site is located within the Swavesey village development framework.
7. Swavesey is a Rural Growth Settlement (Policy **SE2** of the Local Plan 2004) in which residential development on unallocated land will be permitted subject to a number of criteria, including being sensitive to the character of the village and the amenities of neighbours. Density should achieve a minimum of 30dph unless there are strong design grounds for not doing so.
8. Policy **HG11** of the **South Cambridgeshire Local Plan 2004** 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 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.

Consultation

9. **Swavesey Parish Council** - recommends that the application is refused on the following grounds:

“Access point in Gibraltar Lane. There are currently no other access points/driveways to properties on the north side of Gibraltar Lane (rear of Priory Avenue). Allowing this new development access from Gibraltar Lane would set a precedent for future applications from other properties in Gibraltar Lane, which have been refused in the past.

The Parish Council believes that there were original conditions within the development of Priory Avenue, which did not allow access from properties in Priory Avenue into Gibraltar Lane.

Access in Gibraltar Lane. The proposed access is close to the junction of School Lane, which at this point bends round into Gibraltar Lane and with the hedges along the north side, gives poor visibility.

Gibraltar Lane is the main route for school children to and from the Village College. It is also extensively used by vehicles travelling to/from the Cherry Trees development off the top of School Lane. A new access at the proposed point and on the north side would cause additional hazard along this narrow lane.

Additional dwelling on a garden plot. The Parish Council does not consider this plot a suitable plot for an additional dwelling to the Priory Avenue development, it is infill building and there is no safe or suitable access to the proposed development.”

10. The comments of the **Landscape Design Officer** will be reported verbally to the Committee.

Representations

11. The Occupier of 45 Gibraltar Lane raises a number of concerns with regards to the loss of up to a 10m section of the hedge along the north side of Gibraltar Lane to enable the creation of the proposed access. The hedge has a number of species and is of amenity value. It abuts the carriageway. Hence visibility when leaving the property would be very restricted. The proposal would set a precedent.

Planning Comments - Key Issues

12. The key issues in relation to this application are:
- Residential Amenity including Overbearing Impact
 - Highway Safety
 - Visual Impact on the Street Scene

Residential Amenity including Overbearing Impact

13. Although the proposal features a two-storey dwelling, the proposal has been designed to set the dwelling away from the boundaries with the two adjoining properties. The north-eastern boundary wall is set approximately 2.6 metres off the shared boundary with no. 42 Priory Avenue and avoids overlooking by featuring only

two high level windows at first floor that serve a toilet and staircase. Both are proposed to be fitted with obscure glass. The relationship between these two properties is further assisted by the positioning of the existing single storey garage building which serves no. 42 and is located on the boundary between the two dwellings. The south-eastern boundary wall is set approximately 5.8 metres away from the shared boundary with 41 Priory Avenue and features a ground floor toilet window and entrance door and a first floor toilet window which is also proposed to be fitted with obscure glazing and so avoids overlooking. To further protect the amenities of the adjoining residents the site would benefit from conditions which would ensure the permanent maintenance of the obscure glazing in the aforementioned casements and also prevent the installation of additional windows in these elevations which may afford the opportunity for overlooking.

14. With regard to the proposed access and parking area, this is shown as being located as approximately 1.8 metres away from the adjoining garden serving 41 Priory Avenue. Given the separation between the two areas and the minimal use of a single residential access, this should not represent any undue harm. However, to secure the use of suitable materials to ensure that a minimum of noise and disturbance is caused by users of the parking area the site would benefit from conditions relating to the treatment of the driveway, car parking areas and the treatment of the shared boundary.

Highway Safety

15. The planning approval (application ref: **C/0700/71/D**) for the erection of the Priory Avenue estate did not include any conditions which precluded access onto Gibraltar Lane. Given the lack of any condition of consent it may be possible for the dwellings in Priory Avenue to create a new access onto Gibraltar Lane without the need for prior planning approval. Furthermore the Planning Authority does not have record of any applications to construct an access from any of the properties within Priory Avenue onto Gibraltar Lane.
16. The proposal illustrates a proposed driveway and access, which includes 2m x 2m Pedestrian visibility splays within the site boundaries, although there is no public footpath on this side of Gibraltar Lane. A new footpath has been created on the opposite side of the carriageway for pedestrian users of the lane. A verge exists beyond the extremes of the site boundary, which a vehicle would need to cross prior to gaining access onto Gibraltar Lane. The access is located directly opposite the existing access which serves 47 Gibraltar Lane and is set approximately 27 metres away from the junction with School Lane. Members would need to be satisfied that, given the presence of the new footpath, the provision of internal visibility splays and the distance of the proposed access from the junction with School Lane, it would be difficult to envisage a highway safety concern. In order to ensure that vehicles can enter and leave the site in a forward gear, which would further enhance vehicular visibility, the provision of a plan demonstrating that this would be possible is recommended. The proposed layout does not achieve space for parking and turning.

Visual Impact on the Street Scene

17. Although the application proposes the erection of a dwelling onto part of the garden land associated with no. 41 Priory Avenue, the development would visually front onto Gibraltar Lane.
18. The proposed single storey conservatory would be located relatively close to the Gibraltar Lane boundary, however by nature of its construction this is a fairly

unobtrusive structure and the bulk of the dwelling would be set a minimum of 6 metres away from the road. The site benefits from a belt of mixed, mature planting which screens a large proportion of the site from the street scene in Gibraltar Lane. Some of this planting will be removed as part of the application to create the access but the applicant has indicated that he is willing to work with the Authority's Landscape Design Officer in order to provide a suitable planting scheme. The applicant has also shown a 2 metre high fence to be erected along the boundaries of the site, which would provide further site screening. A condition to secure a scheme of landscaping, which would include an indication of all existing trees and hedgerows on the site that are to be retained, would ensure that the majority of the existing landscaping is retained, where possible, and improved where necessary in order to protect the visual appearance of the site from the street scene.

19. Some views would still be afforded through the site from the road, by virtue of opening up of a new access. However, this is typical of the pattern of development on the other side of Gibraltar Lane. The proposed development has a form similar to the adjoining dwellings at 41 and 42 Priory Avenue and, provided that it is built using materials which are in keeping with the character and appearance of the area, I consider that the development would not cause undue harm to the street scene. To ensure that the Authority has control over the finished details of the scheme a condition, which required the prior approval of the external materials for the house and any hardstanding, could be attached to any approval in order to ensure that the development did not appear incongruous.

Recommendation

20. Subject to the receipt of an amended layout plan which demonstrates an acceptable parking and turning arrangement. APPROVE subject to the following conditions:
1. SCA - RCA
 2. No development shall commence until details of the materials to be used for the external walls and roofs and for materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
(Reason - To ensure that visually the development accords with neighbouring buildings; and to ensure that the development is not incongruous.)
 3. The first floor windows in the north-eastern and south-eastern elevations of the house, hereby permitted, shall be fitted and permanently maintained with obscured glass.
(Reason - To safeguard the privacy of occupiers of the adjoining properties.)
 4. No windows, doors or openings of any kind shall be inserted in the north-eastern and south-eastern elevations of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the privacy of occupiers of the adjoining properties.)
 5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

(Reason - To enhance the quality of the development and to assimilate it within the area.)

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

(Reason - To enhance the quality of the development and to assimilate it within the area.)

7. Details of the treatment of all site boundaries shall be submitted to and approved in writing by the Local Planning Authority and the work completed in accordance with the approved details before the dwelling is occupied or the development is completed, whichever is the sooner.

(Reason - To ensure that the appearance of the site does not detract from the character of the area.)

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:**
None
 - **South Cambridgeshire Local Plan 2004:**
SE2 (Rural Growth Settlements)
HG11 (Backland Development)
2. The proposal is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- Residential amenity including overbearing impact
 - Visual impact on the street scene
 - Highway Safety

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning files Refs: S/1000/05/F and S/1479/04/F

Contact Officer: Michael Osbourn - Assistant Planning Officer
Telephone: (01954) 713379

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

6th July 2005

AUTHOR/S: Director of Development Services

S/0970/05/F - Fen Ditton

Erection of 11 Dwellings, Including 6 Affordable Dwellings Following Demolition of Storage Sheds, Land Adjacent Home Farm House, High Ditch Road for The Trustees of the D C G Francis Will Trust.

Departure Application

Conservation Area

Recommendation: Delegated Approval

Date for Determination: 18th August 2005 (Major Application)

Members will visit this site on Monday 4th July 2005.

Site and Proposal

1. Farmyard and buildings on the north side of High Ditch Road at the eastern end of the village. There is open, arable land to the rear/north, and to the east. To the west is Home Farm House, a Grade II Listed Building; opposite is a mixture of residential properties.
2. The full application, received 17th May proposes the demolition of 3 large “modern” barns on site, together with some smaller sheds to the rear, and the erection of 11 dwellings on this 0.617 ha site. Five would be grouped informally around a courtyard at the western end of the site and would be the “market” houses. These would consist of one 3-bed and four 4-bed properties, grouped and designed with the appearance of being converted barns. Roof heights would be 5.0m, 6.0m and 9.0m with the use of gault bricks, stained boarding, clay plain tiles, pantiles, and slate.
3. At the eastern end of the site would be six 2-bed houses arranged as a terrace of four and a pair of semi-detached. The “terrace” would carry through the “barn conversion” theme, with a pair of houses beyond. Gault brick and clay tiles will again be used. These six units will be the “Affordable” houses. Density equates to 17.8dpha.

Planning History

4. A previous scheme for fifteen houses, eight market, seven affordable, was submitted in August last year but was subsequently withdrawn (**Ref. S/1736/04/F**).

Planning Policy

5. Structure Plan 2003 **Policy P1/3 Sustainable Design in Built Development** seeks to provide a sense of place which amongst other matters, responds to the local character of the built environment.
 - **Policy P5/3 - Density** seeks to achieve best use of land.

- **Policy P5/4 - Meeting Locally Identified Housing Needs** requests provision for Affordable Housing.
- **Policy P5/5 – Homes in Rural Areas** permits small scale housing developments in villages taking into account the need for affordable rural housing, village character and setting and the level of jobs, services, infrastructure and public transport in the area.
- **Policy P6/1 - Development Related Provision** seeks the imposition of conditions, or a legal agreement, in order to secure additional infrastructure requirements.
Policy P7/6 - Historic Built Environment will be protected and enhanced by sensitive schemes of quality.
- **Policy P9/2a - Green Belt** limits development within the green belt, the purpose of which is to preserve the character of Cambridge maintain and enhance its setting and to prevent coalescent of communities.

6. Local Plan 2004

Policy SE4 - Allocates Fen Ditton as a “Group” Village where development of up to a maximum of 8 Dwellings will be permitted within village frameworks. Development may exceptionally consist of up to 15 dwellings if this would make the best use of a brownfield site.

Policy SE8 - Village Frameworks - states that there will be a general presumption in favour of residential development within the village framework.

Policy SE9 - Village Edges - any scheme on the edge of a village should be sympathetically designed to minimised the impact on the countryside.

Policy GB1 - Green Belt - the setting and special character of Cambridge will be protected.

Policy GB2 - Green Belt - inappropriate development will not be granted unless very special circumstances can be demonstrated, the fundamental aim being to protect the character and openness of the Green Belt.

Policy HG7 - Affordable Housing Within Village Frameworks - with Fen Ditton having a population of less than 3000, up to 50% of the properties shall be affordable.

Policy CS10 - Education - for schemes of 4 or more dwellings, the County Council may request an educational contribution if there are a shortage of primary and/or secondary school places.

Policy EN5 - The Landscaping of New Development - new development will require appropriate landscaping schemes to be submitted and agreed, Existing features on site, ie trees and hedgerows, should be retained and incorporated into the scheme.

Policy EN28 - Development within the Curtilage or Setting of a Listed Building - seeks to ensure that adjacent development is appropriate in its setting, scale and visual relationship.

Policy EN30 - Development in Conservation Areas - expect new developments to enhance and/or preserve the character of a Conservation Area.

Policy EN31 - Expects high standards of materials and landscaping in a Conservation Area.

Policy EN4 - Historic Landscapes refers to permission being denied if important features will be lost.

Fen Ditton Conservation Area Appraisal states:-

“Character

7. High Ditch Road is very much a continuation of the themes found on the High Street, also following the line of the Fleam Dyke but divided from the High Street by the Horningsea Road. The view down the street is the familiar rhythm of varying eaves and ridgelines interspersed with gable ends.
8. The character of this road becomes progressively more rural however as one proceeds out of the village into open countryside with the agricultural buildings of **Home Farm** gradually taking over from domestic buildings. This part of the village therefore still has very much the feel of being part of an agricultural community, although diluted somewhat by the domestication of the farm buildings.
9. Walling materials include knapped flint, gault brick and rendered timber frame. To the north the long boundary walls common elsewhere in the Conservation Area also form a feature here, at **Home Farmhouse** where they enclose a farmyard and are of a banded brick construction of local brick with gault brick bands.”

Consultation

10. **Fen Ditton Parish Council** “approves” the schemes but asks for conditions to cover (i) preservation of Fleam Dyke, - and English Heritage is consulted and (ii) that the hedge along the frontage is retained.
11. The views of the **Local Highway Authority** are waited but I understand that the agents have worked closely with the County, even with the regards to the proposed Traffic Calming scheme for which work is soon to start. Any comments will be reported verbally.
12. The **County Archaeology Officer** requests a negative condition requiring that the site is subject to a programme of archaeological investigation, to be commissioned and undertaken at the expense of the developer prior to any development commencing. They point out that “High Ditch Road follows the course of Fleam Dyke, a major Dark Age/Anglo - Saxon Territorial boundary. Although this part of the Dyke is not scheduled (other sections of the Dyke are protected as a scheduled ancient monument), the potential nevertheless exists for the discovery of archaeological remain/deposits of regional to national significance during any development works”
13. The **Landscape and Design Officer** requests conditions for full landscaping details. The hedge should be retained, - if it has to be removed for reasons of visibility splays, it should be replaced on a new alignment. Preferable if the 5.0m planting to the north of the plots 1-4 was **outside** the garden areas. Why is a 1.8m wide footway needed **past** the vehicular entrance to plots 6-11?
14. The **Trees and Landscape Officer** comments will be reported verbally.

15. The **Ecology Officer** has found no signs of bats or barn owls, thus there is no requirement for mitigation.
16. The “pond” area at the front should be retained, as should the adjacent trees.
17. The **Housing Officer** is happy to support the scheme. The latest survey shows a need for a total of 21 units, predominantly 2-bed units. As drawn, the scheme meets Housing Corporation Scheme Design Standards.
18. The comments of the **Environment Agency** will be reported verbally. I am advised that there may be objections.
19. The comments of the **Conservation Manager** will be reported verbally. The scheme has been design closely in conjunction with the Conservation and Design Officer and the Area Officer.
20. The comments of **English Heritage** will be reported verbally.
21. The **County Council’s Financial Officer** requests contributions for 3 primary and 2 secondary school places.
22. **Cambridgeshire Fire and Rescue Services** has no objections.
23. The **Chief Environment Health Officer** has no objection but requests two conditions if approved one for a soil contamination/mitigation report, the other restricting hours of machinery during building.
24. The **Police Architectural Liaison Officer** is critical of the lack of natural surveillance to the courtyard formed by plots 1-5 and suggests that, if the scheme cannot be re-planned, the wall at the front be replaced with railings.
25. The open land between plot 5 and High Ditch Road could be open to mis-use; footpaths to provide rear access to the Affordable units should be provided with lockable gates.
26. Parking areas should not be screened by walls and should be lit by column mounted while downlighters.

Representations

27. Three letters from residents of High Ditch Road have been received at the time of writing this Report. The statutory consultation period expires on 12th July.
28. Comments/Objections raised are:-
 - No considerations given to the importance or future treatment of Fleam Dyke which appears will be totally destroyed by the development. It is ironic to note that the summer 2005 edition of the South Cambridgeshire Magazine contains a full page feature on the Dyke and highlighting its importance.
 - The frontage hedge should be retained, as it is an important rural feature.
 - The proposed frontage footpath will appear very urban. Reference is made to the criticism of such features in the Conservation Area Appraisal. The path should be adjacent the hedge, with a verge between it and the road.

- If development does proceed can all construction traffic approach from the east, ie the Newmarket Road direction, as residents have suffered recently with two other building projects in the road - which suffers on-street parking.
- The five houses are acceptable.
- Boundary walls are unacceptable and would urbanise the area.
- Some of the barns are clad with asbestos, - is it the harmful sort?

Planning Comments

29. As members will see from the number of Policies referred to above, and the concerns expressed by some residents, the application raises many issues, which include:-

- Green belt/village framework/village edge.
- Scale of development being a Group Village.
- Exceptional circumstances?
- Conservation/Listed Building/Ancient Monument.
- Landscaping and loss of hedge.
- Layout and design.

i) Green Belt/Village Framework/Village Edge

30. The site abuts open agricultural land to the rear which is outside the village framework, but inside the green belt; however the two boundaries do not correspond in all respect, nor at the eastern end of the site. It would appear on site that the edge of the "farm yard" has altered slightly over the years.
31. As proposed all of the buildings will be within the village framework, but some of the gardens and the structural landscaping is in the green belt. Normally I would support the latter, but not the former. However I feel in this case that an exception can be made because there is no strongly defined boundary on the ground, and it achieves a far better scheme than if the buildings were to be brought much further forward. This would adversely impact on the setting of Home Farm house, a Grade II Listed Building, and would, no doubt, result in a more dense form of building to the detriment of the Conservations Area.
32. The scheme also provides for a softer, more "Green" edge to the settlement with scope for better landscaping.

ii) Scale of Development/Exceptional Circumstances

Policy SE4 of the Local Plan allocates Fen Ditton as a "group village" ie a maximum of eight dwellings; however numbers can be increased (up to 15) where this would make the best use of a brownfield site. Agricultural buildings/farmsheds do not fall within the definition of "brownfield sites", that said, the proposal does represent the logical completion of development on this site of High Ditch Road and is supported by Policies P1/3 (Built Development), P5/3 (Density). In addition a greater number of Affordable houses are provided, Policy P5/4 and HG7 and the Historic built environment is enhanced and protected by a scheme of quality.

iii) Conservation Area/Listed Buildings/Ancient Monument

33. From earlier plans of the village it would appear that there was a traditional group of barns etc. partly on the site of the proposed five houses. The informal grouping of these around a courtyard successfully reflects the previous use of the site. The

setting of Home Farmhouse, a Grade II Listed Building, is safeguarded and the character of the Conservation Area is protected and enhanced.

34. A local issue of concern is that of Fleam Dyke. Members will see from the comments of the County Archaeologist, above, that this part of the Dyke is not scheduled as an Ancient Monument although there is still potential for the discovery of Archaeological remains/deposits. The R C H M describes the (northern) Dyke as "The whole length of the Dyke is, and for long has been, **badly mutilated** or almost completely destroyed".

iv) Landscaping and Loss of Hedge

35. The hedge along part of the site's frontage has a length of 70.0m, more than half of the total frontage of the site. It is an attractive feature and appears to have been well maintained in the past. It contributes much to the pleasant soft, rural character of this end of the village and provides an "overlap" between the village and the countryside.
36. Its removal is not required for the provision of visibility splays and, with the re-alignment of the footpath, I feel sure it could be retained. At the time of writing this report negotiations were in hand with the Architects and a verbal report will be made. Some structural landscaping will remain with the Trustees, other with the Housing Association. I hope to negotiate for that to be rear of Plots 1-4 to be included as well.

v) Layout and Design

37. Following the withdrawal of the earlier scheme for fifteen houses, there have been extensive discussions between the Architects, the Conservation and Design Officer and the Case Officer. By approaching the site in a different way, ie a group of "converted barns", a more informal cluster of buildings is achieved with varying ridge heights and providing a greater opportunity for views into, and through, the scheme as well as the use of a more varied choice of materials. To the eastern end of the site, the scale of the buildings changes with a pair of cottages at the end.
38. The scheme is softened with planting and some mature trees at the front of the site are to be retained. Hopefully, if the footpath can be reduced in length and/or re-aligned, a softer, and less urban, development can be achieved.

Recommendation

1. Subject to the application not being called in by the Secretary of State, to the completion of a Section 106 Agreement (this will relate to the Affordable Housing and an Educational contribution) and to a satisfactory conclusion of negotiations described above, the Committee be minded to approve the application.

Reason 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

P5/3	Density
P5/4	Meeting Locally Identified Housing Needs
P5/5	Homes in Rural Areas
P6/1	Development Related Provision
P7/6	Historic Built Environment
P9/2a	Green Belt

- South Cambridgeshire Local Plan 2004:
 - SE4 Group Villages**
 - SE8 Village Framework**
 - SE9 Village Edges**
 - GB1 Green Belt**
 - GB2 Green Belt**
 - HG7 Affordable Housing Within Village Frameworks**
 - CS10 Education**
 - EN5 Landscaping of New Development**
 - EN28 Development within the Curtilage or Setting of a Listed Building**
 - EN30 Development in Conservation Areas**
 - EN31 Development in Conservation Areas**
 - EN4 Historic Landscaping**

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

- **Damage to Fleam Dyke**
- **Landscaping and layout of the site**
- **Impact on the setting of a Listed Building and the character and Appearance of the Conservation Area.**

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/1736/04/F and S/0970/05/F**

Contact Officer: Jem Belcham Planning Officer
Telephone: (01954) 713252

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

**S/2494/04/F - West Wratting and Great Wilbraham
Grain Storage and Drying Facilities Building and Associated Offices and
Improvements to the A11 Junction at Land Adj Wilbraham Chalk Pit and A11 for
Camgrain Stores Ltd**

**Recommendation: Approval
Determination Date: 10th March 2005 (Major Application)**

Members of Committee will visit the site on Monday 4th July 2005.

Site and Proposal

1. The application site is a 15.1 hectare area of land situated in the countryside on the south-east side of the A11 trunk road, approximately 600 metres away from the A11 Wilbraham interchange.
2. Along the northern boundary of the site is a footpath and byway beyond which lies a working chalk pit. The land on the site rises to the east and south. To the east is a small copse of trees and to the south on the higher land there is a tree line. Some 400 metres to the west are two residential properties, West Wratting Valley Farm and Valley Farmhouse. Approximately 3 kilometres to the north, beyond the A11, is the village of Great Wilbraham whilst Balsham village lies approximately five kilometres to the south-east. Access to the site is from Old Cambridge Road which leads to the A11.
3. The full application, submitted on 9th December 2004, seeks to erect a grain store, office building (incorporating offices, laboratory and administration floorspace and meeting room), weighbridge and approximately 20 silos on the site as well as to carry out improvements to the A11 junction.
4. The development proposes a total floorspace (excluding the silos) of 9392m² of which 8550m² would be used for grain storage and 842m² as offices. The development would have a total capacity of 90,000 tonnes. It is anticipated that there would be 5 office employees at the site (with 3 of these being transferred from the Linton store) and 2 industrial employees (1 of whom would be transferred from Linton). The grain stores and silos would range in height from approximately 17 metres to 23 metres. The office building would be a two storey high red brick and tile/slate building measuring 25 metres x 13 metres and standing 8.2 metres high to the ridge (5 metres high to eaves).
5. Two grain storage flatstores are proposed close to the entrance of the site. Their siting in this location serves in part to screen the hoppers and dryers to the rear which will be constructed on level ground. Accordingly, the base of the site will be cut into the field with the topsoil from this operation and the construction of the drainage swale to the west being used to construct bunding around the edge of the site.

The drawings show the general concept of placing bunding and supplementary planting in the most sensitive locations. Landscaping is shown around the edge of the immediate site. Also, in order to protect longer distance views, new landscaping areas are planned on the eastern edge. The landscaping belt that runs parallel to the eastern boundary has accounted for any future expansion of the site although there are no current plans to develop the area between this landscaping belt and the planned flatstores/silos.

Supporting Planning Statement and Transport Statement

6. The application has been accompanied by a planning statement which states that, in view of the concerns raised by the Highways Agency to an earlier application for a 30,000 tonne grain storage facility, the current proposal seeks a more feasible development proposal in terms of meeting substantial costs in highway improvements and meeting the commercial aspirations of existing and new members.
7. The statement explains that Camgrain was established in 1983 to provide grain storage for local and regional farmers and is now the largest single storage co-operative in the UK, with 130,000 tons of storage available in 2004 and 300 farmer members. Camgrain currently operate from their base in Linton which has sophisticated grading, drying, damping and segregation equipment. Camgrain provides storage for all types of combinable crop farming and allows farmers to store their produce in a safe, hygienic and secure environment, thereby facilitating better marketing and enabling farmers to meet increasingly stringent health and safety and food hygiene standards. The Company also allows economies of scale to be achieved in grain storage which would not otherwise occur if storage was left to individual farmers. This therefore increases the efficiency and competitiveness of British farms. The Linton site has reached capacity and further storage is therefore required.
8. The Linton site has a 30 mile radius catchment area, an area that contains some of the most productive farms within the Eastern region. There are limitations on the expansion of the Linton site in terms of topography, flood risk, land ownership, overhead electricity lines and proximity to Linton. As such, Camgrain has had to consider other sites within the catchment area.
9. The nature of Camgrain's operation means there are site specific requirements to bear in mind. The use is not compatible with an industrial use and is an extension of the farmer's own business. Existing co-operative stores are deliberately sited away from industrial premises. The nature of the grain facility does attract traffic movements, particularly HGV movements, and a site close to the main highway network is therefore essential. In order to reduce traffic levels through the villages, Camgrain has sought to consider sites which have as much direct access to the primary road network as possible. In addition, due to the size of the facility, an inconspicuous location was sought.
10. Sites were explored along a number of main road routes. Locations outside the Green Belt were preferred due to more stringent policy requirements in the Green Belt. Both the A603 and A10 routes beyond the Green Belt are largely constructed at ground level allowing for views across the wider landscape. In addition, both routes are close to villages and east-west movement across the District would potentially be more difficult. On the M11, only the Duxford interchange would provide the necessary accessibility but the nature of the landscape, likelihood of available land and Council policy resistance to development here rules out this location.

The A505 has open landscape on either side of its length whilst the A1307 has a strong rural character.

11. The eastern side of the A11 beyond the A505 is outside the Green Belt, lies in a cutting and is distant from villages. Two all-movement junctions lie along this stretch of road at the Fulbourn crossroads and the Great Wilbraham turn. The landscape around the former is particularly sensitive but the Great Wilbraham turn is less sensitive. Particularly relevant in this context is the chalk pit located at the end of the road. Views of the chalk pit are limited from most public vantage points and Camgrain has therefore concentrated on this location.
12. The topography of the site and its location away from the A11 means that the impact of the development will be greatly reduced. The inconspicuous nature of the chalk pit is a barometer of impact although substantial and significant landscaping proposals are proposed as part of a mitigation strategy to reduce the site's impact.
13. The application has also been accompanied by highways, noise and flood risk assessments. The highways statement confirms that pre-application discussions have taken place with the Highways Agency in respect of the proposed junction improvements. At present, the A11 junction does not meet design configuration standards with relatively short merge and diverge slip roads. The existing A11 overbridge is 4.5 metres wide with limited forward visibility and generally operates with one way vehicle shuttle working. Information suggests the existing interchange was introduced predominantly to accommodate HGV movements associated with the chalk pit thereby avoiding heavy vehicle movements through Great Wilbraham. The report states that the existing road between the site and the A11 is 3.3 metres wide and is therefore limited to one way vehicle movements.
14. The highways statement explains that there would be general office and some HGV traffic throughout the year. However, the majority of inbound activities take place during the harvest period from mid July to the end of September, with the store being emptied from mid October till the end of June. The site is open from 6am to 6pm other than during the harvest period when it is open until 8pm. During the peak harvest period, based on experience of the existing Camgrain operation and a 29 tonne net load per lorry, a maximum of 75 HGV deliveries are expected per day, equating to 150 two way daily vehicle movements. Over a 12 hour day, this equates to just over 6 deliveries per hour. Throughout the rest of the year during the emptying period, up to 60 movements per day or 5 trips per hour are anticipated. These movements are in addition to those generated by the adjoining chalk pit which generates up to 50 HGV trips per day.
15. It is proposed to improve the junction by increasing the merging length of the northbound slip road from 77 metres to 130 metres and the southbound slip road from 95 metres to 130 metres. No increase is proposed in the lengths of the slip roads coming off the A11 in both junctions although modifications would be made to the road curvature and kerb radii. The submitted road improvements diagram also shows that three passing bays would be provided along the Old Cambridge Road between the A11 and the application site.

Planning History

16. **S/0623/03/F** - Application for a 30,000 tonne grain store on the same site. The Highways Agency raised concerns in respect of the adequacy of the existing A11 junction to cater for the increase in traffic and stated that modifications would need to be carried out to the junction. The costs of carrying out these modifications meant

that the 30,000 tonne facility would not be a financially viable option. This application is to be withdrawn.

17. The adjacent chalk pit has been worked for chalk since the 1950's under various consents. Under planning consent **ref: S/1377/97/F**, the use of the site for the extraction of chalk is required to cease by 31st December 2015. In 1993, planning permission was granted for the infilling of the chalk quarry with inert waste material (**Ref: S/0621/93/F**). Consent was renewed in 1996 subject to a requirement that the site be restored to agriculture by 31st December 2001 (**Ref: S/1120/96/F**). Both permissions were subject to a lorry routing agreement prohibiting landfill vehicles from travelling through the villages of Great Wilbraham, Little Wilbraham and Fulbourn. A further application for inert landfilling was submitted to the County Council in 2002 and the County intended to reapply the Section 106 agreement to prevent traffic going through the above nearby villages. At the time, the applicants were not prepared to enter into the legal agreement and the scheme was refused (**Ref: S/1648/02/F**). They are now in agreement with such a proviso, however, and have submitted a further application for inert landfill that is being considered by the County Council at present. The Highways Agency has requested the submission of a traffic assessment for this application and to date it remains undetermined.

Planning Policy

18. **Planning Policy Statement 7 (Sustainable Development in Rural Areas)** aims to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants. PPS7 states that planning authorities should support development that delivers diverse and sustainable farming enterprises and that enables farmers and farming to become more competitive, to adapt to new and changing markets and to comply with changing legislation.
19. Department of the Environment, Transport and the Regions (DETR) circular 02/98, "Prevention of Dereliction through the Planning System" suggests that Local Planning Authorities might wish to impose conditions on planning permissions for non-mineral developments to ensure the future restoration and after use of a site. This is more likely in the open countryside where policy constraints may restrict the range of acceptable alternative uses for a site and the structures permitted are unlikely to be reusable for an alternative purpose.
20. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 states that development will be restricted in the countryside unless proposals can be demonstrated to be essential in a particular rural location.
21. **Policy EM7** of the South Cambridgeshire Local Plan 2004 states that development for the expansion of existing firms within village frameworks or on suitable brownfield sites next to or very close to village frameworks will be permitted subject to the provisions of **Policies EM3 and EM6**. The supporting text to this policy states that whilst the expansion of existing firms will generally be acceptable, it will also be important to consider the local impact of the development. Development will not be permitted where it would cause problems of noise, traffic or pollution.
22. **Policy EN1** of the Local Plan states that, in all planning decisions, the Council will seek to ensure that the local character and distinctiveness of Landscape Character Areas is respected and retained. Planning permission will not be granted for

development which would have an adverse effect on the character and local distinctiveness of these areas. This site lies within the East Anglian Chalklands which is defined as an area of smooth sloped and rolling chalk hills. Large arable fields are punctuated by small beech copses or hangers on some of the hills.

23. **Policy EN3** of the Local Plan states that, in cases where new development is permitted in the countryside, the Council will require the scale, design, layout and landscaping of the scheme to be appropriate to the particular landscape character and to reinforce local distinctiveness wherever possible.
24. **Policy EN12** of the Local Plan requires the retention where possible of features and habitat types of nature conservation value and states that appropriate management of these features and habitat types will be sought by the imposition of conditions.
25. **Policy EN45** presumes against development which will have an adverse environmental impact on the water environment, nature conservation, fisheries and water related recreation.
26. **Policies ES6 and ES7** of the Local Plan seek to minimise the impact of noise and pollution, including road traffic noise, upon dwellings by means of appropriate planning conditions.

Consultations

27. **West Wrattling Parish Council** objects to the application stating:
 - “1. We consider the objections to the original application for a 30,000 tonne facility remain valid and indeed are more so as the site is bigger with increased traffic movements.
 2. We would note that no substantial case for permitting this development in a rural area is put forward. Statements that it could not be on an industrial/commercially zoned site are incorrect. The activity is a processing/blending business using raw foodstuffs stored on site or brought in from other stores. Many foodstuffs are processed or manufactured within modern industrial zones (see local telephone directory). Locally we have IFF in Haverhill, Chivers at Vision Park and a producer on the Huntingdon Business Park off the A14.
 3. Such a large and high development would not sit comfortably within the specially designated landscape of the area.
 4. The traffic, many times greater than previously (with the smaller application), will give rise to potential for accidents at the A11 interchange. The improvements proposed are minimal and would not create a junction suitable for the slow acceleration and braking of laden grain lorries. The slip roads remain seriously sub-standard (letter has been sent to HA regarding this matter).
 5. The office and weighbridge buildings are not compatible with the stated employment. Five office employees and 2 industrial workers do not require 840m² (9000ft²) of office accommodation, nor do they need a total of 14 toilet facilities! *Something is proposed which is beyond this application to justify the cost of this extent of office space and facilities.*
 6. Whilst for only 7 staff the location requiring all to access from some distance and hence normally by car may not be of great concern in terms of sustainable

transport, the development must be designed to take more attendees due to the size of the office accommodation. For this it is located in an area producing an unsustainable travel pattern and hence in conflict with National and County policies on location and travel.

7. Without pointing to all the conflicts with Local Plan policy we note 3 below:

1. *EN1 states ‘.....Whilst 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.’*

The size and height of this scheme will clearly impact on the area and create a need for major screening, again impacting on the relatively open landscape of the rising land.

2. *EN3 states ‘...(a) the scale, design and layout of the scheme, (b) the materials used within it, (c) the landscaping works are all appropriate to the particular “landscape character area”, and reinforce local distinctiveness wherever possible.*

Again the size and height of this scheme ensure that it cannot conform with any reasonable interpretation of this policy.

3. *EM7 ‘Development for the expansion of existing firms within village frameworks or on suitable brown field sites next or close to village frameworks will be permitted....’*

The site chosen for this application is not within or close to a village framework nor is the site a brown field site. FPD Savills choose to ignore this within the text of their submission; it is suggested purely because they have nothing they can say to mitigate this non-conformity with policy.

Conclusion: On the above grounds, which we reserve the right to expand upon if this is taken to Appeal, we object to the Application.”

28. **Great Wilbraham Parish Council** objects to the application stating:

“The Parish Council are unanimous in recommending REFUSAL for this application on the grounds of what we consider to be an extremely large development in an inappropriate location.

Our overall concern is one of safety for vehicles leaving or entering at a very difficult junction on the A11, where many accidents have already occurred. This has already been recognised in various reports (as substantially sub-standard) and as a result alterations to this junction are due to be done in the next few years, after continual complaints. An estimated 12,000 vehicular movements per year will inevitably greatly increase the risk of yet more serious incidents both at the slip roads and on the single track bridge. Having seen the very minor improvement suggested by the applicant, we fear that this will have a negligible impact and go nowhere near achieving the necessary standards for this level of usage by HGV's.

The projected lorry movements are very unlikely to be evenly spread. Our experience with another local grain store is that movements are likely to peak at particular times to cause queuing along a narrow single-track road. This will inevitably compromise

the safety of the local road users and possibly create problems backing up to the A11. We are also concerned about potential for queuing at the junctions to the M11.

Despite the assurances given by the applicant that no traffic will come through our village, we are not convinced that this will be adhered to, as we already experience problems with lorries using the village as a cut through.

The impact on this hitherto undeveloped virgin landscape will be shocking due to the sheer size of the proposed commercial enterprise. It is near to an area of best landscape and was recently described as being "an environmentally sensitive area". The proposed bundings and planting will take many years to establish and will not screen the site effectively, as the land rises on this plot.

A development of this size is bound to have a significant impact on light pollution, additional noise and potential for local dust pollution."

29. **Little Wilbraham Parish Council objects** to the application stating:

"The Councillors have each examined the planning application for the above proposal. Although they agree that the case is well presented, there is unanimous concern that there are traffic risks which have not been sufficiently addressed, particularly that there is no major connecting route for travelling between the Chalk Pit location and west to and from the A14, which will avoid the local villages. Included below is a representative list of comments from the Councillors' individual written responses;

1. "there could be considerable traffic problems and the statements in the report (final sentence page 6 and item 6.12 on page 15) are questionable"
2. "it is not accepted that there would only be 2 HGV per hour during the busy harvest period"
3. "there will be a number of lorries using the Quy to Six Mile Bottom, to the detriment of the residents of Six Mile Bottom"
4. "the proposal will inevitably involve 40 ton axle weight lorries passing through Rectory Farm Road, Little Wilbraham, and Great Wilbraham village"
5. "the massive movements during the peak periods in August would undoubtedly cause a tail back effect, possibly both north and south directions; this coincides with holiday traffic motoring further north into Norfolk and traffic from the north making its way via the A11 towards the M11 and M25, Stansted, London etc."
6. "further improvements to slip lanes/roads on the A11 approaching the Wilbrahams' junction should be obligatory. All local users know well that the vehicles being too large or misjudging the small turning space frequently destroy the signing of this junction"
7. "would undoubtedly involve unsuitable vehicular movements through Fulbourn, Great Wilbraham, Little Wilbraham, Six Mile Bottom and then south on the A11"
8. "the impact would seriously affect the quality of life in these villages, from the point of view of pollution, noise, road safety and vibration damage to listed buildings"

9. Six Mile Bottom “already experiences problems with HGV’s, in particular grain lorries which use the Wilbraham Road and the B1604 through Six Mile Bottom as a short cut from the A14 to A11 (and vice versa) to use the grain depot at Camgrain at Linton”
10. “based on the busy Harvest period of 2004, there was certainly one HGV (grain lorry) using the Wilbraham/B1304 every 5 minutes and I seriously question the assurances made in the WSP document, page 6, 3.4-3.10”
11. “Cambridgeshire County Council have already identified that there is a problem associated with traffic through Six Mile Bottom. The village is shortly to have yet another traffic calming scheme introduced which will involve bollards being erected to ‘narrow’ the B1304; there will be safety issues arising out of HGV’s slowing down to negotiate these bollards creating more noise and pollution”
12. “the planning statement page 13 (6.2) states that the nearest village is Great Wilbraham, but Six Mile Bottom is equally close and likely to suffer an increase in traffic”

The Parish Council wish these comments to be given serious consideration and would ask that specific responses are given.”

30. **Weston Colville Parish Council** recommends approval although states:

“We remain concerned about the increased large lorry traffic, but trust that this is being addressed and monitored.”

31. **The Highways Agency** states that the proposed improvements to the A11 junction comprise upgrading of the existing sub-standard compact grade separated junction. The proposed junction improvements would result in the merge and diverge arrangements to/from the A11 being brought up to the standard required by TD40/94 of the Design Manual for Roads and Bridges. However, the internal arrangement of the junction, including the connector roads and over bridge, would still remain severely sub-standard. The worst case traffic estimate provided by WSP (75 HGV or 150 two-way HGV movements per day over the 11 week harvest period) is accepted in principle. A condition limiting traffic to this number should be attached to any planning consent. Any consent should also be subject to the following conditions:

- No development to commence until agreement of design details - (a) how the improvement interfaces with the existing highway alignment and carriageway markings; (b) full construction details; (c) full signing and lighting details; (d) confirmation of full compliance with Departmental Standards and Policies; (e) an independent Stage 2 Road Safety Audit; (f) an Appraisal Summary Table;
- Development not to be brought into use until the highways improvements have been implemented satisfactorily;
- No more than 90,000 tonnes of grain to be stored on the site at any one time.

32. **The Local Highways Authority** states that the proposed internal arrangements for the site are acceptable. The main concern that the proposal raises is inter-visibility over the A11 bridge which is, in effect, a single track road. The forward visibility is poor and the proposed give-way system will not be sufficient safe traffic control during peak periods of use and will present a significant hazard for vehicles using the access to the A11 from adjacent villages. This situation would be sufficient grounds to

recommend refusal of the application. This concern could be alleviated by a Section 106 Agreement to provide traffic signals on the bridge prior to commencement of the proposed use. This agreement should also include a commuted sum for the maintenance of the lights.

The LHA subsequently contacted the Highways Agency who raised no objections in principle to the recommended traffic signals. The HA advised that it would need to be involved in the technical aspects of the signal installation in relation to signal timings and the installation of loops in the road to prevent stacking of HGV's that may back up onto the A11.

33. **The Chief Environmental Health Officer** states that the submitted figures are based on the worst case scenario, using levels obtained from the Linton works and manufacturer's details to predict levels to be experienced at West Wrattling Valley Farmhouse. Machinery noise and fans could be operating for 24 hours a day and the noise levels assume that the driers and fans are operating for 100% of the time. The reality is that the driers normally only operate for about 5% of the time. Taking into account the tonal nature of the noise, the submitted noise report demonstrates that the proposed works can operate within the guidance given in the Environmental Standards of the Local Plan.

Further information was requested on the effect of HGV movements to and from the site. The worst case scenario compared with the lowest background levels shows that the likely increase in background noise levels due to HGV movements would be + 1.7dB. This is generally felt in guidance to have a barely discernible noise impact. Noise from operation of the site will be audible to the occupant of West Wrattling Valley Farmhouse. However, the report does demonstrate that the works can operate within the guidance set out in the Local Plan.

Any planning permission should be subject to the following conditions:

- Details of the location and type of power driven plant or equipment to be submitted and approved before the installation of such equipment;
 - Restriction of hours of use of power operated machinery during the construction period;
 - A method statement for the construction of the noise barrier to ensure this takes place at the start of the construction process and provides mitigating effects to reduce noise and dust emissions from the site.
34. **The Landscape Design Officer** expresses concern about the form of the spoil bunds in terms of the shape and angles of slopes, construction, depth of top soil and method statement for practical establishment. Need planting to south side and clear cross sections of mounding.
35. **The Ecology Officer** requests that an ecological site assessment be undertaken in order to establish the site's present value with respect to arable plants, sky lark, grey partridge and brown hare. The landscaping provisions must include the use of an approved chalk grassland seed mix in order to provide a greater biodiversity gain over a standard grass mix.
36. **The Environment Agency** states that the proposed development overlies a major aquifer with geology believed to be middle chalk. No objections are raised in principle. However, as the site is within an area of vulnerable aquifer, environmental concern and where landfill gas may be present, any approval should be subject to

conditions requiring details of surface and foul water drainage and protection of buildings against ingress/ignition of landfill gas.

37. **David Brown Landscape Consultant**, who has been employed by this Authority to advise on the potential landscape effects of the development, states that the development would only have very localised effects on the landscape and its users and that these effects could be mitigated effectively by the landscape treatments put forward in the application.

This report states that the grain store is a substantial built form and is industrial in scale and appearance. It is therefore inevitable that there will be a level of adverse impact arising from the character of the development and its visibility.

The site lies within the Chalklands landscape character area. The area is characterised by a series of spurs limiting intervisibility between valleys. Visibility of the proposed site is limited by the spur of higher ground that extends from Old Cambridge Road Plantation to the east in an arc around to the south-west of the site at Dotterell Hill on Balsham Road. To the north, the generally low level of available viewpoints together with the slight intervening rolls in landform combine to preclude visibility of the site from much of this area.

The principal significant views of the site are largely restricted to the continuation of Mill Road approaching the site from the A11 overbridge and the footpath that runs directly along one boundary of the site. The unmitigated effect on these localised views would be severe. The wider visual effects are quite limited and would be of a low order of magnitude, especially given the mitigation proposed.

The local character is typified by the presence of linear tree belts defining large scale fields. Linear features would be appropriate in this landscape. The planting shown alongside the footpath would make a positive contribution to the maintenance of landscape character. Providing the contouring of the bunds is handled sensitively at the detailed design stage, the mitigation measures proposed would be appropriate and beneficial to local landscape character. The immediate local visibility and adverse visual impact would be severe but the mitigation would reduce this level of harm and within five years or so the adverse visual effects would only be seen from a very limited area along Balsham Road and the nearby lane.

If the proposed facility is needed, this is a good site for it as it sits within a visually contained compartment. Visual effects are localised and can be effectively mitigated. There are no wider effects on landscape character.

38. **The County Footpaths Officer** states that the existing bridge over the A11 between Mill Road and Valley Farm Road is a key link in the soft user countryside access network and expresses concern that developing the junction for regular HGV traffic associated with the grain store should not compromise the safety of vulnerable road users. In order to mitigate the impact of the development upon byway and bridleway users, a soft track should be provided for byway traffic alongside the improved road. The proposed passing bays should not obstruct soft traffic. At the bridge crossing, the road design should incorporate a separate safe carriageway together with suitable 1.8m parapets to safeguard equestrians.
39. **The County Access and Bridleway Officer (BHS)** raises no objections subject to the right of way being unobstructed both during and after development takes place. Any changes to the surface of the right of way must be to the satisfaction of the

Highways Authority and a condition to this effect should be included in any permission.

40. **The Ramblers Association** - no objections in principle subject to surface of footpath remaining undisturbed during building work, no materials being stored/dumped on the right of way, vehicles visiting the site not impeding safe passage of pedestrians and no footpath signs being obscured or removed during building work. Due to increased traffic along the road, there should be adequate warning for lorry drivers and users of the byway.

Representations Against

41. 168 letters of objection have been received, 2 of which have subsequently been withdrawn. Objections have been received from the two nearest residents as well as residents within Great Wilbraham, West Wrattling, Little Wilbraham, Six Mile Bottom, Balsham and numerous addresses throughout the country. The main points raised are:

42. ***Highway Safety/Traffic Impacts***

- There are 4 vehicle movements for every 29 tonnes of grain. This equates to about 12,400 movements per year for a 90,000 tonne grain store;
- The worst case traffic scenarios are understated;
- Does the large increase in HGV's fit in with the Cambridge infrastructure plan?
- In July and August when the Newmarket Races are held traffic jams Six Mile Bottom. This is peak harvesting period, coinciding with holiday traffic going to Norfolk. Vehicles would turn off at Gt Wilbraham to avoid the traffic jams leading to congestion, shunts, gridlock and bad accidents;
- Based on activity at Vogans Silo in Fulbourn, high activity and hence HGV movements should be expected throughout the year;
- This proposal would take some of the capacity of Fengrain's site near March. About 20% of traffic would be directly from the Linton store to enable blending of other qualities of grain to suit market requirements. There will be a significant amount of traffic between the Linton site and the proposed site;
- Traffic from the Fengrain site will have to come from the A10 and A14 to the A11 and cannot avoid coming through Quy, Little Wilbraham, Great Wilbraham or Six Mile Bottom;
- Gt Wilbraham (which is used as a rat run) already has a lot of HGV's passing through it to access the grain store at Fulbourn. Volume of lorries passing through the village will increase resulting in danger to children/families walking and cycling to the primary school and nursery. Main road through the village is narrow and bendy and unsuited to heavy traffic;
- Wagons from the chalk pit are using roads through Great Wilbraham on a daily basis despite restrictions placed when planning permission was granted;

- Traffic calming measures at Six Mile Bottom have improved safety in the village but cause tail backs which regularly stretch back onto the A11 exit and beyond to the Wilbraham junction. Many HGV's will pass through Six Mile Bottom to gain access to the A14 making delays worse;
- Existing HGV's pay little attention to traffic calming in Six Mile Bottom. Grass verges on Wilbraham Road are frequently damaged by HGV's and the proposal will exacerbate this situation;
- HGV's should be barred from travelling through Great and Little Wilbraham and Six Mile Bottom except when collecting grain from local farms. Access should be directly from the A11;
- Type and scale of junction inadequate for the proposal. It was designed for use by light local traffic and occasional tractors going to fields. The chalk quarry was disused when the bridge was built but low level quarrying has started again. The busy period in the quarry - July, August and September coincides with peak grain movements and peak holiday traffic;
- There have been many accidents/incidents at this junction;
- The slip roads on and off the A11 are far too short and have poor visibility due to their proximity to the bridge. Poor visibility for slow merging traffic makes the junction dangerous;
- The bridge over the A11 is inadequate for the scale of traffic envisaged. It is a humpback with poor visibility of oncoming traffic. It should be rebuilt to 2 lanes wide to enable 2 HGV's to pass. The Traffic Assessment ignores what will happen when 2 HGV's meet on top of the bridge. One would have to reverse resulting in potential back ups/queues on the A11;
- Fast moving traffic on the A11 will have to swerve into the fast lane to avoid slow moving HGV's joining the carriageway;
- Assessments do not show braking distance/deceleration required by fully laden and empty HGV's to make a safe turn off on the short slip road or the effect of slow moving HGV traffic joining or leaving the carriageway;
- The correct standard of slip road for this interchange is defined in the Design Manual for Roads and Bridges Vol 6, Section 2, Part 6 TD 42/95. The deceleration slips should be 110 metres long and the entry slips 130 metres long. The slips do not provide this level of deceleration or acceleration length and, given the use by slower moving HGV traffic, the provision of full standards is essential. Any other course of action should be subject to a safety audit and any decision that did not provide for the accepted standards could leave the officials or Council open to corporate manslaughter charges in the event of an accident;
- A definitive figure for the maximum number of HGV and other traffic that is safe to use this junction should be given;
- The Highways Agency should carry out a Highways Safety Audit 1 on the junction. The Safety Engineering Assessment carried out is based on a 30,000 tonne grain store not the 90,000 tonne store applied for. This report should also take into account the potential increase in traffic from the planning application for

inert landfill in the chalk quarry which has a similar extra number of HGV movements. Both proposals represent around a 5 fold increase in HGV movements compared to the safety report carried out;

- There is insufficient room for a single HGV to enter the site. The bottleneck at the entrance to the site will be dangerous for all vehicles using the site. The application is therefore contrary to Policy EM10 (5);
- A planning application has been submitted by Wilbraham Chalk Pit for inert landfill, which was granted a while ago and then recently expired. They are reapplying for permission to infill the quarry with inert waste and return it to chalk grassland. The chalk pit traffic projections state that up to 50 HGV movements per day would use the junction which is more than 15000 movements per year;
- The current site at Linton already suffers from inadequate planning for the current volume of traffic;

43. ***Visual Impact***

- The pattern of settlement in the immediate region is of scattered small scale agricultural clusters and concentrated villages. The development proposed is industrially scaled and inappropriate;
- The development will ruin the character and distinctiveness of the area - contrary to Policy EN1;
- Contrary to Policies EN3, EN12 and EN45;
- This would create a dangerous precedent for large scale development on green field sites;

44. ***The need for this site***

- Expansion should be at Linton. This site is not within or close to any village framework nor on a brownfield site. The development is an industrial processing plant and not a farming facility and the proposal is therefore contrary to Policy EM7 (Expansion of existing firms at villages);
- This proposal is symptomatic of a trend to render localised facilities on individual farms redundant and replace them with development on the scale of an industrial installation within a rural landscape;
- The proposal does not support agricultural diversity. SCDC should encourage diversity in agriculture for the benefit of the local community (more jobs, fewer transport requirements etc) and should resist the development of industrial scale infrastructure in the heart of this environmentally sensitive area;
- Study of alternative sites should be carried out - eg - existing Fengrain site, at a suitable location on a railway line, near Granta Park, between the A11 and the A14 - see Policy EM6 (New employment at Rural Growth and Limited Rural Growth Settlements);

- The site should not be developed for any use other than agricultural storage. Use of offices for meetings other than those involved with Camgrain should be forbidden;
- A business case, proving a need for this scale of development, should be submitted with the application;
- In January 2005, an advertisement in Anglian Farmer stated that Camgrain has 145,000 tonne capacity at its Linton stores - isn't this sufficient for the catchment area?;
- Stores such as these should be located close to suitable rail depots and transported by freight trains. Suitable sidings are available in Duxford, Fulbourn and Whittlesford;

45. ***Environmental Health Issues***

- The spoil bunding on the west elevation should be raised to reduce noise;
- Will floodlighting be required at night? If so, this could lead to light pollution of West Wratting Valley Farm;
- The noise assessment report has errors - it states the predicted noise from HGV's will be quieter than the quietest measured background noise; the site boundaries on the site map bear no resemblance to the scale of the site; assumptions on the noise assessment plan do not clearly demonstrate how the height of the bunding will reduce the noise at Valley Farm;
- Vehicle movement noise restrictions must be included in any planning consent;

46. ***Flooding Issues***

- A flood risk assessment should be carried out. West Wratting Valley is an enclosed rainwater catchment of approximately 1150 hectares. Extra surface run off created by the site will cause short to medium term raising of the water table exacerbating the flooding problem. The flood report does not mention the volume, intensity and duration of precipitation used in the calculations. Do predictions match the actual events in the area?
- Catchment water balance calculations and modelling should be performed;

47. ***Other Issues***

- Will this proposal become a bio-diesel refining plant for oil seed rape?
- The proposal does not address the sustainability of the site;
- There is no water supply on the site;
- How will the development benefit the local community? Why not build some houses next to the site? Are there limits on operating hours of sites?;
- Changes to CAP subsidies and replacement by the single farm payment scheme will make crops less competitive at unsubsidised world prices;

- Proposals should include sites for bats and barn owls that inhabit the local area;
 - The proposal does not state any position on crime prevention;
 - There have been several grant funded grain storage facilities built within 20 miles over the past few years that have closed down or changed use to industrial. Without grant funding, this proposal is not viable. With falling grain volumes predicted over the next 5 years, there is every chance this proposal will be unviable;
 - The development is only acceptable if the silo in Fulbourn is closed and its capacity transferred to the proposed new silo;
 - A report should be requested from the police on the suitability and safety of this road junction which is not suitable for large number of trucks to enter and exit safely due to short entry and exit slip roads;
 - The grain store should be considered against the context of the development of the Eastern fringe of Cambridge;
 - There would be a danger from lorries to users of the bridleway and public footpath;
 - Volume of lorries would result in damage to the roads;
48. An objection has also been received from the County Heavy Commercial Vehicles Route Manager, (although it must be noted that this is a personal opinion and not the formal response of the Local Highways Authority). The main points raised, which are based on a figure of 20,000 - 60,000 HCV movements per annum, are:
- The existing southbound exit slip road is 40 metres long, well short of the 110 metres required;
 - The egress from the northern side has the same problems. To access the site from here it is necessary to go over a bridge that is not wide enough for 2 HGV's to pass;
 - It would not be desirable for HGV's to use Mill Road given the narrowness of this highway towards Great Wilbraham;
 - The section of road between the bridge and site is low in quality and a survey to ascertain its quality should be carried out;
 - The slip roads should be extended. However, the bridge probably prevents this. As such, any permission should be subject to vehicle movements being prohibited between 7am - 9am and 4pm - 6pm;
 - A survey of the bridge should be carried out. Consideration should be given to widening the bridge to allow two vehicles to pass. If this is not possible, traffic signals should be introduced in order to control movement across the bridge;

- The road to the barn should be widened to allow two vehicles to pass and the surface of the route improved to accommodate large numbers of vehicle movements

Representation by James Paice MP

49. "I wish to express my support, in principle, for this application.

The need for increased co-operation in agriculture production is self-evident given the huge changes taking place within the industry and the success of Camgrain in providing those services to its members is obvious from the continued and substantial expansion at its existing site at Linton. It is that expansion which has led to the increasing traffic problems on the A1307 and the obvious conclusion that not withstanding other planning considerations, that site simply cannot continue to expand and cause increasing traffic issues. It is, therefore, essential in my view that further substantial expansion takes place at a site away from Linton and I believe that this proposed new site has considerable advantages, not least the inconspicuous and somewhat hidden nature of its location. It has the added advantage that it would involve an improvement of a junction which is far from adequate given today's traffic movements and is the frequent site of incidents caused by traffic failing to slow down sufficiently for the junction.

I trust that in considering this application the Council will take into account the importance of this business to the local agricultural community."

In a further letter he states:

"I must stress that this support is for the principle of a new grain store because of the changing needs of the agricultural industry. Its suitability will depend very much on the proposed changes to the junction with the A11 which is currently wholly inappropriate for further traffic let alone considerably Heavy Goods Vehicles. I am also aware of the objections by those who live in the vicinity of the proposed new site and I have no doubt the Council will take those concerns fully into account in reaching their decision."

Representations For

50. 32 letters of support, predominantly from farmers and businesses using the Camgrain service but also including a few local residents, have been submitted. The main points raised are:
- There is strong local demand from farmers willing to invest in centralised high quality and hygienic storage capacity. The importance of Camgrain to the agricultural economy has resulted in the Linton site reaching full capacity;
 - Farmers are required to produce, handle and store their grain against a backdrop of demands for ever higher standards in food safety and environmental management. A modern, efficient facility of the kind proposed will help Camgrain members to meet those standards while reducing the number of haulage movements in the countryside;
 - Farmers are being encouraged by Government and the NFU to work in cooperatives so that the industry can benefit from the economies of scale;

- EFFF is a national body set up to promote collaboration within the farming and food industry. In the wake of foot and mouth disease, EFFF's role is to strengthen the profitability and competitiveness of England's farming, food and related farm-based industries. The need for collaboration is paramount, Ongoing reforms of the CAP mean that farmers are going to have to become more market focused and rely less on support and protection from government policies. Cereal farmers in England face an increasingly competitive environment due to trade liberalisation and enlargement of the EU from 15 to 25 countries. Farmers need to become more efficient and integrated with their partners to deliver value and quality to consumers around the world. The ability for farmers to produce, handle and store their grain to the highest professional standards, yet at a competitive price, remains intense. Camgrain has a record as one of the best collaborative grain stores in the country. Further development of the business is precisely the type of initiative needed to secure a successful business for the English farming and food industry;
- Central storage gives farmers the ability to aggregate and blend, thereby adding value to their produce;
- In difficult harvests the ability to capture the harvest in a short timeframe can safeguard its quality. The 2004 wet harvest season would have been disastrous had it not been for Camgrain. Premium crops were dried from very high moisture levels and the quality preserved. On farm driers could not have coped with such a difficult season;
- This type of storage is prevalent in the key countries that UK grain competes with for business;
- Fengrain state that there is no truth in a statement in an objector's letter that Camgrain "wishes to take over some operations of Fengrain and replace its uneconomic facilities. "Fengrain has no intention of sending grain destined for its store at Wimblington down to the proposed new store. Fengrain and Camgrain are managed and operated completely independently with Fengrain purely acting as marketing agents for Camgrain's members;
- Some farms have very limited storage and are dependent on Camgrain to provide the required storage for farms that do not have the funds available to build grain stores to the necessary specification
- The site is central to the area that Camgrain serves;
- Use of Camgrain reduces the use of inner village grain stores;
- The service Camgrain gives to farmers and the food industry is second to none and continued development should be encouraged;
- New regulations on traceability, hygiene and assured quality have made many old grain stores unusable;
- It is essential for the wellbeing of the area's agricultural industry that Camgrain continues to expand and provide for the increasing demand for this service;
- Barclays - At a time when profit margins in arable farming are very small, and capital for investment on individual farms is limited, a central store such as this is

necessary if East Anglian farmers are to compete effectively in national and world markets, and thus maintain rural employment and their contribution to the rural economy generally.”;

- Movement of grain into central store at harvest on 44 tonne lorries reduces the number of tractors pulling trailers on country lanes;
- All grain delivered to Camgrain is cleaned, dried and graded to tight specifications required by the end user. Grain delivered straight from a farm is more of a lottery. This can lead to rejections and return to farm which is expensive to all concerned;
- Farmers are taking on more land in the form of contract farming agreements due to historically low grain prices. Modern combine harvesters cut more grain per hour than an average farm grain store can dry. Therefore central storage is the only way for large acreages to be harvested successfully;
- The only lorries using a route through the villages will be carrying grain to the store from local Camgrain members. These lorries are already using the same route on their way to the existing Linton store;
- Rented agricultural land now only comes on short term tenancies so it is not economic or practicable to put up small stores on this land;
- The site is well away from residential areas;
- The proximity of the site to the A11 without access through villages is one of the most important arguments that militate in favour of this location;
- The site with direct access to the A11 and good links to the A14 and M11 is ideally placed to meet increasing demand for central storage;
- High Street, Great Wilbraham resident states that at present continuous flows of heavy vehicles leave the A11 and go through Great Wilbraham to access the Fulbourn grain store and vice versa. This resident has not heard of any difficulties at the A11 turn off. If the proposal does anything to reduce this traffic, it should be welcomed;
- Other than Hawk Mill Farm in Little Wilbraham, there are no farms in Little or Great Wilbraham or in the surrounding area that will need to travel through either village to access the store. The owner of Hawk Mill Farm has never seen either an empty or loaded chalk pit lorry in either village. They presumably use the A11 and why should Camgrain be any different?;
- The site is close enough to Linton to be run by the existing management team;
- Any proposal that provides lasting investment in the rural economy should be welcomed;
- If the access from the A11 is improved sufficiently and traffic discouraged from using nearby villages, this is an excellent use of poor agricultural land;

- The projected road improvements will benefit the community.

Letters from the applicant's agent

51. The applicant's agent has responded in writing to the responses received in respect of the application.
52. It is argued that some comments made have misrepresented the proposal and it is important to be aware of the realistic position rather than the negative vision suggested by some.
53. The proposals to improve the A11 junction have been produced in consultation with the Highways Agency who has confirmed that it does not object to the proposals subject to appropriate conditions. The improvements to the A11 are entirely appropriate and will address existing safety concerns to the benefit of existing users. With regards to the issue of HGV's travelling through the villages of Little and Great Wilbraham, it is pointed out that Camgrain themselves control the routes of the HGV's which pick up and deliver grain to their grain store and the only occasions when HGV's may travel through these villages is when they access farms in the local area to collect grain. The manager of Camgrain directly controls the routes of the HGV's and seeks to avoid villages wherever possible. The proposed site allows traffic to access the strategic road network via the A11 and there is therefore no need for vehicles to go through the villages.
54. With respect to concerns that traffic congestion will occur at the entrance to the site, it is stressed that the frequency of vehicles entering the site will be around 10 per hour. It has been demonstrated to the satisfaction of the Highways Agency that there are sufficient gaps in traffic for a system such as the one proposed to operate without excessive queuing. Camgrain has extensive experience of routeing at Linton and this has never been challenged.
55. The applicant's agents also stress that the Highways Agency's recommendation to the Council on the application was taken in the full knowledge of the application for filling/working the chalk pit.
56. With respect to the impact of the development on the landscape, it is noted that David Brown Landscape Design's report concludes that the development would only have very localised effects on the landscape and that these effects could be mitigated effectively by the landscape treatments put forward.
57. The Camgrain site at Linton is not capable of being expanded due to a number of physical constraints including the existing electricity power lines that prevent expansion to the north and west. There are also areas of land around the site that flood at depths of up to three metres during heavy rain and would therefore not be suitable for expansion. There is an urgent need to meet the enormous demand for Camgrain's services in order to enable farmers to supply best quality produce to consumers. The site can best address these matters and there is considerable support for the proposal.
58. The proposed office building is similar to that in operation at Fengrain and Hampshire Grain and other farmer co-operative central stores around the country. The building is large relative to staff numbers. However, this is essential in order to cope with data storage and computer hardware and software. The office building has a large meeting room to enable farmer members of Camgrain to hold meetings in this location (eg - AGM's and monthly Director meetings) instead of having to book hotels

or erect marquees as at present. This building will allow better operational efficiency of the site. The plans were based on the facilities provided at Hampshire Grain to serve their 50,000 tonne store. The office will release some pressure on accommodation at the Linton site, where outmoded portakabins are presently used, and all of the space will be used in connection with the expanded business.

Planning Comments - Key Issues

59. The key issues to consider in the determination of this application are:
- The principle of development in the countryside and justification/need for the development;
 - Visual impact;
 - Highway safety and traffic issues;
 - Residential amenity issues including noise and pollution;
 - Ecological Issues;
 - Flooding/drainage issues;
 - Footpath issues

Principle of development and need

60. The site lies within the countryside where planning policies state that development must be restricted to that which requires a rural location and that is essential to the operation of local farming.
61. It is clear from the success of the existing Camgrain store as well as from the comments made within letters of support received in response to this application (including from the NFU, EFPF, James Paice MP, maltsters/mills and local farmers) that the proposed development is essential to the operation of local farming. Government guidance specifically supports the type of facility proposed in this application which is considered to be an important part of the farming sector and vital to the livelihood of farmers and the future of British farming in general. The use therefore complies with the requirements of Policy P1/2 of the Local Plan and, subject to consideration of other material planning issues, is appropriately sited in principle in a countryside location. The development also accords with PPS 7 in that it enables farmers to become more competitive and efficient, to adapt to changing markets and to comply with changing legislation.
62. This leads to the question of why a development of this scale is needed, why it needs to be sited in this location and, specifically, why it cannot be sited at Camgrain's existing premises in Linton. The planning statement submitted with the application explains that a new site is required as the Linton site has reached full capacity and, due to high demand, further grain storage facilities are required in the area. The Linton site cannot be expanded due to various constraints such as the presence of overhead lines, flood risk issues and proximity to the village etc. I consider that due to the scale of buildings required, the size of the site and the need to have easy access to the primary road network, it would be difficult if not impossible to accommodate the type of development proposed within any of the immediate area's existing village frameworks. A number of objectors have argued that this is an industrial process that should be sited on an industrial estate and not in the middle of the countryside. However, to the best of my knowledge, existing industrial estates in the area are located in or on the edge of villages and tend to comprise a number of small units. I cannot think of a site that could take development of this scale in terms of the likely visual, traffic and neighbour impacts.

63. Accepting that a new site is needed and that a village framework/industrial estate site would not be appropriate, the applicants have carried out an investigation of possible available sites within the search area. I agree that the proposed development needs to be located outside the Green Belt given the tighter policy controls in such locations and also that proximity to a primary road network is essential to minimise the likelihood of HGV's needing to travel through villages. The chosen site clearly meets these criteria. However, it is not the role of the Authority to assess the best available site for this development within these search criteria, rather it is the merits of the application itself that need to be considered.
64. Concern has been raised in respect of the scale of and need for the office development. The applicant's agents acknowledge that the offices are large compared to the numbers of staff employed at the site. It is argued that a building of this size is required for office accommodation, data storage and as a meeting facility for Camgrain members. It would also relieve pressure on the Linton site where office accommodation is contained within portakabins. On this basis, I consider the scale of the offices to be appropriate although any planning consent should be subject to a condition restricting their use to Camgrain only, given that an unrelated office development would be contrary to countryside policies.

Landscape and visual impact

65. The proposal represents a vast development in the open countryside in an area that is characterised by rolling chalk hills and small groups of farm buildings. The site lies within the East Anglian Chalklands Landscape Character Area and Policy EN1 of the Local Plan states that development will not be permitted if it would harm the character of these areas.
66. Officers were concerned about the impact of the development on the landscape and David Brown Landscape Consultants were therefore requested to carry out an assessment of the application on behalf of the Authority. This assessment admitted that the impact on the immediate landscape when viewed from Mill Road bridge and from the footpath/byway that runs along the northern edge of the site would be severe. However, it also states that these impacts could be ameliorated by the proposed landscaping and soil bunding, precise details of which would need to be conditioned and agreed as part of any planning consent. Due to the lie of the land and the fact that the site sits in a valley, the report also concludes that there would be no material harm to the longer distance views of the site.
67. The Council's Landscape Design Officer has expressed concern about the lack of planting proposed on the south side of the development. There are no public views of this side of the site, which would be concealed by the brow of a hill, and David Brown has not specified that planting would be required here. I am satisfied that this matter could be dealt through a landscaping condition.

Highways Issues

68. Much concern has been expressed about the highway safety and traffic implications of the development. Firstly, many objections have focused on the inadequacy of the existing junction with the A11 due to the short length of slip roads both on and off the A11 and the geometry of the junction.
69. The Highways Agency had previously advised, in respect of an application to site a 30,000 tonne grain store on this land, that the junction was inadequate to cater for the

traffic increases that would be generated by the proposed development. Since that application and the current submission, the applicants have had lengthy discussions with the Highways Agency (based on a larger 90000 tonne store) and a Safety Audit of the junction has been carried out in order to determine the modifications required to the junction to bring it up to standard.

70. The current application and transport statement have been forwarded to the Highways Agency who has raised no objections, stating that the proposed improvements to the A11 junction are adequate to meet the demands of the development, providing the tonnage of grain stored on the site and vehicle movements are restricted by condition. I would argue that the recommended restriction on HGV movements be encompassed within a Section 106 legal agreement rather than a condition given the likely difficulty involved in enforcing such a condition. The Highways Agency has confirmed that it was aware that the existing chalk pit was functioning when the Camgrain proposals were first tabled and that the traffic associated with the chalk pit has been taken into account in the Highway Agency's consideration of the present application. In addition, issues such as peak seasonal movements and the potential for traffic to back onto the A11 have also been taken into account.
71. A local resident has queried whether a Safety Audit 1 needs to be carried out in respect of the current 90,000 tonne grain storage proposal. A safety audit has been carried out but this was based on the earlier 30,000 tonne proposal. The Highways Agency has advised verbally that a safety audit looks at the physical layout and geometry of a junction rather than specifying any restriction on traffic numbers and that a further audit is not required in respect of the current proposal.
72. The junction improvements will benefit the wider community by improving the safety of the junction for existing road users.
73. The Local Highways Authority has recommended refusal of the application as it stands due to the poor intervisibility on the bridge over the A11. However, the LHA's concerns can be overcome through the imposition of a Section 106 Agreement requiring traffic signals to be installed in order to control traffic movements over the bridge. Clearly, if traffic signals are installed, this raises concerns about the potential for queuing traffic to back up onto the A11. However, the Highways Agency has raised no objections to this in principle subject to being involved in the timing of signals.
74. Having used this junction when visiting the site, I do have concerns about the highway safety impacts of the development. When coming off the southbound A11, it was necessary to commence braking on the A11 due to the short length of the slip road together with the very tight curvature of the road on the junction itself. Although modifications to the junction itself are proposed, there would be no increase in the slip road lengths off the A11. In light of this, I am very concerned about the likely impact of a large number of HGV's using this junction, in terms of the effect on fast moving traffic on the A11 and the potential for congestion on the junction and backing up of vehicles onto the A11, particularly in light of the Local Highways Authority's request for traffic signals at the bridge. However, in the absence of any objection from either the Highways Agency or Local Highways Authority and having regard to conditions and obligations which can be imposed in respect to works referred to above, this Authority could not sustain any objection on highway safety grounds.
75. A further highways concern, principally raised by residents in adjoining villages, concerns the potential for HGV's associated with this site to travel through nearby villages resulting in danger to road users and pedestrians as well as noise

disturbance, pollution and damage to verges/property. Whilst grain is collected from farms within an approximately 30 mile radius, it is distributed to maltsters and mills, many of which are located in the north of England, as well as to businesses abroad. The A11 provides easy access to the eastbound A14 towards the ports. However, to travel northwards via the primary road network, it is necessary to go south on the A11, then north on the M11 in order to connect with the A14. Great Wilbraham is an obvious short cut onto the A14 and the residents are understandably concerned that drivers will take this route through the villages. Figures of 12,000 HGV movements a year through nearby villages have been quoted in numerous responses but, in my view, this figure is unrealistic as it takes no account of the fact that most traffic will arrive via the A11. I have been assured by the applicants that its routeing agreements would require HGV drivers to access and egress the site via the A11. On previous applications for landfill at the adjoining chalk pit, a lorry routeing agreement has been applied to ensure that traffic associated with the development would not go through the villages of Great and Little Wilbraham and Fulbourn. Any approval on this site should be subject to an identical agreement, other than when HGV's are collecting grain from farms within those villages. The agreement could also require the submission of monitoring reports.

Residential amenity issues including noise, light and dust pollution

76. The application was accompanied by a noise assessment report, a copy of which was forwarded to this Authority's Chief Environmental Health Officer. The EHO advised that the impact of the development upon the amenities of nearby residents, in terms of noise from the site and from HGV's, would be acceptable and would fall within the limits set out in the Local Plan. No specific reference has been made to the need to reduce the height of the spoil bunding along the western edge of the site.
77. Concerns have been raised about the likely impacts of any floodlighting. This is not proposed as part of the present application and would need to be the subject of a further planning application.

Ecological Issues

78. Concerns have been raised in respect of the ecological value of the site. The Council's Ecology Officer was consulted on this matter and considered that an assessment should be carried out to establish the present value of the site with respect to arable plants, skylark, grey partridge and brown hare. He later advised that, if such species are proven to exist on the site, the impact of the development could be overcome through appropriate mitigation measures. As the findings of any assessment will not affect the principle of developing the site, this can be required by a condition of any planning consent rather than needing to be undertaken prior to the further consideration of the proposal.

Flooding/drainage issues

79. Objections have been raised to the development on the basis of its flood risk. The application was accompanied by a Flood Risk Assessment, a copy of which was forwarded to the Environment Agency for its consideration. The EA advised that the development overlies a major aquifer and, in accordance with the EA's recommendations, any consent should be subject to conditions requiring foul and surface water drainage details to be agreed before the commencement of any development.

Footpath issues

80. No specific objections have been raised in respect of the impact of the development upon the adjacent footpath/byway. Standard informatives reminding the applicants of the need to avoid any obstruction to this footpath as well as the need for consent for any resurfacing works should be attached to any consent.
81. The County Footpaths Officer has, however, requested that a soft track be provided alongside the improved road and a separate safe carriageway for pedestrians/riders be provided at the bridge crossing along with 1.8 metre high parapets. I have requested a diagram from the Footpaths Officer showing the precise position/width of the aforementioned soft track and parapet. In addition, these comments were made prior to the receipt of the Local Highways Authority's request that any consent be conditional upon the provision of traffic signals at the bridge. This requirement will effectively make the bridge one way as well as slowing traffic down. I have therefore also asked the Footpaths Officer if the LHA's requirements would overcome his concerns and specifically override the need for a soft track and parapet to be provided. I am still awaiting the Footpaths Officer's comments on this matter and hope to be in a position to advise Members further at the Committee meeting.
82. Finally, having regard to the provisions of DETR circular 02/98 (see para. 19 above), it is suggested that a condition be imposed on any permission requiring the restoration of the site in the event of the cessation of the approved use.

Recommendation

83. Subject to clarification of the County Footpaths Officer's requirements and the submission of an amended plan if required and the prior completion of a Section 106 agreement consisting of (a) a routing agreement to prevent HGV's travelling through the villages of Great and Little Wilbraham and Fulbourn unless collecting grain from farms within those villages, (b) the provision of traffic signals on the bridge, (c) a commuted sum for the maintenance of the traffic lights, (d) restriction of development generated traffic to 75 HGVs per day, or 150 two-way HGV movements per day, approve the application, subject to:
1. Standard Condition A - Time limited permission (Reason A).
 2. Sc5a - Details and samples of materials for external walls and roofs (Reason - To minimise the impact of the development upon its surroundings).
 3. Sc51 - Landscaping, including details of the mound construction angles and heights of the spoil bunds and cross sections of the mounding (Rc51).
 4. Sc52 - Implementation of landscaping (Rc52).
 5. Sc60 - Details of boundary treatment (Rc60).
 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. Sc5b - Surface water drainage details (Rc5b).
 8. Sc5c - Foul water drainage details (Rc5c).

9. All buildings and related services shall be protected against the ingress/ignition of landfill gas based on modern guidance such as CIRIA report 149 and Building Research Establishment Report 212 (Reason - The development is adjacent to a gassing landfill site. Development commences 40 metres south of the fill, the current gassing status of which is unknown).
10. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions (Rc26).
11. Sc27 - Control of Emissions (Rc27a).
12. A method statement for the construction of the noise barrier shall be submitted to and agreed in writing with the Local Planning Authority and the noise barrier constructed before commencement of the development, hereby permitted. (Reason - To ensure that the noise barrier provides mitigating effects to reduce noise and dust emissions from the site).
13. The development hereby permitted shall not be brought into use until the improvements to the A11 junction, shown on drawing number PH09A, have been carried out and completed to the satisfaction of the Local Planning Authority in consultation with the Highways Authority (Reason - The A11 Trunk Road at Wilbraham is unfit to accept the additional traffic that the development would generate until the proposed improvement has been satisfactorily completed)
14. No more than 90000 tonnes of grain shall be stored on the site at any one time (Reason - The proposed improvement to the A11 Trunk Road has been assessed on the basis of the number of HGV movements. An increase in this number may invalidate the assessment and could lead to congestion and/or weaving problems on the A11. This would be unacceptable in safety terms).
15. No development pursuant to the development, hereby permitted, shall commence until the following design details relating to the required improvement to the Trunk Road have been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highways Agency:
 - i. how the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations,
 - ii. full construction details relating to the highway improvement. This should include any modification to existing structures or proposed structures, with supporting analysis,
 - iii. full signing and lighting details,
 - iv. confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),
 - v. an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes, and
 - vi. An Appraisal Summary Table (AST) in accordance with the requirements of D.E.T.R publication "A New Deal for Trunk Roads in England: Guidance on the new approach to appraisal - July 1998"

(Reason - The Highways Agency must be satisfied with all the details of the proposed improvement to the A11 Trunk Road prior to the commencement of construction work).

16. Before the development hereby permitted commences an ecological assessment, which establishes the site's present value in terms of arable plants, skylark, grey partridge and brown hare, and sets out habitat mitigation and compensatory measures if such species are shown to exist on the site, shall be submitted to and agreed in writing by the Local Planning Authority; the scheme shall be carried out in accordance with the agreed details (Reason - To conserve locally important flora and fauna as required by Policy EN12 of the South Cambridgeshire Local Plan 2004).
17. The offices, hereby permitted, shall not be used other than by Camgrain and its members and for purposes ancillary to the permitted use of the site for grain storage and drying (Reason - The creation of an office use, unrelated to the needs of agriculture, would contravene Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003).
18. Condition requiring the removal of all buildings and silos and the restoration of the land if the site is not used for the permitted use for a continuous period of 12 months (Reason - To avoid dereliction in this countryside location).

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);
 - South Cambridgeshire Local Plan 2004: EN1 (Landscape Character Areas), EN3 (Landscaping and Design Standards for New Development in the Countryside), EN12 (Nature Conservation), EN45 (The Water Environment), ES6 (Noise and Pollution) and ES7 (Noise from Road Traffic)
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 principle of development in the countryside and justification/need for the development;
 - Visual impact;
 - Highway safety and traffic issues;
 - Residential amenity issues including noise and pollution;
 - Flood risk/drainage issues;
 - Ecological issues

General

1. The comments of the Environment Agency, set out in letter dated 14th February 2005, are enclosed for your attention.

2. The adjacent footpath/byway must remain open and unobstructed at all times. Building materials must not be stored on the byway, contractors vehicles must not be parked on it and it must not be used for access to the site.
3. No alteration to the surface of the footpath/byway is permitted without the consent of Cambridgeshire County Council (it is an offence to damage the surface of a public right of way under Section 1 of the Criminal Damage Act 1971).

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

- Planning Policy Statement 7 (Sustainable Development in Rural Areas)
- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning Files Ref: S/2494/04/F and S/0623/03/F.

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

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

6th July 2005

AUTHOR/S: Director of Development Services

S/0945/05/F - Steeple Morden

Stable and Tack Room at 23 Station Road, Steeple Morden for Mr and Mrs Crane

Recommendation: Approval

Determination date: 8th July 2005

Conservation Area

Site and Proposal

1. The site is located in the south of Steeple Morden, just on the edge of the Conservation Area. The dwelling house, garden and some of the paddock area are located in the village framework. The proposed stable and tack room would sit close to the framework edge. There are buildings on both of the neighbouring sites, mainly storage sheds and garage buildings. The only access to the site is through the garden of No. 23, although there are public footpaths that run along the back of the site.
2. The application received 13th May 2005 is for the erection of a stable and tack room for the housing of donkeys. The building would be 5.4m x 3.6m x 2.7m high in shiplap cladding with a black metal roof.

Planning History

3. None relevant to this application

Planning Policy

4. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") requires a high standard of design for all new development that responds to the local character of the built environment.
5. **Policy P7/6** of the County Structure Plan states that Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.
6. **Policy SE9** of the South Cambridgeshire Local Plan 2004 states that development on the edges of villages should be sympathetically designed to minimise the impact of development on the countryside
7. **Policy EN30** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") states that proposals in conservation areas will be expected to preserve or enhance the special character and appearance of the area, especially in terms of their scale, massing, roof materials and wall materials. Schemes, which do not specify traditional local materials, or details that do not fit comfortably into their context will not be permitted.

Consultation

8. **Steeple Morden Parish Council** recommends refusal, commenting:

“Whilst the Parish Council has no objection to the style of the proposed building, we have concerns over the access route for the horse(s) plus the associated hay and feed. As it seems unlikely this can be via the side of the Dwelling, the only route would be via Church Farm Lane, the restricted width of which would pose problems for a horse and rider (or for a horsebox or delivery vehicle) when encountering oncoming traffic. In addition, there is very limited vehicle turning space at the end of the Lane, without using the access road to the recent barn conversions there. We are also unclear whether the Applicant has access rights to the Paddock, except via the side of the Dwelling.

Without prejudice to the above, should the Committee be minded to approve the Application, we would ask for a condition that the building be considered part of the dwelling and not sold separately from it in the future. We would also ask for the building to be dismantled and removed from the site if no longer required for the keeping of horses.”

9. **Conservation Manager** has no objections as the design is appropriate to the Conservation Area.
10. **Chief Environmental Health Manager** has no objections.
11. **The Environment Agency** has no objections but has made some comments with reference to water run off and soakaways.

Representations

12. One letter was received from the occupiers of No. 25 Station Road supporting the application proposal.
13. A letter was also received from the applicants addressing the Parish Council comments, which state they intend to use only their existing access and accept a condition to restrict the use of the land to that of the occupiers of No. 23 Station Road only and not to be separated from the dwelling house.

Planning Comments – Key Issues

14. The size and design of the building would not harm the character and appearance of the Conservation Area.
15. The key issue for this application is whether the existing access to the site is acceptable in terms of its required new use.

Access

16. The Parish Council has raised concerns with reference to the access and were unsure as to whether the applicants have access via Church Farm Lane and its restricted width to accommodate a use of this kind. I have been informed by the applicants the only access they have is that of the existing access that fronts Station Road. They intend to use their driveway to load and unload goods for their donkeys and to transport it to the paddock area through their garden.
17. Given that the building is considered to be acceptable in this location, I do not consider it necessary to seek its removal if no longer required for its intended use.

Recommendations

18. Approve
- The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which would not have been acted upon.)
 - The building hereby permitted shall not be used at any other times other than for purposes ancillary to the residential use of the dwelling known as 23 Station Road, Steeple Morden.**
(Reason – To protect the amenities of the surrounding properties and in accordance with the requirements of Policy HG12 of the South Cambridgeshire Local Plan 2004.)
 - No vehicular access shall be achieved to the building, hereby permitted, other than from Station Road on the frontage of the site at No. 23 Station Road.**
(Reason – In the interest of highway safety.)

Informative

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used

Soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Manure heaps should not be located within 10m of any ditch or watercourse or within 50 m of a well, borehole or a spring

Reasons for Approval

- 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: SE9** (Village Edges) and **EN30** Development in Conservation Areas.
- The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

- Highway safety
- Impact upon setting of adjacent Conservation Area

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

- File reference S/0945/05/F
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003

Contact Officer: Saffron Garner – Assistant Planning Officer
Telephone: (01954) 713162

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

**S/0789/05/F - Waterbeach
Siting of Mobile Home for Staff, Adj. "Travellers Rest" Public House,
School Lane, Chittering for Mr C Crickmore**

**Recommendation: Approval
Date for Determination: 15th June 2005**

Site and Proposal

1. Public House/Restaurant on the eastern side of the Ely Road/A10, on the corner of School Lane. To the north is a grass field consented for a touring caravan/camping site, to the east a small play area owned by the Parish Council, with houses to the south, and east along School Lane.
2. The full application, received on 20th April, proposes the siting of a mobile home for the use of staff employed in the public house/restaurant.
3. As originally submitted, the site chosen was in the south-eastern corner of the adjacent field, immediately adjacent to two houses in School Lane. Revised plans were submitted with letter of 25th May re-locating the mobile adjacent to the guest rooms (see History) and car-park.

Policy

4. Structure Plan **Policy P1/2** restricts new development in the countryside to that which is essential in a particular rural location.

History

5. Consent was granted in 1973 to use the field for camping and caravanning for 6 months each year. At Committee on 6th October 2004 (item 30) consent was granted to up-grade the site and use it for 8 months each year (11 months had been requested). This condition is the subject of an undetermined appeal at present.
6. At Committee on 4th August 2004 (item 4) consent was granted for 8 guest rooms to the rear of the public house/restaurant. Work is to commence on this in the next few weeks.

Consultations

7. **Waterbeach Parish Council** recommended Refusal to the application as first submitted as it was contrary to the conditions of the caravan/camping approval. Objections are maintained to the revised siting - plans misleading. If approved should be a single unit and all boundaries fenced.
8. **The Chief Environmental Health Officer** has no comments

9. **The Environmental Agency** has no objections but asks that both surface water and foul drainage are adequately catered for.
10. **The Waterbeach Level Internal Drainage Board** has similar comments

Representations - Applicant

11. Several kitchen and general staff, when interviewed for positions at the public house/restaurant, expressed the wish to live closer to the work for convenience and security. The first floor Manager's flat was not suitable. A letter from a Chef states that he has to leave Cambridge as early as 7.00am some days, not returning until 11.30pm via bus; public transport not always being available.

Representations - Neighbours

12. Seven letters were received from residents of School Lane in connection with the application as originally submitted. Objections raised included:
 - Confusion that the forms refer to 'staff for the public house' but the plans refer to 'staff for the caravan site'
 - Too far from public house
 - This is an attempt to achieve residential use of the tourist site
 - Why can't staff use the Manager's flat as guest bedrooms? No need for extra accommodation
 - Noise and disturbance to the mobile home being sited at the bottom of our garden - especially from staff on late shifts
 - Mobile should be on the pub premises not the touring caravan site
 - Why not rent accommodation in Chittering?
 - Precedent for other applications
 - Lack of consultations with neighbours
13. As only two residents were affected by the original siting, only they were consulted. It is clear from the above comments that the residents of Chittering still believe that there is a 'hidden agenda' with any application submitted on the site. For this reason thirty eight households were advised when the mobile home was re-sited adjacent the public house/restaurant.

Only two letters were received, comments made being:

- Precedent
- Having spoken to staff, they all have transport and accommodation
- This is a touring caravan site
- Whilst welcoming the revised siting, clarification is needed on the precise boundaries between the various uses on site
- Any consent should be temporary
- Why is the accommodation required when previous owners have not required same
- Either use guest rooms or rent locally
- Landscaping requested

Planning Comments

14. The application raises three issues, one of which is not a planning matter; the three are need, siting and the 'hidden agenda'.

- i) **Need.** Whilst the public house/restaurant is on a main road with a regular bus service to/from Cambridge and Ely, bus time-tables may not necessarily fit in with the hours of work/change of shifts for a public house/restaurant. For example, a chef may be on for late morning and lunchtime, with, perhaps, three hours off, before the evening shift. Such a request for on-site accommodation is not unusual in the restaurant industry. A similar case for a mobile home was recently approved at The Red House, Longstowe (ref. S/1578/04/F) Any consent would be temporary and limited to full time employees of the premises.
- ii) **Siting.** That originally chosen, behind the Old School House, was considered unacceptable and an alternative was suggested. This is adjacent the car-park and proposed guest bedrooms, and close to the public house/restaurant. It will be screened by fencing and/a hedging. (NB the Parish Council has mentioned that the plan submitted with the application is incorrect in that it shows access to the car-park from the caravan park entrance. Unfortunately the Agent has used an old plan but this does not affect the suitability of the site.)
- iii) **'Hidden Agenda'.** This is not a planning matter, but is something that the residents raise - that if consent is given for a staff mobile home, even on a temporary basis, the whole site will suddenly become a Mobile Home Park, or worse. Such is not the case and is irrelevant to the application under consideration.

Recommendation

15. Approval, as amended by letter dated 25th May 2005 and plan franked 1st June 2005:
 1. Standard Condition 69 Temporary 30th June 2007. (RC69a)
 2. This permission shall be for the siting of one mobile home only which shall not be occupied other than as a single unit. (RC -To ensure the site is not over-developed.)
 3. The mobile home shall not be occupied other than by member of staff working full-time at the 'Travellers Rest' Public House. RC 70.
 4. The site of the mobile home shall be fenced and hedged in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority, the work shall be completed in accordance with the approved details within 2 months of the date the mobile home is first occupied. RC 60.

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**
 - **South Cambridgeshire Local Plan 2004: None**

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: **Need, siting, precedent and future use**

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. C/1446/73/D, S/1119/04/F, S/1217/04/F, S/0789/05/F and S/1578/04/F

Contact Officer: Jem Belcham – Area Planning Officer
Telephone: (01954) 713252

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

S/0713/05/O - Thriplow**Residential Development, Land at Lodge Road, for Thriplow Farms Ltd.****Recommendation: Refusal****Date for Determination: 12th July 2005 - (Major Application)**

Members will visit the site on the 4th July 2005.

Update

1. At last month meeting members deferred determining the application to allow a site visit to take place and further information to be submitted by the applicant. (Item 17).
2. It was reported verbally at the meeting that representations had been received from the occupiers of over 20 local properties, in addition to those summarised in the agenda, which could be summarised as follows:
 - 6 who raised no objections in principle to some residential development on the site, state that more details, including the contents of a S.106 Agreement, are needed, and consideration should be deferred with such details are available.
 - 5 who recommended that the application should be refused.
 - 6 who state that more details are required to allow the impact of the proposal to be properly considered but the application should be refused or deferred until such information is available.
 - 4 who feel they are unable to comment until more details are available.
3. Those not objecting in principle to some residential development on the site state that the following points would need to be carefully considered:
 - Ensuring the development would blend in well with the local landscape.
 - An increase in traffic.
 - The development of 25-35 houses would increase this village population by 10%.
 - It is a large development and a significant departure from the Local Plan.
 - The existing buildings would be displaced elsewhere.
4. Of those recommending refusal, the following grounds are cited:
 - The development is contrary to Local Plan Policies and National Government Guidance;

- Site is outside the village framework;
 - Thriplow is an infill only village;
 - It would seriously harm the character of the village;
 - The development would not be sustainable;
 - Adverse impact on highway safety and overloading of the capacity of Lodge Road and its junction with Fowlmere Road;
 - The existing buildings would need to be rebuilt elsewhere; and
 - If this site is underused, a better use would be a new, smaller grain store built to current standards and thereby reducing noise and dust complaints, and light industrial units.
5. The following comments of the Conservation Manager were also reported verbally at the June meeting:

“I am of the opinion that the proposed outline extension of the village will have a major impact on the character and appearance of the village and the Conservation Area and therefore should not be considered in this outline form.

It will be evident that Thriplow is a small settlement, characterised by its open and green character, with buildings clustered in loosely linear form around green spaces and narrow country lanes. The proposal would create a substantial extension of the village, potentially creating a new residential estate, extending into the open countryside and thereby fundamentally altering the form and character of the village as a whole.

If any form of development were to be considered in this peripheral village location then it should at least be guided by a detailed site analysis and Master Plan to enable the full implications of the development on the village to be considered prior to commitment, and integrate the development into the fabric of the village. The proposal may remove former agricultural buildings, which at least are appropriate in this context, but the replacement could simply sub-urbanise the village or create an isolated satellite estate, which by virtue of its location at the entrance to the village, would actually come to define the character of the village.

The relative scale of a development of up to 35 houses built to modern densities will rather dominate the western side of the village, transforming Lodge Road from quiet country lane to estate access. The requirements for sightlines and movement themselves could threaten the strong hedge lines that currently enclose and screen the site from the west and form the approach to the village. To be a successful addition to the village the development would need to be integrated into the pattern of the village, by means of footpaths and linked open spaces. The historic character of the village (rather than the latter day additions) is one of linear development along the lanes. This pattern might be appropriate here but would probably preclude the scale of development envisaged on this site which suggests the standard cul-de-sac estate which would be so clearly inappropriate for the village.

None of these development issues can be determined by consideration of this outline proposal. The proposal will clearly neither preserve the character of the village nor

enhance its built form, and given that the development is outside of the village framework, and that Thriplow is an infill only village, I can see no reason to other than refuse this proposal.”

6. I understand from the applicant’s agent that further information is to be provided before the meeting, including the likely location of the replacement farmyard.
7. A verbal report will be made.

Recommendation

8. The recommendation is likely to remain one of refusal, for the following reasons:
 1. The site is adjoining, but outside the village framework, consisting of an assemblage of post-war farm buildings partly used by the applicants for agricultural purposes. One building is used as a vehicle repair workshop by others.
 2. The redevelopment of the site for residential purposes including market housing would be contrary to the following policies which seek to protect the countryside from inappropriate development and which, exceptionally, provide for schemes of 100% affordable housing designed to meet identified local housing needs on sites within or adjoining villages.
 - (i) Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003;
 - (ii) Policy SE5 of the South Cambridgeshire Local Plan 2004;
 - (iii) Policy SE8 of the South Cambridgeshire Local Plan 2004;
 - (iv) Policy HG8 of the South Cambridgeshire Local Plan 2004;
 - (v) Policy SE6 of the South Cambridgeshire Local Plan 2004.

The site is not previously developed land in the context of Planning Policy Guidance 3 “Housing” and the proposal does not bring forward 100% affordable housing.

3. Notwithstanding the above, the redevelopment of the site currently predominantly used in connection with an extensive local farm, would create the need for new replacement buildings in the Green Belt, detracting from the its openness and character and therefore contrary to Policy GB2 of South Cambridgeshire Local Plan 2004.
4. The redevelopment of the site would displace the existing garage repair business located in the barn complex, contrary to PolicyP2/6 of the Cambridgeshire and Peterborough Structure Plan 2003 which seeks to encourage small businesses in rural areas.
5. Notwithstanding the above substantive reasons for refusal, it is considered that the scale of the proposed development located on the fringe of an infill only village and adjoining the village conservation area merits the preparation of a Design and Landscape Statement, to include a detailed site analysis and Master Plan, to enable the full implications of the development on the village to be considered.

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

- Planning Policy Guidance 3: "Housing"
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File ref: S/0713/05/O
- Item 17, Development and Conservation Control Committee - June 2005

Contact Officer: Bob Morgan - Senior Planning Officer
Telephone: (01954) 713395

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	6 th July 2005
AUTHOR/S:	Director of Development Services	

**S/0995/05/F - Whittlesford
Extension at 11 Duxford Road for Mr & Mrs McIver**

**Recommendation: Refusal
Date for Determination: 15th July 2005**

Site and Proposal

1. The property is a 2 storey rendered semi-detached house in a pair with No 13. It has a small flat roof lean-to at the rear and a driveway at the side adjacent to the blank gable wall of the neighbouring property, No 9. Adjoining property, No 13 has a single storey conservatory at the rear serving as a dining area. It is approximately 2.5m deep and 2.2m high. No 13 has first floor bedroom, landing and bathroom windows in the rear elevation. The common boundary between Nos 11 and 13 has a 1.8m high close-boarded fencing.
2. This full application, registered on 20th May 2005, proposes a 2 storey flat roof rear extension. It would be 4.5m high and 4m deep occupying the whole width of the dwelling. The original dwelling has a hipped roof at the northern end with an eaves height of 4m whilst the eaves height to the front and rear is 5m. It is noted that the submitted existing and proposed side elevation plans do not accurately show that sloping roof design.

Planning History

3. None

Planning Policy

4. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 requires a high standard of design for all new development that responds to the local character of the built environment for all new development.
5. **Policy HG12** of the South Cambridgeshire Local Plan 2004 states that planning permission for extension and alteration to dwellings will not be permitted where the proposal would not be in keeping with local characteristics, would seriously harm the amenities of neighbours through undue loss of light or privacy, being unduly overbearing in terms of its mass, or would affect surrounding properties by virtue of its design, layout, location or materials, would result in an unacceptable loss of parking space or amenity area, have an unacceptable visual impact on the street scene, or would have inappropriate boundary treatment.

Consultation

6. **Whittlesford Parish Council** recommends approval.

7. **Trees and Landscape Officer** raises no objection.
8. **English Nature** has no recommendation.

Representations

9. None received

Planning Comments - Key Issues

10. The key issues in relation to this application are:
 - The affect on the amenity of the occupiers of No 13 Duxford Road, and
 - Visual impacts and the design of the extension in relation to the character of the existing building
11. Given that the 4m deep two storey rear extension would be adjacent to the dining area/conservatory and the first floor bedroom window at No 13, I consider that the proposed extension would unduly affect the residential amenity interests to the occupiers at No 13 given that the main habitable room windows of that property are in a close proximity to the proposed extension, albeit to the south east.
12. It is considered that the proposed extension would appear dominant and overbearing from the outlook of the first floor bedroom window and ground floor dining area/conservatory in the rear elevation, seriously harming the amenities of No. 13.
13. The proposed extension would be under a flat roof, it is my view that the design would not be in keeping with the local characteristics and the existing house. Such a large flat roof structure will form an awkward element to the original dwelling that would be out of keeping with and would dominate and detract from, the character and original design of the existing dwelling.
14. The case officer spoke to the applicants' agents on site and it is noted that the agents will submit amended side elevation plans to show the existing sloping roof at the northern side in relation to the proposed extension provided that this Authority is minded to approve the application.

Recommendation

15. Refusal

Reasons for Refusal

1. The proposed extension, by virtue of its height, length and proximity to the south eastern boundary, would appear dominant and overbearing in the outlook from the first floor bedroom window and the ground floor dining area/conservatory in the rear elevation of the neighbouring property to the south east, No 13 Duxford Road, contrary to Policy HG 12 of the South Cambridgeshire Local Plan 2004 which states that extensions will be refused if they result in serious harm to the amenities of neighbours being unduly overbearing in terms of its mass.
2. The proposal to build a 2 storey flat roof rear extension, by reason of its form, scale, and roof design, would be out of keeping with, and would dominate and detract from, the character and design of the existing dwelling. As such, the proposal is contrary to Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 which

requires a high standard of design which responds to the local character of the built environment for all new development; and Policy HG12 of the South Cambridgeshire Local Plan 2004 which states that planning permission for extensions to dwellings will not be permitted where the design would not be in keeping with local characteristics.

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/0995/05/F

Contact Officer: Emily Ip - Planning Assistant
Telephone: (01954) 713250

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

6th July 2005

AUTHOR/S: Director of Development Services

S/1007/05/F- Whittlesford

Raising of Roof Height of Stables Building Including Insertion of Mezzanine Storage Area at Fosters Farm, Newton Road for Mr & Mrs M. Archdeacon

Recommendation: Refusal

Date for Determination: 18th July 2005

Site and Proposal

1. Fosters Farm is situated outside the frameworks of the nearby villages of Whittlesford and Newton and in the Green Belt/ countryside. It lies to the south west of Newton Road and currently comprises a two-storey, detached, brick and slate farmhouse to the west and an outbuilding that is used for stables to the east. A three metre high dense hedge aligns the road frontage. A number of trees align the boundary adjacent open fields to the south.
2. The application, registered on 23rd May 2005, proposes to raise the height of the roof of the existing stable building by one metre to create a mezzanine storage area, insert five roof lights in the front (north east) elevation, change the roof materials from corrugated fibre cement sheeting to pantiles, and change the materials on the gable elevation from green cladding to weatherboarding. The walls will remain as white painted brick and the existing timber doors and windows will be retained. The building will have a total height of 6 metres (5 metres existing).

Planning History

3. Planning permission was granted for a two-storey side extension to the farmhouse in 1994 (reference **S/1078/94/F**). Planning permission was refused for a further two-storey extension to the farmhouse in 2001 (reference **S/1116/01/F**) on Green Belt grounds. Planning permission was subsequently approved for a small two-storey rear extension, a small first floor rear extension and a small single storey extension in 2002 (reference **S/0346/02/F**).

Development Plan Policies

4. **Policy P9/2a** of the **Cambridgeshire and Peterborough Structure Plan 2003** limits development in the Green Belt to that which is required for agriculture and forestry, outdoor sport or other uses that are appropriate to a rural area.
5. **Policy P1/2** of the **Cambridgeshire and Peterborough Structure Plan 2003** restricts development in the countryside to proposals that can be demonstrated to be essential in a particular rural location.
6. **Policy GB2** of the **South Cambridgeshire Local Plan 2004** states, in part, 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 of, amongst other things,

buildings providing essential facilities for outdoor sports and recreation, which preserve the openness of the Green Belt.

Consultation

7. **Whittlesford Parish Council** approves the application.
8. **English Nature** comments that the site is adjacent to Whittlesford-Thriplow Hummocky Fields SSSI, but as the works are of a localised nature and take place wholly off site, the proposals are not likely to result in a negative impact to the SSSI. It also outlines the legislation on bats, should any be found in the existing building, and recommends the inclusion of an informative on any planning consent advising on-site contractors of the legislation and the need to protect bats.

Representations

9. None received.

Planning Comments - Key Issues

10. The main issues to consider in determining this application are whether the proposal represents inappropriate development that would harm the openness and rural character of the Green Belt and whether the development is essential within this countryside location.
11. Whilst small stables that are essential for outdoor recreational uses are considered appropriate in the Green Belt, the proposed extension of the existing stable building at first floor level for a storage use is considered to represent inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. No very special circumstances have been demonstrated that outweigh this harm by reason of inappropriateness.
12. The existing stable building is clearly visible from a number of public viewpoints along Newton Road. The proposed increase in the height of the building by one metre and the use of the first floor for storage has not been demonstrated to be essential in this rural location. Such an increase in height is considered to materially change the impact of the building upon its surroundings and harm the openness of the Green Belt.
13. The proposed change in the roof materials of the building together with the insertion of roof lights is considered to significantly alter the visual appearance of the building from being a stable block that is effectively rural in nature to an outbuilding that has a more domestic appearance. This would harm the rural character of the Green Belt.

Recommendation

14. Refusal.
 - (i) The proposed extension to the existing stable building has not been demonstrated to be essential in this particular rural location and consequently represents inappropriate development, that is, by definition, harmful to the Green Belt. No special circumstances have been demonstrated that outweigh this harm by reason of inappropriateness. The proposal is therefore contrary to Policies P9/2a and P1/2 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 restrict

development in the Green Belt/ countryside to that which is essential to the effective operation of local agriculture or other uses appropriate to a rural area.

- (ii) The proposed increase in height and change to the external appearance of the existing stable building would be highly visible from Newton Road and would materially change the impact of the building on its surroundings to the detriment of the openness and rural character and appearance of the Green Belt. The proposal is therefore 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 preserve the openness and rural character and appearance of the Green Belt.

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 References S/1078/94/F, S/1116/01/F, S/0346/02/F & S/1007/05/F

Contact Officer: Karen Bonnett - Planning Assistant
Telephone: (01954) 713230

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

S/0788/05/F - Willingham**Conversion of Garage into Consulting/Treatment Room for Occupational Health and Physiotherapy at 31 Church Street for C Croft****Recommendation: Delegated Approval****Date for Determination: 24th June 2005****Conservation Area****Site and Proposal**

1. This approximately 0.12 ha (0.3 acre) site containing a two storey, detached cottage with a long single storey rear projection with timber garage attached measuring 20.5m, is located on the north side of Church Street within the Willingham Conservation Area. The garage has a floorarea of 21.8sq.m. and is currently used as a store room. It is positioned 14.6m from the original rear elevation of the cottage and adjacent an outbuilding on the neighbouring property, No. 33 Church Street. Access gates to the site are setback 9m from the front property boundary.
2. The site adjoins residential dwellings to the north, east and west and is opposite Willingham House, previously used as a residential conferencing and training facility and Nursing Home. This section of Church Street is primarily residential with some retail, commercial and community uses. There are no parking restrictions along Church Street.
3. The full application received on 19th April 2005 seeks to change the use of the garage to a consulting/treatment room for occupational health and physiotherapy. The clinic is to be operated 5 days a week between the hours of 08:00 hours and 18:00 hours (with longer operating hours two days a week between 08:00 hours and 20:00 hours; and will be staffed by one physiotherapist at any one time (i.e. principally the applicant who resides at 31 Church Street) and one receptionist.
4. The proposal will involve an alteration in the appearance of the garage by the replacement of the existing garage doors and window with a new door and window, in addition to the insertion of two velux roof lights on the western elevation.
5. It is anticipated that the business will generate up to two vehicular traffic movements per hour on a normal working day (i.e. one vehicle arriving and departing per hour). Clients of the clinic are expected to arrive by appointment only. As the clinic contains only one treatment room, only one client can be seen at a time. Patient visits usually last 45 minutes, although a treatment/testing session could last for up to five hours.
6. It is anticipated that the residents of the property and staff of the clinic will park within the courtyard area of the site, behind the access gates, with space for two cars at the front of the site set aside for visitor car parking.

7. The agent has stated that periodically the clinic will hold a presentation/open session. Numbers of visitors/guests to these sessions will be controlled (especially given the small size of the clinic) and where it is anticipated that visitors will travel by car, arrangements will be made to try to offer parking locally, possibly by arrangement with the conference centre or local pub.
8. In support of the application, the agent points out that there is a conference centre, church, pub and shop in the immediate vicinity of the site. He adds that “the maximum impact to our neighbours will be via the coming and going of patients, especially during the times that the conventional clinic is in operation. Patients will arrive at set intervals only one at a time. The clinic will not generate extra noise or excessive waste whilst operating or any other form of disturbance that differs from our use of the site at present. Once open deliveries to the clinic will be infrequent and of small items of equipment and sundries such as rolls of paper tissue.

Planning History

9. Planning permission was given on 8 November 2001 for a two-storey rear extension to the property (**Ref: S/1851/01/F**). This consent does not appear to have been implemented.

Planning Policy

10. **Government Planning Policy Guidance 4 (PPG 4)** “Industrial and Commercial Development and Small Firms” outlines that it is now “generally recognised that it may not be appropriate to separate industry and commerce-especially small-scale developments-from the residential communities for whom they are a source of employment and services”. It adds that planning permission should normally be granted for commercial and industrial activities of an appropriate scale, particularly in existing buildings, within residential areas “unless there are specific and significant objections, such as a relevant development plan policy, unacceptable noise, smell, safety, and health impacts or excessive traffic generation. The fact that an activity differs from the predominant land use in any locality is not a sufficient reason, in itself, for refusing planning permission”.
11. **PPG 13** “Transport” aims to reduce the growth in the length and number of motorised journeys.
12. **Policy P2/2** of the County Structure Plan aims to locate employment sites so as to:
 - “Work towards a balance of jobs and housing;
 - Maintain a range of types and sizes of premises for business requirements;
 - Encourage a range of employment opportunities for local people;
 - Reduce the need to travel, particularly by private car;
 - Enable the fullest use of public transport, walking and cycling for work-related journeys;
 - Maximise the use of previously developed land and buildings; and
 - Support rural services and facilities.”
13. **Policy P2/6** of the County Structure Plan states that sensitive small-scale employment development in rural areas will be facilitated where it contributes to one or more objectives including enabling the re-use of existing buildings; helping to

achieve a balance of employment with the type and quality of local housing and helping to maintain or renew the vitality of rural areas.

14. **Policy P3/3** of the County Structure Plan states that “Local Planning Authorities will encourage the retention of local facilities and services within urban areas and assess the need for additional provision”.
15. **Policy P8/1** of the County Structure Plan and **Policy TP1** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) aims to promote more sustainable transport choices, to improve access to major trip generators by non-car modes, and to reduce the need to travel, especially by car.
16. There is no policy in the Local Plan directly relevant for a change of use of an outbuilding on a residential property to a use within the D1 Use Category as defined in the Use Classes Order 1987. Nevertheless, it considered that **Policy EM6** of the Local Plan outlines relevant criteria for the assessment of this type of application.
17. **Policy EM6** of the Local Plan states that within village frameworks of Rural Growth Settlements (which include Willingham), “planning permission will be granted for small-scale development in classes B1 - B8 providing 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”.

Consultation

18. **Willingham Parish Council** - Recommendation of Refusal. “Whilst not opposed in principle to the change of use the Planning Committee refused the application on the basis of inadequate off-street parking and the effect of the changes within the conservation area”.
19. **Conservation Manager** - No objection. No impact on the Conservation Area.
20. **Chief Environmental Health Officer** - No objection.
21. **Local Highway Authority** - Asked for an amended layout plan from the applicant/agent addressing parking issues. It comments:

“Whilst I acknowledge the relatively modest daily level of traffic likely to be associated with this proposal, it is my view that appropriate parking should be provided within the site to cater for the vehicles likely to be associated with the dwelling together with the vehicles likely to be generated by the business. It is really not appropriate for the public highway to be used for patient (or employee) parking.

Clearly in order to achieve suitable parking, access will need to be made to the rear garden. It is not an option to simply extend the driveway to form tandem parking as this will result in unnecessary manoeuvring on the highway as vehicles nearest Church Street are moved to allow others to exit.

In addition, the access should be regularized to provide a width of 4.0m with minimum 1.0m by 1.0m pedestrian visibility splays each side.”

Representations

22. None received.

Planning Comments - Key Issues

23. The key issues for consideration in the assessment of this application are whether the principle of a change of use of the garage to an occupational health and physiotherapy treatment room (Class D1) is acceptable in this location, and potential impacts on residential amenity, highway safety and character and appearance of Conservation Area.
24. It is noted that planning permission is only required for the proposed material change of use as a result of the hiring of staff that do not reside in the dwelling. If the scale of the use was reduced and only involved the employment of one person, being the occupier of the house, the use would be considered 'ancillary' to the domestic use of the dwelling and not require planning consent.

Change of Use from Residential to Consulting/Treatment Room for Occupational Health and Physiotherapy Clinic (Class D1)

25. Development Plan policies, in addition to Government guidance are supportive of the location of small-scale employment uses in predominantly residential areas, unless there is specific evidence of harm to adjacent landuses. The location of the use within a Conservation Area, does not by itself, preclude a change of use.

Residential Amenity

26. The proposed change of use is not considered to seriously harm the residential amenity of adjacent residential properties. The use is of modest scale and is setback from adjacent dwellings. I am of the view that the residential amenity of adjacent properties can be adequately protected through the use of conditions of consent.

Highway Impacts

27. The proposal is not anticipated to result in a significant loss of highway safety for vehicles travelling along Church Street. I am of the view that there is adequate scope on the site to provide at least four parking spaces, which should be adequate for the parking needs of the residential dwelling and proposed use. The applicant has been requested to provide an amended plan illustrating car parking layout and pedestrian visibility, in line with comments received from the Local Highways Authority.

Impacts on Character and Appearance of Conservation Area

28. The proposal will not have a significant impact on the character and appearance of the Conservation Area. The proposal will involve minor alterations to the appearance of the garage building to facilitate the proposed use. The garage to be converted is not visible from Church Street or any public view -point. In that respect, consideration has been given to the statutory requirements in respect to Conservation Areas, required under Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 (c.9), namely aimed at preserving or enhancing the character and appearance of conservation areas.

Recommendation

29. Subject to the receipt of car parking layout to the satisfaction of the Local Highway Authority, Delegated Approval (as amended by Drawing No. P1 franked 17th June 2005) with the following conditions:

Conditions of Consent

1. Standard Condition A - Time limited permission (Rc A)
2. The permanent space to be reserved on the site for turning, parking, loading and unloading of vehicles shall be provided before the use commences and thereafter maintained.
(Reason - In the interests of highway safety.)
3. Sc5f - Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas.
(Reason - To ensure detailing appropriate to the Willingham Conservation Area.)
4. SC9 - The use, hereby permitted, shall be carried on only as long as the residential property, known as 31 Church Street is occupied by the present or any future owner of the application premises or by an employee of such an owner working at the application premises.
(Reason - To protect the amenities enjoyed by the occupiers of 31 Church Street due to the proximity of that property to the application premises.)
5. SC35 - The number of employees working on the application site at any one time shall not exceed two.
(Reason - To ensure that the scale of the use does not generate a volume of traffic movements which would cause disturbance to adjoining residents or result in a loss of highway safety.)
6. SC40 - Notwithstanding the provisions of Regulation 3 and Schedule 2 of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that order), the premises shall not be used other than for a consulting/treatment room for occupational health and physiotherapy and no other purpose (including any other purposes in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that order.
(Reason - To protect the amenities of adjoining residents.)
7. The use, hereby permitted, shall not be undertaken on the premises before 08.00 hours Monday to Saturday nor after 20:00 hours Mondays to Saturday (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To minimise noise disturbance to adjacent residents.)

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:**

P2/2 (General Location of Employment)

P2/6 (Rural Economy)

P3/3 (Local Facilities and Services in Urban Areas)

P8/1 (Sustainable Development - Links between Land Use and Transport)

- **South Cambridgeshire Local Plan 2004:**

EM6 (New Employment at Rural Growth and Limited Rural Growth Settlements)

TP1 (Planning for More Sustainable Travel)

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

- Highway safety
- Impact on Character and Appearance of Conservation Area

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

- Planning Policy Guidance Note 4: Industrial and Commercial Development and Small Firms
- Planning Policy Guidance Note 13: Transport
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/0788/05 and S/1851/01/F

Contact Officer: Allison Tindale - Planning Assistant
Telephone: (01954) 713159

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

S/0367/05/F - Over
Proposed Erection of Annexe including Replacement Garage at
44 High Street

Recommendation: Approval
Date for Determination: 25th April 2005

Conservation Area**Site and Proposal**

1. This application received 24th February 2005, relates to the erection of a self-contained one bedroom annexe to be located within the curtilage of the existing bungalow known as 44 High Street. The bungalow lies to the northern side of High Street, within the Conservation Area. The site has a highway frontage of approximately 44 metres, with a depth of 115 metres, and widens to 55 metres at the rear.
2. The existing brick built bungalow has been extended to the rear and additional accommodation provided within the roofspace. Nevertheless, it retains its modest appearance to the highway frontage. Alongside the bungalow is a modern flat-roofed double garage measuring 5.5 metres wide by 6.5 metres long.
3. The proposed development involves the replacement of the existing garage with a larger building, measuring 4.600 metres wide by 12 metres long. This would provide a large single garage and a kitchen / living room on the ground floor with a stairway leading to a first floor bedroom and bathroom. This first floor accommodation would be provided within a ridged roof, with hipped ends, and a pitch of 39 degrees corresponding to that of the existing bungalow.
4. The proposed building would rise to 5.4 metres at the ridge but the finished floor level of the building would be 300 mm below that of the bungalow. The eaves level of the new building would correspond to that of the bungalow whilst the ridge height would be 1250 mm below that of the bungalow. The application forms state that the building would be finished in yellow brick and red pantiles to match the existing bungalow.
5. In support of the proposal, the applicants state that the accommodation is required for their eldest daughter who is in the final year of a nursing degree at Edinburgh University and is hoping to obtain a job at Addenbrookes Hospital in the autumn. They add that she will need a few years of saving before she will be able to buy her own place and that, having had four years of independence, returning home and sharing a bedroom with her younger sister would be difficult. They also state that the existing garage needs renovation work in any case.

Planning History

6. No relevant planning history has been identified.

Planning Policy

7. **Policy HG12** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) states that planning permission for the extension and alteration of dwellings will not be permitted where:
- (1) The design and use of materials would not be in keeping with local characteristics;
 - (2) The proposal would harm seriously the amenities of neighbours through undue loss of light or privacy, being unduly overbearing in terms of its mass, or would adversely affect surrounding properties by virtue of its design, layout, location or materials;
 - (3) There would be an unacceptable loss of off-street parking or garden space within the curtilage;
 - (4) There would be an unacceptable visual impact upon the street scene;
 - (5) Boundary treatment would provide an unacceptable standard of privacy and visual amenity.
8. **Policy EN30** of the Local Plan states that proposals will be expected to preserve or enhance the special character and appearance of Conservation Areas especially in terms of their scale, massing, roof materials and wall materials. The District Council will refuse permission for schemes which do not specify traditional local materials and details and which do not fit comfortably into their context. This reflects general advice in Structure Plan **Policy P7/6**.

Consultations

9. **Over Parish Council. Refuse.** Concerns that this is creating a separate dwelling.

Representations

10. No representations have been received from local residents.

Planning Comments - Key Issues

11. The proposed development lies within the Village Framework for Over as identified in the Local Plan. The principle of a new dwelling on the site could potentially be acceptable in land use policy terms although it would fall to be considered by reference to detailed criteria regarding amenity areas and car parking etc.
12. In the present case, however, the proposed development relates to the provision of an annexe to be used by a member of the applicants’ family. In such circumstances, the normal requirements for independent amenity areas would not apply; indeed they would be likely to be discouraged. A key issue would therefore be to ensure that the proposed development would not become a separate dwelling without adequate facilities. Such matters could be addressed by means of an appropriate condition or, preferably, by means of a Section 106 Legal Agreement. The applicants have indicated their willingness to sign an appropriate document.

13. The concerns of the Parish Council are partly justified, having regard to the scale of the proposed development and the intended use. Provided that the landowners enter into such an agreement, however, the concerns of the Parish Council are unlikely to be realised.
14. Subject to the ensuring that the proposed development would not be used as a separate unit of accommodation, the proposed development falls to be considered by reference to the detailed criteria for extensions and alterations to dwellings within frameworks as set out in Policy HG12.
15. With regard to amenity, the proposed annexe would be sited between 600 mm and 2 metres from the common boundary with the closest neighbouring dwelling, No. 48 High Street, immediately to the west. That house, although sited on the back edge of the footway, has a substantial, irregularly shaped, single-storey extension to the rear with a monopitch roof close to the common boundary. The impact of the proposed development upon this neighbouring dwelling would be limited to angled views from the rear windows of this extension. Given the relationship of the neighbouring extension and the development now proposed, this is not considered to be significant.
16. The existing bungalow enjoys an extensive curtilage with private amenity areas to the rear, such that the increased size of the proposed development, in comparison with the existing garage, would not result in a significant reduction in that amenity area.
17. The proposed development would result in the net loss of one of two existing garage spaces. The development would also involve the formation of an additional bedroom. The existing driveway plus the replacement garage space would, however, provide adequate off-street car parking provision for the bungalow and the additional accommodation proposed.
18. The submitted forms state that the materials to be used for the proposed development would match those of the bungalow. This could be ensured by means of an appropriate condition.
19. There is a close-boarded fence along part of the common boundary with the neighbouring dwelling. The submitted details do not specify whether this is to be replaced as a consequence of the development. Nevertheless the boundary treatment, potentially required in order to protect the amenity of the occupier of the neighbouring dwelling and to soften the appearance of the building, could be the subject of an appropriate condition.
20. The design of the proposed annexe partly reflects the advice previously offered at the pre-application stage, particularly insofar as the form of the roof and the eaves height reflect those of the existing bungalow. Alternative design solutions may have been possible for a replacement garage, but the design now proposed is considered to be the best solution possible if first floor accommodation is to be provided. The design of the proposed annexe is therefore considered to be acceptable in terms of Policy HG12.
21. The above policy also refers to there being no unacceptable visual impact upon the street scene. Policy EN30 imposes expectations in relation to the scale, massing and materials of developments in Conservation Areas. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon Local Planning Authorities, when considering development proposals in

conservation areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

22. In the present case, the provision of first floor accommodation above the garage results in a greater vertical emphasis to the building than might otherwise be expected. Nevertheless, this stands in marked contrast to the existing flat-roofed structure, with its even more inappropriate horizontal emphasis, that it would replace. Overall, the proposed development is considered to represent an enhancement in the appearance of the relevant part of the Over Conservation Area and to comply with the requirements of Policy EN30. Moreover, the proposed development would be set back approximately 13 metres from the back edge of the footway. It would be substantially screened from the west by the adjoining dwellinghouse and from the east by the existing bungalow, such that the visibility of the proposed annexe would be limited.
23. Having regard to the policies of the Development Plan, the above comments and all other material considerations it is concluded that, subject to the landowner entering into a prior agreement under the provisions of Section 106 of the Town and County Planning Act 1990, consent should be granted subject to appropriate conditions as indicated below.

Recommendation

24. Subject to the prior signing of a Section 106 Legal Agreement to ensure that the development is used as an annexe only in association with and ancillary to the adjoining dwelling, the recommendation is one of **APPROVAL**, subject to the following conditions.
 1. Standard Condition A - Time limited permission (Reason A);
 2. Sc5a - Details of materials for external walls and roofs (Rc5aii);
 3. Details of the proposed means of enclosure along the western boundary of the site shall be submitted to the Local Planning Authority. No works shall commence on site unless and until such details have been approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved plans.
(Reason: In order protect the amenities of the occupier of the adjoining dwelling, and in order to minimise any overbearing impact upon that dwelling, in accordance with the provisions of Policy HG12 of the adopted South Cambridgeshire Local Plan 2004.)
 4. The proposed garage, forming part of the development hereby approved, shall be retained for the parking of private motors vehicles only and shall not be used as additional living accommodation.
(Reason: In order to ensure the retention of adequate off-street parking facilities in accordance with the provisions of Policy HG12 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:**

HG12 (Extensions and Alterations to Dwellings within Frameworks)
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, or alluded to, during the consultation exercise:
- Design
 - Impact upon the Conservation Area
 - Residential amenity
 - 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/0367/05/F

Contact Officer: Steve Anderson
Telephone: (01954) 713165

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

S/0959/04/O - Over**Erection of a Dwelling, Land Rear of 47 The Lanes, for Mr and Mrs G Sore****Recommendation: Approval****Date for Determination: 5th July 2004**

1. At a meeting of 1st June 2005 (Item 18), Members of Committee resolved to defer this item to enable a site visit to take place. Members will visit the site on Monday 4th July 2005.
2. For the reasons set out in the June Committee report, my recommendation remains one of approval.

Recommendation

3. Approve the application subject to the following conditions:
 1. Standard Condition B - Time limited permission (Reason B);
 2. Standard Condition 1 - Reserved matters - siting, design and appearance, landscaping.(Reason RC1);
 3. The development hereby permitted shall be limited to single storey accommodation only, which shall not contain rooms in the roofspace. (Reason - To safeguard adjoining residential amenity);
 4. Sc52 - Implementation of landscaping (Rc52);
 5. Sc60 - Details of boundary treatments (Rc60);
 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. Pedestrian visibility splays to be provided and retained. (Reason - In the interest of highway safety);
 8. Turning and parking space within the site for two cars to be provided and retained. (Reason - In the interest of highway safety);
 9. Provision of frontage pavement to agreed specification to be provided prior to first occupation of the dwelling. (Reason - In the interest of highway safety);
 10. Removal of permitted development rights in respect of extensions and roof alterations. (Reason - To maintain a small unit of accommodation).

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)
P5/5 (Homes in Rural Areas)
 - **South Cambridgeshire Local Plan 2004:**
SE3 (Limited Rural Growth Settlements)
HG11 (Backland 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:
 - Residential amenity including noise disturbance
 - Highway safety
 - Visual impact on the locality

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/0959/04/O

Contact Officer: Ray McMurray - Senior Planning Assistant
Telephone: (01954) 713259

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

**S/0826/05/F - Little Abington
Extension at The Temple for R & S Clayden**

**Recommendation: Refusal
Determination Date: 17th June 2005**

Site and Proposal

1. The application site is located on the corner of the old A11 and Bourne Bridge Road and is situated in open countryside. The site, known as The Temple, is occupied by a modern substantial two storey property used as a dwelling and conference centre. In the south west corner of the site is a small Listed Building, formerly a lodge to Abington Hall. The site is fairly well screened along its north, west and east boundaries but has an open front aspect to Bourne Bridge Road.
2. The full application, submitted on 22nd April 2005, seeks to erect a conservatory extension on the east side of the dwelling/conference centre. The structure would measure 9.2 metres in length by 6.5 metres deep and would stand 5 metres high. It would link the property to a large marquee that has been erected on the east side of the building and would replace an approximately 2.5 metre high open-sided canvas structure that presently links the main building and marquee.

Planning History

3. The site has a lengthy planning history. The most relevant applications to the current proposal are:
4. **S/0803/94/F** - Application for replacement house and garage approved subject to a number of conditions, including (a) that the existing dwelling and garage be removed within 3 months of occupation of the new dwelling, (b) the removal of residential permitted development rights and (c) confining the use of The Temple to domestic purposes incidental to the enjoyment of the dwellinghouse.
5. **S/1531/98/F** - Application for removal of condition (a) referred to above refused.
6. **S/1420/01/F** - Part change of use of dwelling to conference facility - Approved
7. **S/1245/02/F** - Application for a substantial (20 metre long) single storey extension on the east side of the conference centre refused for the following reasons:
 - Scale and design of extension out of keeping with residential character of existing building and would materially increase impact of the development on the countryside;
 - The extension would adversely affect the rural setting of the Listed lodge building;

- The development, designed as an independent building and required for catering rather than conference use, is tantamount to a building for a new use that is inappropriate development in the countryside.
8. **S/2487/02/F** - Application for part two storey, part single storey extension on the east side of the conference centre approved.

Planning Policy

9. The site lies within the countryside and is occupied by a Listed Building.
10. **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.
11. **Policy P1/3** of the Structure Plan states that a high standard of design and sustainability will be required for all new development which minimises the need to travel and reduces car dependency. In addition development is expected to provide a sense of place which responds to the local character of the built environment.
12. **Policy P7/6** of the Structure Plan requires development to protect and enhance the quality and distinctiveness of the historic built environment.
13. **Policy EN28** of the South Cambridgeshire Local Plan 2004 states that the Council will resist and refuse applications which (in part):
- Would dominate the Listed Building or its curtilage buildings in scale, form, massing or appearance;
 - Would damage the setting, well-being or attractiveness of a Listed Building;
 - Would harm the visual relationship between the building and its formal or natural landscape surroundings.

Consultation

14. **Little Abington Parish Council** recommends approval.
15. **The Conservation Manager** objects to the application stating:
- This property has been continually extended over the years to accommodate the conference use. The site actually forms part of the Lodge house group to Abington Hall, although the visual and physical relationship has now been lost;
 - The extension will not have a greater impact on the Listed Building than the existing property. However, the continued expansion of the conference centre does have a significant impact on the countryside setting of the village and the agricultural landscape. I am therefore of the opinion that to extend the centre further would have a detrimental impact on the character of the open countryside;
 - I would furthermore note that the design quality of the proposal is poor. The 'orangery' may be screened by a significant hedge but it will appear far too solid to be convincing as an orangery and will have the appearance of another extension that is badly related to the main house.

Representations

16. None

Representations by the applicants

17. The applicants were asked to clarify in writing the need for the extension. In the first letter submitted, the applicants state that the extension is essential to their business to allow disabled access to be improved by giving even floor levels for conference and weddings to and from the main house to the marquee. It will also allow additional disabled access from the outside and will enable any disabled guest attending a conference or wedding to have the same accessibility to the main house as other guests. The extension will enable delegates and guests to move freely from conference room to dining room without incurring adverse weather. It will also prevent unnecessary loss of heat in the winter and enable air conditioning to work efficiently in the summer. The letter also states that if The Temple becomes a non-smoking building, the extension could provide a smoking area away from the training rooms. Finally, the existing link structure is not commensurate with the high standards achieved on the rest of the site.
18. In the second letter, it is stressed that The Temple is a small rural business employing five part time staff from local villages. At present, it is operating at around 70% of full capacity. Due to unprecedented success, the wedding side of the business is developing and The Temple hope to be in a position to offer full time employment to a number of staff in the future. The Orangery would allow smaller wedding receptions to be held in the future thereby reducing the number of times in the year the temporary marquee is erected. In addition, it would enhance and expand the areas of the centre accessible to all disabled persons so that they have the same opportunities of access and free movement on the ground level as able-bodied clients. The addition of the orangery would also increase the flexibility of the existing space and enable the business to develop to its full potential.

Planning Comments - Key Issues

19. The key issues in the consideration of this application are:
- The need for the development;
 - The impact of the extension upon the countryside;
 - The impact of the extension upon the setting of the Listed Building.
20. The site is located in the countryside. In such locations, Policy P1/2 of the County Structure Plan restricts development to that which is essential for countryside activities or to the operation of local farming, forestry, mineral extraction or public utility services. The proposed development is clearly not required for any of these purposes and there are no development plan policies specifically supporting the expansion of conference centre facilities in countryside locations. The proposal is therefore contrary, in principle, to Policy P1/2 of the Structure Plan and it is necessary to consider whether there are sufficient material considerations, in this instance, to justify the proposed development.
21. The applicants have sought to argue that there is an essential need for the extension in order to provide access for disabled people, to provide a covered link between the main building and the marquee, for energy efficiency reasons, to provide a covered smoking area and to enable the business to operate at full capacity. No evidence has

been submitted to prove that any of these elements are essential to the continued survival of the business nor has it been satisfactorily demonstrated that a structure of the size proposed is necessary. It appears from the evidence submitted to date that the proposed extension is desirable (and I sympathise with the applicants' desire to improve the standard of accommodation at the site) but not essential.

22. In addition, I must stress that the marquee, which is used as a substantial dining area, does not have planning permission (and indeed nor does the existing canvas link). This Authority has taken the view that permission is not required providing the marquee is temporary in form and used on a seasonal basis. At present there is a temporary link between the main building and the marquee. The provision of a sizeable permanent link suggests that the marquee is intended to become a permanent structure and would probably therefore need planning permission which, in view of the countryside policies against which any application would need to be considered, is unlikely to be considered favourably. Arguing that a permanent building is essential as a link to an accepted temporary structure is not a sufficient reason to justify the development.
23. The Council's Conservation Manager has advised that the proposed extension would not harm the setting of the listed building although it would have a detrimental impact upon the character of the open countryside. There is a 2.5 metre high beech hedge on the south side of the proposed structure that would screen the bottom part of the extension. However, given that the extension would be 5 metres high, the main building, link and marquee will form a very long continuous structure that will be a very prominent feature in the countryside.

Recommendation

24. Refusal:
 1. Insufficient evidence has been submitted to justify that the development is essential rather than desirable in the countryside. The development therefore contravenes Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 which states that development will be restricted in the countryside unless proposals can be demonstrated to be essential in a particular rural location.
 2. The proposed extension, by virtue of its size, height and siting, would have a detrimental visual impact upon the countryside. The development therefore contravenes Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 which requires a high standard of design for all new development.

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 refs: S/0826/05/F, S/2487/02/F, S/1245/02/F, S/1420/01/F, S/1531/98/F and S/0803/94/F.

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

S/0805/05/F - Pampisford
Extension to Factory Building at Eastern Counties Leather, Langford Arch
London Road for Eastern Counties Leather Plc

Recommendation: Approval
Date for determination: 16th June 2005

Site and Proposal

1. The application relates to the existing Eastern Counties Leather building on the Langford Arch Industrial Estate.
2. This full application, registered on the 21st April 2005, proposes the erection of a 23.2m x 3.2m x 6.2m high extension to replace an existing 12m x 3.2m x 3.5m high extension and cycle shed in the same position. The extension is to be used as a seasoning drum area. External materials would be brick and fibre cement sheeting to match the existing factory.

Recent Planning History

3. **S/1597/86/F** - Extension to production building - Approved October 1986.
4. **S/0644/85/F** - Portacabin and septic tank - Approved June 1985.
5. **S/1722/83/F** - Offices and canteen - Approved December 1983.
6. **S/0823/83/F** - Extension to leather processing factory - Approved September 1983.

Planning Policy

7. Local Plan 2004 **Policy EM7** states that development for the expansion of existing firms within village frameworks will be permitted subject to the provisions of Policy EM3 (limitations on the occupancy of new premises in South Cambridgeshire) and EM6 (New Employment at Rural Growth and Limited Rural Growth Settlements).
8. Structure Plan 2003 **Policy P1/2** states that no new development will be permitted within or which is likely to adversely affect functional floods plains or other areas where adequate flood protection cannot be given and/or there is significant risk of increasing flood risk elsewhere. 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 would not damage interests of nature conservation. 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.

9. Local Plan 2004 **Policies CS3** and **CS4** relate to surface water drainage and ground water protection respectively.

Consultation

10. **Pampisford Parish Council** recommends refusal stating "This is an unclearly presented application and we are unclear exactly what is being proposed. It looks like an outline application. We would like to see further details."
11. **Chief Environmental Health Officer** recommends that any approval is subject to conditions relating to power driven plant or equipment and site contamination investigation/remedial works.
12. **Environment Agency** recommends that any approval is subject to conditions relating to landfill gas, surface water drainage and pollution control.
13. **Cambs Fire & Rescue Service** states that additional water supplies for firefighting are not required.

Representations

14. None received.

Planning Comments - Key Issues

15. The main issues in relation to this application are:
 - Environmental issues, including flood risk, surface water drainage, pollution control and ground contamination.
16. As the expansion of an existing firm, the proposal is supported in principle by Local Plan Policy EM7. The design and appearance of the extension is acceptable and, having regard to the comments of consultees and subject to compliance with the recommended conditions, the scheme is considered to be acceptable in terms of flood risk, surface water drainage, pollution control and ground contamination.
17. In relation to the Parish Council's comments, the full application and the plans clearly show what is proposed as a minor addition on the north west elevation of the building and within the centre of this building complex.

Recommendation

18. Approval
 1. Standard Condition A - Time limited permission (Reason A)
 2. Standard Condition 19 'Matching Materials' (RC19)
 3. Prior to the commencement of any development, a scheme for the provision and implementation of a scheme to protect the building against the ingress/ignition of landfill gas shall be submitted to and agreed in writing with the Local Planning Authority.

The works/scheme shall be constructed and completed in accordance with the approved plans (RC The development location is 15 metres from the Eastern Counties closed landfill site)

4. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage, shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans. (RC To ensure a satisfactory method of surface water pollution)
5. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans. (RC To prevent the increased risk of pollution to the water environment)
6. 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. The approved remedial work shall be carried out before development commences. (Reason - To protect future occupiers of the hereby permitted building from possible contamination of the site)
7. Standard Condition 27 'Power Operated Machinery' (RC To protect the amenity of the occupiers of adjoining buildings)

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 **P6/3** (Flood Defence)
 - **South Cambridgeshire Local Plan 2004: EM7** (Expansion of Existing Firms at Villages), **CS3** (Surface Water Drainage), **CS4** (Ground Water Protection) 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:
 - Clarity of the plans;
 - Landfill gas, surface water drainage and pollution control; and
 - Additional water supplies for firefighting.

Informatives

The scheme submitted pursuant to condition 3 should be based upon modern guidance [CIRIA report 149 etc].

The applicant's attention is drawn to the enclosed comments of the Environment Agency dated 20th May 2005.

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/ 0805/05/F, S/1597/86/F, S/0644/85/F, S/1722/83/F and S/0823/83/F

Contact Officer: Andrew Moffat - Area Planning Officer
Telephone: (01954) 713169

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

S/1751/04/F - Pampisford

Change of Use to General Builders Merchants (Comprising Storage, Sale and Distribution of All Supplies and Services Required by The Construction Industry), Together with Storage and Restoration of Reclaimed Building Materials and Their Sale To The Trade And Public, Or Use for Storage and Distribution (Application In The Alternative) at Station House For Solopark Plc

Recommendation: Minded to Approve**Date for determination: 18th November 2004 (Major Application)****Departure Application****Site and Proposal**

1. The application site extends to 2.5 hectares (6.1 acres) and is occupied by the existing Solopark premises. It is bounded by a 4-5 metres approximately green metal fence and is used for the storage, display and sale bricks, tiles, slates, oak beams, fireplaces, staircases, stained glass, paviers, doors, timber, chimney pots, garden ornaments, windows, gates, ironmongery and steel. Two pitched roof green metal cladding showrooms/stores, a portacabin used as a sales office, workshops and open fronted stores stand on the site.
2. This full application, registered on the 19th August 2004 with the application description amended on the 31st May, proposes a change of use of the site to a general builders merchants (comprising storage, sale and distribution of all supplies and services required by the construction industry), together with storage and restoration of reclaimed building materials and their sale to the trade and public, or use for Storage and Distribution. A builders merchants is a sui generis use. Storage and distribution is a B8 use. No physical alterations or additions are proposed to the site or the existing buildings.
3. If approved, this application 'in the alternative' would allow the use of the site to be switched between the two specified uses within the 10 year period following the date of the permission. At the end of the 10 year period, the use being carried out at that time would become the lawful use and a planning application would be required to subsequently change to the other specified use or another use.

Relevant Planning History

4. **S/1561/04/F** - Extensions to Existing Sawmill and Refurbishment Buildings - Approved October 2004
5. **S/1200/01/F** - Sewage Treatment Plant and Associated Works - Approved August 2001
6. **S/0694/00/F** - Storage/sales building - Withdrawn June 2000

7. **S/1074/98/LDC** - Use for the sale of the same or similar goods the nature of which are presently sold at the site but without any restriction that the goods should be reclaimed - Refused in September 1998 on the basis that, whilst it was considered that a change of use had occurred, it had not been so for a period of 10 years.
8. **S/0447/96/F** - Retention of office building and access - Approved May 1996
9. **S/1253/95/95/F** - Storage/sales building - Approved December 1995
10. **S/1059/95/F** - Variation of condition 11 of planning permission S/0195/85/F (opening hours) - Approved October 1995
11. **S/1058/95/F** - Variation of condition 5 of planning permission S/1023/93/F (opening hours) - Approved October 1995
12. **S/1258/94/F** - Wood workshop and general store - Approved October 1994
13. **S/1286/93/F** - Temporary office building and temporary access with associated parking - Approved September 1993
14. **S/1023/93/F** - Change of use of agricultural land to commercial yard for reclaimed building materials - Approved September 1993
15. **S/1684/92/LDC** - The substantive use of the property for the storage, display and sale only of (a) all building materials, fittings, fixtures and fixings reclaimed from the actual demolition of any building subject to provisos (b) building materials, fittings, fixtures and fixings which, though not reclaimed materials have the appearance of reclaimed materials subject to provisos (c) new materials being decorative products, fixtures, fittings and fixings and small-scale, non-trade items subject to provisos (d) cement and aggregate subject to provisos and (e) marble and marble products; and the following ancillary uses - the manufacture of joinery items from reclaimed wood, the fabrication of wall and other small fittings to match reclaimed fittings and the use of a specified workshop for the provision of a workshop service ancillary to the permitted uses - Issued February 1993
16. **S/0275/92/F** - Variation of conditions 3 and 4 (restricting use of building to the display, sale and storage of building materials ancillary to and carried on in association with the main use of the site for the storage, display and sale of reclaimed building materials) of planning permission **S/2015/91/F** - Refused in May 1992 for the following reasons: the permitted use performs a specialist role for a selective market characterised by large areas of open storage and generates a limited amount of traffic. The proposed use would be tantamount to the creation of a retail warehouse which would significantly alter the nature and scale of the activities on the site particularly with regards traffic generation; and the site lies within the Area of Restraint in which the provision of new employment will normally be limited.
17. **S/21015/91/F** - Showroom building for the storage, display and retail sale of building materials - Approved February 1992
18. **S/0045/91/F** - Variation of conditions 3 and 4 (requiring use of building to be carried out in association with the main use of the site for the storage, display and sale of reclaimed building materials and requiring Solopark Ltd to be the first occupier) of planning permission S/2618/89/F - Refused in May 1991 for the following reasons: the permitted use performs a specialist role for a selective market characterised by

large areas of open storage and generates a limited amount of traffic. A retail use and its ancillary uses and buildings would significantly alter the nature and scale of the activities on the site particularly with regards traffic generation; and the site lies within the Area of Restraint in which the provision of new employment will normally be limited.

19. **S/0044/91/F** - Variation of conditions 3 and 4 (restricting use of building to the display, sale and storage of building materials ancillary to and carried on in association with the main use of the site for the storage, display and sale of reclaimed building materials) of planning permission S/2624/89/F - Refused in May 1991 for the following reasons: the permitted use performs a specialist role for a selective market characterised by large areas of open storage and generates a limited amount of traffic. The proposed use would be tantamount to the creation of a retail warehouse which would significantly alter the nature and scale of the activities on the site particularly with regards traffic generation; and the site lies within the Area of Restraint in which the provision of new employment will normally be limited.
20. **S/0043/91/F** - Use of site for the storage and sale of building materials and associated products - Refused in May 1991 for the following reasons: the permitted use performs a specialist role for a selective market characterised by large areas of open storage and generates a limited amount of traffic. The proposed use would significantly alter the nature and scale of the activities on the site particularly with regards traffic generation. Moreover, the proposed use would be neither precise nor easy to monitor and enforce, and would be tantamount to the creation of a retail warehouse within a countryside location; and the site lies within the Area of Restraint in which the provision of new employment will normally be limited.
21. **S/0058/90/F** - 2m high fence and landscaping - Approved April 1990
22. **S/2624/89/F** - Showroom building for the storage, display and retail sale of building materials - Approved November 1990
23. **S/2618/89/F** - Office and workshop building - Approved April 1990
24. **S/1922/89/F** - Office, showroom and stores - Refused in October 1989 as it would dominate Station Road and detract from the rural character of the area
25. **S/0342/89/F** - Septic tank - Approved March 1989
26. **S/0405/88/F** - Temporary security Office (renewal of S/1975/85/F) and extension - Approved March 1988
27. **S/0850/87/F** - Temporary security office (extension of period consent S/1763/84/F) - Approved June 1987
28. **S/1975/85/F** - Temporary security office (renewal of S/1763/84/F) - Approved February 1986
29. **S/0195/85/F** - Redevelopment of site for the storage and sale of reclaimed building materials - Approved August 1985
30. **S/1763/84/F** - Temporary security office - Approved March 1985

Planning Policy

31. 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.
32. Structure Plan 2003 **Policy P2/5** states that distribution, warehousing and manufacturing activities which generate large volumes of freight movement will only be located on sites with good access to rail freight facilities, and to motorways, trunk or other primary routes. It also states that distribution and warehousing facilities will not be permitted within or close to Cambridge. The supporting text states that suitable sites for distribution will be allowed but that Cambridge and its immediate environs is not appropriate for large-scale distribution and warehousing activities because housing and employment with a need to be close to the city have priority on land which is identified for development.
33. Local Plan 2004 **Policy EM7** states that development for the expansion of existing firms within village frameworks or on suitable brownfield sites next to or very close to the village frameworks will be permitted subject to the provisions of Policy EM3 and EM6. A firm or business will be considered as “existing” if a significant element of its operations has been based in the Cambridge Area for a minimum of two years prior to the date of any planning application for development.
34. Local Plan 2004 **Policy EM10** states that permission will be granted for the change of use of rural buildings to employment use provided: the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality; the form, bulk and general design of the buildings both before and after conversion are in keeping with their surroundings; the buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside; safe and satisfactory vehicular access can be provided together with adequate space within the curtilage to accommodate ancillary requirements such as car parking and lorry manoeuvring without significant detriment to the setting of the building and the landscape within which it is located; and the scale and frequency of traffic generated by the proposal can be accommodated on the road system without undue adverse effects.

Consultation

35. **Pampisford Parish Council** recommended refusal in relation to the original application description (which read ‘Change of Use to Builders Merchants and Associated Trades Comprising Storage and Distribution of New and Reclaimed Building Materials and Restoration of Building Materials and their Sale to the Trade and Public, or Use for Storage and Distribution with Ancillary Retail Sales (Application in the Alternative)’) stating “It is not good policy to change planning permission to reflect what is happening (retails sales now 38%) instead of what should be happen under the current planning permission (retail sales should be 25%). We feel that sales should remain capped at 25% since no evidence is put forward as to why this should be amended. We are not happy with a generalised consent to allow alternative acceptable uses without the need for specific planning consent. We feel specific consent should be required.”
36. Any additional comments received before the meeting in relation to the amended application description and to my letter (which clarified that there is currently no restriction in relation to the percentage of total sales from the site that can be made up of sales to the general public and that the reference to ‘alternative’ would only

allow one or other of the two uses set out in the application description to be carried out) will be reported verbally at the meeting.

37. **Great Abington Parish Council** was consulted in June 2005 after the description was amended. Any comments received before the meeting will be reported verbally.
38. **Chief Environmental Health Officer** states that he has not received any recent complaints concerning the operation of this site and the current hours of operation appear satisfactory and could be conditioned along with a general condition relating to the location and type of any power driven plant or equipment.
39. **Local Highway Authority** raises no objections to the proposed uses but has reservations that the site could become a mainstream DIY store or distribution centre with potentially significant greater impacts on the locale.
40. **Highways Agency** states that the development falls within a category where the Secretary of State does not intend to issue a direction. It does however state that it is a little nervous that this development could result in a DIY or B8 use, both of which could cause problems in the future, and conditions will need to be very carefully worded as will the actual description of the development to avoid picking up a potential problem later. It had originally objected to the proposed B8 element of the application as this could result in substantially more trips, especially HGVs. It subsequently clarified that its concerns in relation to the B8 use related to a general concern that any increase in traffic generated by a B8 use would lead to an increased risk of accidents rather than any site specific risk, and it is not aware of any particular congestion problems in the immediate vicinity.
41. **Environment Agency** recommends that a condition relating to pollution control, including foul and surface water drainage, is attached to any permission.

Representations

42. Pampisford Estate, owner/occupiers of land adjacent to the site, objects to the proposed storage and distribution element of the scheme. It states that the site is not suitable for a general warehouse use of an unspecified nature due to its location, the nature of the access and the impact on the amenity of nearby properties. It also states that the site has limited parking and the access roads are inadequate to cope with the traffic likely to be generated by such a use. If the Council is minded to give permission for the first use only on account of the existing use of the site, any current restrictions imposed by the Established Use Certificate need to form part of any permission granted.

Planning Comments - Key Issues

43. The main issues to consider are:
 - Whether this is an appropriate site for the proposed uses having regard to sustainability, town and village centre viability and traffic issues; and
 - Impact on neighbours.
44. If approved, this application in the alternative would allow the site owner/occupier to switch between the two specified uses without the need for a further planning permission for a period of 10 years from the date of the permission. Unless a further planning permission was granted, after this period, the use for which the site was being used at the end of the 10 years period could continue but a change to the other

specified use or another use would require a planning application. To approve the application, Members will need to be satisfied that both proposed uses are acceptable.

Use as General Builders Merchants (comprising storage, sale and distribution of all supplies and services required by the construction industry), together with storage and restoration of reclaimed building materials and their sale to the trade and public

45. The use of the site for the storage, display and sale of predominantly materials reclaimed from the demolition of buildings is lawful by virtue of the Lawful Development Certificate issued in 1993. There is currently no restriction in relation to the percentage of total sales from the site that can be made up of sales to the general public. In relation to the first of the two alternative proposed uses, as well as restricting any external storage to a maximum height of 5 metre and stipulating that no more than 75% of the aggregate floor area of the buildings on the site shall be used for the display of goods for sale, the applicant also proposes that, as part of any permission, the percentage of retail sales to the public is limited to a maximum of 33% of total sales from the site, which is below the existing level stated as part of the application of 38-40%.
46. Whilst I would not want to encourage a retail use in the open countryside that would be more appropriately located within or adjoining a settlement, there is already a retail use of sorts on the site, only bulky goods are generally sold/would be sold and the recommended S.106 Agreement would give the Local Planning Authority control over the proportion of goods sold to the general public rather than trade that it currently does not have. In my opinion, approval of this type of use on this site would not compromise the vitality or viability of retailing in any settlement. Notwithstanding the previous refusal of applications to relax restrictions on the use of the site, mindful of current planning policies, the comments of the highway authorities and subject to compliance with the recommended restrictions, I consider that the use of the site as a general builders' merchant together with storage and restoration of reclaimed building materials would be acceptable.

Storage and distribution use

47. Structure Plan Policy P2/5 states that distribution and warehousing facilities (B8 uses) will not be permitted within or close to Cambridge. The supporting text states that suitable sites for distribution will be allowed but that Cambridge and its immediate environs is not appropriate for large-scale distribution and warehousing activities because housing and employment with a need to be close to the city have priority on land which is identified for development. The application has been advertised as a departure from the development plan as the proposal involves a storage and distribution use within the Cambridge Sub-Region.
48. In this instance, the proposal is not considered to be contrary to the aims of the policy as the site is an existing yard approximately 13 km/8 miles from the centre of Cambridge and neither a B1 (Business) Use nor residential development on the site are considered to be appropriate.
49. The site has good access to the A11, A505 and A1307 and, although the highway authorities have expressed some concern that a distribution centre could generate significantly more vehicle movements than the existing use, they don't cite any specific concerns that would result from any such increase. In view of these

comments, it would be difficult to substantiate a refusal to a B8 use of the site on highway grounds.

50. Any B8 use of the site would be predominantly open storage. As with the other proposed use, it would be important to restrict the maximum height of any external storage.

Issues relevant to both proposed use

51. Subject to compliance with the recommended conditions, it is considered that the proposed uses would not seriously harm the amenity of local residents.

Recommendation

52. Approval subject to the application being referred to the Secretary of State as a departure from the development plan and him not calling it in, the prior signing of a Section 106 Agreement to:
 1. Ensure that, in any 12 month period, turnover from retail sales to persons other than those making purchases for the purposes of a trade or business from a builders' merchants use of the site shall not exceed 33% of the total turnover of business on the site;
 2. Require the agreement and implementation of a scheme for the provision of evidence to the Local Planning Authority of compliance with the above restriction, such scheme to be based upon certification of an appropriate return by a person qualifying as a company auditor for the purposes of the Companies Acts 1985 and 1989; and
 3. Ensure that no more than 75% of the aggregate floor area of the buildings on the site shall be used for the display of goods for sale

and to the following conditions:

1. Standard Condition A - Time limited permission (Reason A);
2. Any 'General Builders Merchants (comprising storage, sale and distribution of all supplies and services required by the construction industry), together with storage and restoration of reclaimed building materials and their sale to the trade and public' use of the premises shall not open to the public for the sale of goods other than between the hours of 0730 and 1800 Mondays to Saturdays and 1000 and 1700 on Sundays (Reason: To protect the amenities of occupiers of nearby properties);
3. Save for the sale of goods from the premises in accordance with condition 2, no work or process shall be carried out on the premises other than between the hours of 0730 and 1800 Mondays to Saturdays (Reason: To protect the amenities of occupiers of nearby properties);
4. No deliveries shall be taken at or dispatched from the site between the hours of 2200 and 0400 (Reason: To protect the amenities of occupiers of nearby properties);
5. On any day, other than Sundays, a maximum of 3 deliveries shall be taken at or dispatched from the site between the hours of 0400 and 0730 and a maximum of 3 deliveries shall be taken at or dispatched from the site between the hours of 1800 and 2200 (Reason: To protect the amenities of occupiers of nearby properties);
6. No deliveries shall be taken at or dispatched from the site on Sundays other than between the hours of 1000 and 1700 (Reason: To protect the amenities of occupiers of nearby properties);

7. Details of the location, type, noise characteristics and attenuation proposals for any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the buildings but excluding office equipment and vehicles and the location of the outlet from the buildings of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restriction (Reason - To ensure that plant and equipment is not visually intrusive and to protect the amenity of occupiers of nearby properties);
8. Any external storage of materials on the site shall not exceed 5 metres in height (Reason: To ensure the development does not detract from the visual amenities of the countryside);
9. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control, which shall include foul and surface 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 (Reason: To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of pollution to the water environment);

Reasons for Approval

1. Although the development is not in accordance with the wording of Cambridgeshire and Peterborough Structure Plan 2003 Policy P2/5, it is considered to be acceptable as a departure from the Development Plan for the following reason: it is not contrary to the aims of the policy as the site is an existing yard approximately 13 km from the centre of Cambridge and neither a B1 (Business) Use nor residential development on the site are considered to be appropriate.
2. The development is considered generally to accord with the Development Plan in all other respects and particularly the following policies:
 - Cambridgeshire and Peterborough Structure Plan 2003: None
 - South Cambridgeshire Local Plan 2004: EM10 (Conversions of Rural Buildings)

Informative

The applicant is reminded that by virtue of this planning permission, Class E, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 allows the use of the property to be changed between the two alternative uses specified in the application without the need for further planning permission provided such a change of use does not take place more than 10 years after the date of this planning permission.

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/1751/04/F plus applications referred to in planning history section of this report

Contact Officer: Andrew Moffat - Area Planning Officer
Telephone: (01954) 713169

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

S/0607/90/F - Little Gransden**Regional Gliding Competition, Gransden Lodge Airfield for Cambridge Gliding Club****Recommendation: Delegated Approval****Site and Proposal**

1. Gransden Lodge Airfield straddles the boundary between South Cambridgeshire and Huntingdonshire Districts. Access is gained via the B1046 opposite Gransden Lodge.
2. The Cambridge Gliding Club has written to request approval of its annual regional competition will be run from Saturday 20th August to Sunday 28th August. A copy of that letter is attached as Appendix 1

Planning History

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

Consultation

4. **Little Gransden Parish Council** has no objections, however, the Parish Council repeats its concerns of last year, that bearing in mind the desirability of minimising inconvenience and nuisance to residents, it is hoped that pilots will continue to exercise consideration to avoid overflying properties in the village and that visiting pilots are made aware of these concerns.
5. **Abbotsley Parish Council** has no objections or comments to make.
6. The comments of **Arrington, Bourn, Cambourne, Caxton, Croxton, Eltisley, Gamlingay, Gt Gransden, Hatley, Longstowe and Waresley Parish Councils** will be reported verbally.
7. The comments of the **Chief Environmental Health Officer** will be reported verbally.

Planning Comments

8. Consent has been given for a temporary variation of condition in previous years to allow up to 80 aerotows during the competition week.
9. I am not aware of any complaints received by this Council in respect of last year's competition. The nature of the event means that the Club will launch a large number

of gliders in a short space of time resulting in a fairly intensive period of activity and it is this which tends to give rise to complaints, particularly if this activity is centred on one area. Once the gliders in the air they can be away from the airfield for the majority of the day.

10. The Gliding Club has always said that it will try and disperse activity as much as possible although the ability to do this is largely dependant on weather conditions at the time. There was concern previously that direct contact with the Gliding Club by phone to register complaints was difficult but I understand that this was rectified for last years' event.
11. I will report the views of outstanding consultees but hope to be able to recommend that the usual dispensation is given to allow up to 80 aerotows a day during competition week. Any comments received will be forwarded to the Gliding Club

Recommendation

12. That, subject to the response of outstanding consultees, no objections be raised to a temporary variation of Condition 4 to allow up to 80 aerotows a day during the period Saturday 20th August 2005 to Sunday 28th August. In addition a letter to be sent to the Gliding Club advising that consideration of any future proposed relaxation of Condition 4 will take account of experience and comments made following this year's Competition.

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

- Application File - S/0607/90/F

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

**S/0916/05/O - Little Gransden
Bungalow at The Drift, Primrose Hill for Mr and Mrs E. Smith****Recommendation: Refusal
Date for Determination: 5th July 2005****Site and Proposal**

1. The 0.07 ha site comprises a mobile home used for residential purposes that falls outside of the Little Gransden village framework. The access to the site is from a track that runs adjacent to properties in Primrose Hill and Windmill Close. Mature trees define the northwest and southwest boundaries of the site, whilst the southeast boundary of the site abuts an area of land to the south under the same ownership.
2. This outline planning application, received on the 10th May 2005 proposes to replace the existing mobile home with a bungalow. The only reserved matter that is included in this application is the means of access. The density equates to 14 dph.

Planning History

3. Planning consent for the residential use of the land was originally granted in 1979 (**S/1111/79/F**) with a condition limiting the use of the land to Mr A. C. Hibbitt for a limited period of time only, expiring on 31st December 1981. The second condition of this consent required that the caravan and ancillary buildings and works be removed and the use of the land for such purposes discontinued on the expiration of the limited period, unless an extension of this period were granted by the Local Planning Authority.
4. The limited time period was extended in 1982 (**S/0162/82/F**), with the same occupancy condition requiring that the land be used for a limited time by Mr Hibbitt only.
5. Consent was granted at appeal for the retention of the existing caravan after an application that was refused by the District Council in 1982 (**S/1256/82/F**). The inspector took into consideration the personal circumstances of the applicant, Mr Smith, when allowing the appeal. Various conditions were attached to the approval, one of which required that the use of the land be for the sole benefit of the appellant, Mr Smith, his wife and their children. As with the previous application consent was only granted for a limited period of time, which was three years from the date of approval.
6. In 1987 permission was granted by the District Council for the use of the site by Mr Smith, his wife and their children for residential purposes (**S/0542/87/F**). Unlike the previous consents no condition was used to limit the period in which Mr Smith could use the land or to remove the caravan from the land.

7. Planning consent was refused in 1999 for the use of the land for the stationing of a twin unit mobile home (**S/1650/99/F**). The reasons for refusal of this application were based on the fact that the land falls outside of the Little Gransden village framework, and insufficient justification was put forward to allow a mobile home on the site contrary to the then District and County Council policies.

Planning Policy

8. **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.
9. **Policy SE8** of the South Cambridgeshire Local Plan 2004 states that residential development outside of village frameworks will not be permitted.
10. **Policy HG14** of the South Cambridgeshire Local Plan 2004 states that the replacement of a caravan or other mobile home in the countryside with a permanent dwelling will not be permitted.

Consultation

11. **Little Gransden Parish Council** has recommended that the application be refused, as the site is outside of the village framework and there is no case for an extension of permission from a temporary to a permanent structure.
12. **Chief Environmental Health Officer** has no objection after considering the implications of the proposal in terms of noise and environmental pollution.

Representations

13. Two letters of objection have been received from residents of Little Gransden. The first, from the occupants of number 4 Windmill Close objects to the proposal as it would breach those planning permissions and conditions which apply to the existing temporary dwelling. The objectors also believe that by permitting a new permanent building outside the village 'envelope' an immense precedent for the further development of the adjacent land will be created. A development that would change forever the nature of Little Gransden and be in full view of their bungalow.
14. The second letter of objection came from the occupant of number 1 Windmill Close. The objection is based on the fact that the land falls outside of the village envelope and that by granting planning permission the use of the land would be materially altered, a move that would seem illogical based on the special conditions under which the mobile home was granted. The objector also fears that should a new bungalow be built the removal of the existing mobile unit might not easily be achieved. As with the other objectors the occupant of number 1 Windmill Close is also concerned that the land between the proposed bungalow and the village framework will come under pressure for development.
15. **Councillor Elsby's comments** "I attended the planning meeting of that Parish Council (Little Gransden) where the application for a bungalow to replace a mobile home was made. This is on land outside the village framework called "The Drift". Seven members of the public were present, four councillors and myself and the Parish Clerk. The majority of those present were against the build, three supported it myself included.

16. It is outside the village framework and it was felt that as half the village is outside the framework and they can't get permission this one certainly should not either. Mr Smith had not been notified of the meeting was taking place so could not attend. I spoke with the applicant last year and said as he was outside the village framework he had little chance of success. Last month after a further phone call when he had been advised by planning to contact his local member he phoned again and I went to visit. Mr Smith is a traveller in origin and bought the site in 1982 from someone else. He had the permission changed to his name then and has lived on that site since. He does not appear to have means for being on the road. He has worked locally and is much older than his wife. She works in a care home in St Neots. He wants to make provision for her.
17. I am supporting him because he has been on that site for more than the ten years that applies to mobile homes and also as his wife could be termed to be in key work and needs to live fairly locally. I believe if what I was hearing they did before 1982 try a council house and could not settle but that may be because it was an estate and not open countryside where he is at present."

Planning Comments - Key Issues

Development outside of village frameworks

18. The policies of the Local Plan and Structure Plan seek to limit new residential development in the countryside to that which is essential for the efficient operation of local agriculture, horticulture etc. Although Mr Smith and his wife are employed locally no justification has been put forward to permit a permanent dwelling in the countryside. It is not relevant whether Mrs Smith's profession is classed as 'key worker' as no provision for a departure from Local or Structure Plan policies exists for such workers.
19. Mr Smith's agent refers to a recent application for a mobile home in the countryside that was granted permission to be replaced with a permanent dwelling. It is believed that the agent is referring to S/0145/04/F (Fountain Farm, Park Lane, Gamlingay), which was approved by members contrary to the officer recommendation at the Development and Conservation Committee Meeting of the 3rd June 2004.
20. In terms of the proposed development itself a bungalow in the same location as the existing mobile home would have no greater visual impact upon the countryside, depending on its height, and have no greater impact upon neighbour amenity. The site is set well behind the existing line of dwellings in Primrose Hill and the existing site access is bordered on each side by rows of mature trees.

Planning conditions for the site

21. Unlike the earlier planning consents relating to Mr Hibbitt's use of the land there is no condition requiring that the existing caravan be removed once Mr Smith's use of the land has ceased. Though if another person did want to use the land and caravan for residential purposes then the specific consent of the District Council would be required. Such an application would then be judged on its merits and determined in accordance with the planning policies of the time. Mr Smith's agent has stated that the applicants would be willing to accept a condition requiring the removal of the mobile home as a result of planning consent being granted.
22. It would appear that the reason behind this application is that Mr Smith would like to provide some future security for his wife. Based on the conditions placed on the site

Mrs Smith would not be in breach of any planning consent if she were to occupy the site without Mr Smith.

23. Notwithstanding the fact that there is no mechanism by which the existing unit can be removed there are no material considerations that would warrant the replacement of a temporary dwelling with a permanent one in an area of land where such development is to be resisted. Moreover the approval of this application would set a precedent for other such sites in the District making further applications for permanent dwellings in the countryside more difficult to refuse.

Recommendation

24. Refusal

Reasons for Approval

1. The proposed bungalow would be contrary to Policy HG14 of the South Cambridgeshire Local Plan 2004, as it would result in the replacement of mobile home, which is restricted by an occupant specific condition, with a permanent dwelling in the countryside. Permanent residential development in such a location is restricted by Policy SE8 of the aforementioned Local Plan and Policy P1/2 of the Cambridgeshire and Peterborough Structure plan 2003 without sufficient justification being put forward to allow a development that would be contrary to the above policies.

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/0916/05/F; and related history files S/1111/79/F, S/0162/82/F, S/1256/82/F, S/0542/87/F and S/1650/99/F.

Contact Officer: Edward Durrant - Planning Assistant
Telephone: (01954) 713082

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

**S/1024/05/F - Gamlingay
Additional Residents Parking Area, Robinson Court, Grays Road, for
South Cambridgeshire District Council**

**Recommendation: Delegated Approval subject to trees
Determination date: 19th July 2005**

Site and Proposal

1. The site is located in Northeast Gamlingay, inside the village framework and outside of the Conservation Area. The site is an open amenity space, laid to grass.
2. The application received 24th May 2005 proposes 7 additional residents parking spaces, four placed in front of an existing row of maisonettes/flats and a further 3 located on the open amenity land that is surrounded by Robinson Court.

Planning History

3. None relevant to this application

Planning Policy

4. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 stresses the need for a high standard of design and a sense of place, which responds to the local character of the built environment amongst a whole host of sustainability considerations

Consultation

5. **Gamlingay Parish Council** recommends refusal and suggest the 3 parking spaces proposed for the middle of the Court should be placed elsewhere. It suggests an additional consultation process with all residents in the area to find a satisfactory solution.
6. **Trees and Landscape Officer's** comments will be reported verbally.

Representations

7. None received

Planning Comments - Key Issues

8. The key issues for this application is whether the 3 parking spaces located in the centre of Robinson Court could be better located, the impact the hard standing would have on the nearby tree and whether the location of the spaces adversely affects the street scene.

Better location

9. Robinson Court is a cul de sac off Grays Road, and off road parking is not available for the majority of the occupiers of these dwellings. It would seem there is some garaging and parking near the turning head of Robinson Court. However the number is restricted and there is a clear need for further off road parking. I am of the view there are no other locations in this area for further parking to be accommodated, however I have passed on the information from the Parish Council to Shire Homes to assess the issue further.

Impact on the tree

10. The loss of this tree would have an adverse impact on the quality of the amenity area that has been designated for the 3 additional parking spaces. The distance between the hard standing and the root spread may mean the number of parking spaces has to be reduced or the hard standing may be required to move. This is dependant on the comments received from the Trees and Landscape officer.

Street Scene

11. The street scene will, in my view, only be adversely affected if it would result in the loss of the tree on the grassed amenity land.

Recommendations

12. I am of the view that the number and proposed siting of the additional residents parking can be approved under delegated powers subject to the comments received from the Trees and Landscape officer and subject to the following conditions:
 1. **The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which would not have been acted upon.)
 2. **No development shall commence until details of materials to be used for hard surfaced car-parking area have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details**
(Reason - To minimise the disturbance to adjoining residents)

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);
2. The proposal is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise:
 - Visual impact on the locality

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

- Cambridgeshire and Peterborough Structure Plan 2003
- File reference S/1024/05/F

Contact Officer: Saffron Garner - Assistant Planning Officer
Telephone: (01954) 713162

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

**S/1820/04/O - Gamlingay
Dwelling, Land r/o 96 Station Road, For T K Whayman****Recommendation: Refusal
Date for Determination: 22nd October 2004****Site and Proposal**

1. This outline application, registered on 27th August 2004 seeks consent for the erection of a house on a 0.092ha plot of land currently forming part of the garden land to the side and rear of 96 Station Road, Gamlingay, an end of terrace house. All matters are reserved with the exception of the means of access.
2. At the present time there is vehicular access to east of 96 Station Road which serves that property and the other two houses in the terrace. It is proposed to extend that driveway, by removing an existing outbuilding, to provide access to the proposed plot.
3. To the east and south the site abuts the Station Road Industrial Estate and in particular the premises occupied by Pinewood Structures. To the north the site abuts the rear garden of 98 Station Road.
4. The site is within the village framework.

Planning History

5. There is no relevant planning history for this site.

Planning Policy

6. **Policy SE3** of the South Cambridgeshire Local Plan 2003 ("The Local Plan) identifies Gamlingay as a Limited Rural Growth settlement where residential development and redevelopment up to a maximum scheme size of 30 dwellings within the village framework provided that the retention of the existing site in its present form is not essential to the character of the village; the development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours; the village has the necessary infrastructure capacity; and residential development would not conflict with another policy of the Plan, particularly **Policy EM8** (Loss of Employment Sites). 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.
7. **Policy HG11** of the Local Plan sets out the criteria that will be used to judge applications for backland development. These criteria include whether a proposed development would 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.

8. **Policy ES6** of the Local Plan sets out the Councils policy in respect of noise and pollution. The text of Policy ES6 states that the District Council wishes to ensure that new noise- sensitive development constructed near to existing commercial, industrial or recreational activity is not subject to excessive noise pollution.
9. **Policy EN30** of the Local Plan seeks to ensure that new development affecting the setting of Conservation Areas preserves or enhances the character of those areas.
10. **Planning Policy Guidance Note 24 - Planning and Noise** sets out Central Government advice when assessing applications for noise sensitive development and is referred to below by the Chief Environmental Health Officer.

Consultation

11. **Gamlingay Parish Council** recommends approval. "No objection to outline application.
12. The **Chief Environmental Health Officer** recommends refusal. Noise monitoring has been carried out. "These readings concur with those submitted by the applicant's acoustic consultant. PPG 24 advises that noise should be considered when determining the planning application and where appropriate conditions be included to protect against noise.

There are no planning restrictions on the hours of use at Pinewood Structures and they currently operate two production shifts over 16 hours a day. The Company also operates Saturday and when demand dictates on Sunday. Lorries can also return to the site at all times during the day and night.

Although the house can be constructed to mitigate the noise from the adjacent industrial site, the garden will be affected. Paragraph 17 PPG 24 recommends that the amenity of the garden also be considered and the World Health Organisation recommends that outdoor noise levels shall not exceed 50dB LAeq. A daytime noise level above 50dB LAeq is deemed by the World Health Organisation as a level where community annoyance will be caused and as the above figures demonstrate, daily LAeq's are reaching 53dB(A) and hourly LAeq's have exceeded 58dB(A).

These levels need to be taken into context. A LAeq is an average noise level over a time period and will combine quiet lulls with incidents of loud intermittent noise. My own subjective opinion of the noise from the factory when heard from the proposed development site is that it would cause disturbance, especially if what I heard was comparable with the noise that may be generated at weekends, a time when most people would wish to enjoy their garden.

For the above reasons I would recommend refusal for a home in such close proximity to an industrial site with no time restrictions on hours of operation.

13. The **Conservation Manager** comments that the site is outside the boundaries of the Conservation Area and the development will not impact on its setting. However, the development will require the demolition of a timber framed and weatherboarded outbuilding, described as a former stable. Although this structure is not of sufficient architectural or historic interest to warrant listing, it is of some local interest and contributes to the group interest of the Victorian buildings in the vicinity. Had the

building been in the Conservation Area its demolition would have been opposed. Have alternative options for access been investigated?

14. The **Local Highway Authority** requests that the applicant be asked to show the proposed visibility splays, car parking locations, manoeuvring spaces and cycle parking.

Representations

15. A letter has been received from Pinewood Structures objecting to the proposal. The letter states that the proposed development directly abuts the Pinewood Structures facility and there is concern about the affect that working practices may have in terms of noise and traffic movement on the future residents of the proposed property. There have been two new properties built alongside one of the main entrances to the facility and it is feared that surrounding the industrial estate with additional residential properties will lead to friction between businesses and residents in the medium to long term. Reference is made to the Company's' Green End facility which has experienced similar problems and is surrounded on two sides by residents. As a result working practices are significantly restricted.
16. The occupier of 98 Station Road has no objection although wishes to be kept informed about the final position of the proposed dwelling.

Applicants Representations

17. Attached as **Appendix 1** is a copy of a letter from the applicant's agent submitted in support of the proposal. Subsequently a detailed report was submitted from an acoustic consultant. The letter accompanying the report is attached as **Appendix 2**.

Planning Comments - Key Issues

18. The key issue to consider with this application is the relationship of the proposed dwelling to the adjacent industrial estate and whether the amenity of the future residents of the dwelling is likely to be unreasonably compromised. Other issues relate to the impact of the proposed development on the adjacent Conservation Area and highway safety.
19. Noise readings have been submitted by a noise consultant on behalf of the applicant and the Chief Environmental Health Officer has undertaken further assessment, having had regard to the comments of the acoustic consultant
20. Although the site currently forms part of the garden land to 96 Station Road the erection of a dwelling on the site will intensify residential activity in that area. The Chief Environmental Health Officer states that although the proposed dwelling could be constructed to mitigate the noise from the adjacent industrial premises, the use of its garden will be affected to an unreasonable degree. This effect is compounded by the working practices of Pinewood Structures, within the scope of the existing planning consents for the site. In my view the introduction of an additional residential property in this location should be resisted in line with the recommendation of the Chief Environmental Health Officer.
21. The Conservation Manager has confirmed that the proposal would not adversely affect the setting of the adjacent Conservation Area. I note the comments made about the loss of the existing barn in order to achieve access to the plot. The

applicants' agent has indicated that an alternative access is not an option as his client does not control the necessary land.

I am of the view that the proposal, as an outline application, does not conflict with the criteria set out in Policy HG11

22. The comments of the Local Highway Authority in respect of access details have been forwarded to the applicant.

Recommendation

23. That the application be refused for the following reason.
1. The proposed erection of a dwelling in this location, immediately adjoining the Station Road Industrial Estate is unacceptable in that the future residents are likely to experience an unreasonable loss of amenity due to noise from the activities of that site. For that reason the proposal is contrary to the aims of Policy ES6 of the South Cambridgeshire Local Plan 2004 and advice contained in Planning Policy Guidance Note 24 - Planning and Noise which seek to control the location of noise sensitive development.

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

- South Cambridgeshire Local Plan 2004
- Planning Application File Ref: S/1820/04/O

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

S/1004/05/F - Oakington**Use of Land and Building for Food Preparation (Class B1(c)) and Storage and Distribution (Class B8) (Part Retrospective) at Fareacres Farm, Dry Drayton Road for J.P. Nash, T.J. Nash and E. Nash****Recommendation: Approval****Date for Determination: 18th July 2005****Site and Proposal**

1. The site, measuring approximately 0.26 hectares (0.65 acres), comprises of a small group of former agricultural buildings, partially converted and used by a builders firm (storage), catering business (preparing food) and the owners business (storage and distribution of pre-prepared food). The buildings are single storey and have been re-clad with timber boarding and re-roofed with corrugated sheeting. The site has its access from off Dry Drayton Road. The built area of the site is well screened from the surrounding area by hedges to the southwest boundary with an adjacent field and to the frontage and a row of mature trees to the northeast boundary with the Avicentre (a pet and accessories supplies centre) at Glenthorne Farm. The site lies in an area identified by the Environment Agency as falling within Flood Zone 2, having a low to medium flood risk.
2. This full planning application, received on 23rd May 2005, seeks permission for the change of use of the barns. The buildings comprise four units, plus three stores at the southern-most end of the building, which already benefit from planning permission for storage in association with a builders yard. The remainder of the floorspace, for which planning permission is now sought, is divided as follows:
 - Unit 1 - 226m² (B1(c)) (retrospective)
 - Unit 2 - 112 m² (B1(c))
 - Unit 3 - 120 m² (B8) (retrospective)
 - Unit 4 - 105 (B1(c)) (retrospective)

Planning History

3. **S/1178/82/F** gave planning permission for a residential caravan and intensive calf rearing building on the site. Subsequent planning applications have renewed the temporary permission for a mobile home to the front of the site.
4. A number of planning applications for a permanent dwelling to the front of the site have been refused.
5. Relevant to this planning application is the approval of **S/1519/02/F** for change of use site and buildings from agricultural to contractors yard (Classes B1(c) and B8) (part retrospective).

6. Planning application **S/0377/05/F** was an earlier submission of the current proposals for use of land and buildings for food preparation (Class B1(c)) and storage and distribution (Class B8) (part retrospective), which was withdrawn in order for the applicant to prepare a Flood Risk Assessment.

Planning Policy

7. **Policy P1/2 'Environmental Restrictions on Development'** of the Cambridgeshire and Peterborough Structure Plan 2003 ("Structure Plan") states development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location; where there is an unacceptable risk to the quality of ground or surface water and; where there could be damage, destruction or loss to areas that should be retained for their biodiversity, historic, archaeological, architectural and recreational value.
8. **Policies 9/2a** of the Structure Plan and **Policy GB2** of the South Cambridgeshire Local Plan 2004 ("Local Plan") identify the purpose of the Green Belt and limits change of use in rural areas to those 'appropriate to a rural area'. 'Appropriate development' includes uses of land that 'preserve the openness of the Green Belt and do not conflict with Green Belt purposes'.
9. **Policy EM10 'Conversions of Rural Buildings and Future Extensions'** of the Local Plan, allows the change of use of rural buildings outside of village frameworks where the use will not materially change the existing character or impact of the building, safe and satisfactory vehicular access with car parking and turning within the site can be provided and the scale and frequency of traffic generated can be accommodated within the road system without undue adverse effects.
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.
11. **Policy CS5 (Flood Protection)** of the Local Plan restricts development where it is likely to increase the risk of flooding unless it can be demonstrated that the effects can be overcome by appropriate alleviation and mitigation measures. This requirement is also found in **Policy 6/3 (Flood Defence)** of the Structure Plan.

Consultations

12. **Oakington Parish Council** recommends refusal of the proposals, commenting:

"The Parish is strongly opposed to this development and certainly does not accept that it can be classified as "brownfield". The fact of the matter is that the land is in the Green Belt and surely that means only activities (such as agricultural, horticultural, schools, hospitals) are permitted, and since none of these is involved that should mean that this application should be rejected, automatically.

We would also re-iterate that the Parish Council has fought long and hard for many years to prevent the inappropriate development of this site on Green Belt land, and it was us who drew the attention of SCDC to the fact that there appeared to be business activity on this site that did not have the necessary planning permission."

13. The **Environment Agency** is satisfied with the Flood Risk Assessment and recommends conditioning a scheme of pollution control and informatives.
14. The comments of the **Local Highway Authority** will be reported verbally to the Committee.

Representations

15. No representations on this application have been received. The date by which representations should be submitted expires on 26th June 2005.

Planning Comments - Key Issues

16. The key issues in considering this application are the impact on the Green Belt, flood risk and highways.

Green Belt

17. The proposed change of use is appropriate development, as defined by policy GB2 of the Local Plan. The proposal is to re-use existing buildings that are no longer required for agricultural purposes. The proposed uses will not require extensions to the buildings and car parking and turning areas are contained within the main area of the site without impacting on the openness or purpose of the Green Belt. The buildings are in good structural condition. The applicant has re-clad most of the buildings with timber. However this is in keeping with the rural character of the area. The proposals provide small business units that are appropriate rural diversification activities. No harm to the Green Belt will result from the change of use.

Flood Risk

18. The Environment Agency is satisfied that the change of use will not increase flood risk and seek only a condition in relation to pollution control.

Highways

19. The previous planning permission for use of the site as a building contractor's yard has led to the access junction with Dry Drayton Road being upgraded. There is ample car parking and turning within the main built area of the site, without impacting on the surroundings.

Recommendation

20. Subject to no objections being received from the Local Highways Authority, it is recommended that the application be approved with the following conditions:
 1. Standard Condition A - Time limited permission (Reason A);
 2. Sc5a - Details of materials for external walls and roofs (Rc5a(ii));
 3. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control, which shall include foul and surface water drainage, shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.
Reason: To prevent the increased risk of pollution to the water environment.

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 1/2** (Environmental Restrictions on Development), **Policy 6/3** (Flood Defence) and **Policy 9/2a** (Green Belt).
- **South Cambridgeshire Local Plan 2004: GB2** (Green Belt), **EM10** (Conversions of Rural Buildings and Future Extensions), **TP1** (Planning for More Sustainable Travel) 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:

- Green Belt
- Flood risk
- Pollution
- Highway safety

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/1004/05/F, S/1178/02/F, S/1519/02/F and S/0377/05/F

Contact Officer: Melissa Reynolds - Senior Planning Assistant
Telephone: (01954) 713237

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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

6th July 2005

S/1066/05/F - Cottenham
Variation of Condition Two of Planning Permission S/0699/04/F
To Allow Construction of Unit 4 with its Demolition If Not Used For 12 Months
at Setbroad Farm, Oakington Road
For Mr M. Ragnauth

Recommendation: Approval
Date for Determination: 22nd July 2005

Site and Proposal

1. The site comprises an agricultural small holding of 3.9 hectares (9.68 acres).
2. The site has been established as a facility for the production of eggs for parent breeding stock since 1991. In relation to the business operation, there are two units for poultry rearing built on site, with a further building providing accommodation for office, sanitizing and a generator. A third unit for poultry rearing, approved in 1991 (extension approved under 1997 permission), is built to base wall stage but is yet to be completed. There is a dwelling on site and a second dwelling under construction, both of which relate to the agricultural use of the site.
3. The unit to which this application relates was approved on 28th July 2004 (S/0699/04/F). It will provide a fourth poultry shed measuring 40 metres (length) by 20 metres (width). This fourth unit will be sited in the next field, with an area for chickens to range in during the day.
4. This planning application seeks to vary condition two of that permission, which was imposed to ensure that the site is developed only as required by the agricultural needs of the site. The existing planning condition states:

The construction of Unit 4 shall not commence until written evidence has been submitted to the Local Planning Authority confirming that a contract for the poultry business has been secured.

Reason:

The site is currently not in use for agriculture. Evidence that this use will resume is required in order to establish that the building hereby permitted is necessary to the long-term use of the site for poultry farming or other suitable agricultural activity.

5. This application, received on 27th May 2005, seeks permission to allow the building to be constructed prior to such a contract being obtained. The reason for this is that it has not been possible for the applicant to obtain a contract for the poultry business, as he is first required by DEFRA to make the site 'bio-secure'. Once this has been established, anyone investing in the business can be assured that the business is sustainable and therefore that they will receive an appropriate financial return. It is requested by the applicant that the condition be varied so that if this unit is subsequently not used for agricultural purposes for a period of twelve months it be

demolished.

Planning History

6. The site history commences in 1991 with the granting of planning permission for a poultry breeding facility on the site (ref. **S/0648/91/F**). This permission was for two agricultural units for chicken rearing and a store.
7. In 1992 planning permission was granted for the temporary siting of a mobile home on the site (ref. **S/1695/92/F**). A further planning application at this time gave permission for a storage hut, a litter store connecting units 1 and 2 and a green house/poly-tunnel (ref. **S/1696/92/F**).
8. In 1997 the business had been operating for a number of years and planning permission (ref: **S/1145/97/F**) was granted for an extension to a third unit 3, which at that time had not been built. This application also approved a dwelling on site with a garage, incorporating annexe living accommodation for visiting workers or family members.
9. Last year, application **S/0699/04/F** (to which this application relates) was approved, allowing a fourth unit for poultry to be constructed, along with a potting shed/greenhouse for tree planting intended to provide additional income to the business.
10. **S/0700/04/LDC** for a Certificate of Lawfulness of Existing Development (Section 191) was approved for the annexe.
11. The retrospective application **S/0701/04/F** approved the temporary change of use of unit 2 from agricultural use to caravan storage, until 30th June 2008.
12. **S/0937/04/LDC** approved a dwelling, now being erected on the site, as lawful proposed development under Section 192 of the Town and Country Planning Act. Related to this application was **S/0938/04/F**, which granted planning permission for this dwelling to be a different siting, with minor additions to provide a porch.
13. A current undetermined application (ref. **S/1065/05/F**) seeks permission to use units 1, 2, 3 or 4 for the temporary storage of caravans i.e. only one unit at any one point in time is to be used for caravan storage, and would not be restricted solely to unit 2.

Planning Policy

14. **Policy P1/2 'Environmental Restrictions on Development'** of the Cambridgeshire and Peterborough Structure Plan 2003 ("Structure Plan") states development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location; where there is an unacceptable risk to the quality of ground or surface water and; where there could be damage, destruction or loss to areas that should be retained for their biodiversity, historic, archaeological, architectural and recreational value.
15. **Policies 9/2a** of the Structure Plan and **Policy GB2** of the South Cambridgeshire Local Plan 2004 ("Local Plan") identify the purpose of the Green Belt and limits change of use in rural areas to those 'appropriate to a rural area'. 'Appropriate development' includes uses of land that 'preserve the openness of the Green Belt and do not conflict with Green Belt purposes'. **Policy 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.

16. **Policy EM10 ‘Conversions of Rural Buildings and Future Extensions’** of the Local Plan, allows the change of use of rural buildings outside of village frameworks where the use will not materially change the existing character or impact of the building, safe and satisfactory vehicular access with car parking and turning within the site can be provided and the scale and frequency of traffic generated can be accommodated within the road system without undue adverse effects.

Consultations

17. **Cottenham Parish Council** has recommended that the application be refused, commenting:

“This farm is within the Green Belt therefore no development other than that for agricultural purposes should be allowed. It is also outside the village envelope. Cottenham Parish Council are not satisfied that this application is linked to agricultural purposes.”

18. **Old West Internal Drainage Board** has no comment from a drainage point of view.

Representations

19. No representations have been received.

Planning Comments - Key Issue

20. The key issues in determining this application are whether poultry is a genuine agricultural activity appropriate to the Green Belt location and whether the variation of condition proposed will enable adequate planning control over the development of the site.

Green Belt

21. The poultry rearing business is an appropriate countryside activity, as established by Section 336(1) of the Town and Country Planning Act 1990, which defines agriculture as including:
- Horticulture, fruit growing, seed growing, dairy farming,
 - The breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land),
 - The use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and
 - The use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.
22. Policy GB2 includes buildings for agricultural as appropriate Green Belt development. Appropriate development should be located within or adjoining existing complexes to protect the rural nature and openness of the Green Belt (Policy GB3). The approved building will be situated close to the existing complex and as such has been found to accord with this policy. Similarly, this building will be viewed against the backdrop of

existing buildings, minimising the visual impact upon the openness and rural character of the Green Belt.

Variation of condition

23. The condition proposed will enable the poultry business to resume, bio-security to be secured and for the long-term move of the business into free range farming. It is considered that the condition will adequately ensure that the site is used in the long-term for agriculture.
24. It meets the requirements of being necessary, reasonable, enforceable, precise and relevant to the development permitted as set out in Circular 1/85, "Use of conditions in planning permission". The development of the site is only considered to be acceptable if the business is fully re-established and all existing buildings (including unit 3, which is to be completed) are also fully utilised for agriculture. Therefore the condition is both necessary and reasonable. The wording proposed is precise and allows the Council to take enforcement action if not complied with. The condition is relevant to the permission granted for unit four. In summary, it permits a reasonable level of control over the development and ensures that the site is appropriately developed as part of an agricultural business.

Recommendation

25. It is recommended that the planning application be approved with condition two of planning application S/0699/04/F varied to allow construction of unit 4 with its demolition if not used for 12 months:

If building (unit 4), hereby permitted, is not used for the purposes of agriculture for a continuous period of twelve months then, unless the local planning authority has otherwise agreed in writing, the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing by the local planning authority.

Reason: The site is within the Green Belt where development is limited to appropriate uses; in order to ensure that a proliferation of unused buildings does not result; and that the construction of developments on the site are properly managed.

26. All other conditions of permission, S/0699/04/F, would be re-imposed, as varied to take into account details which have either been submitted or approved.

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** Green Belt; **South Cambridgeshire Local Plan 2004: GB2** - Green Belt, **GB3** - The Location of Development and **EM10** - Conversions of Rural Buildings and Future Extensions.

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

- Green Belt

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning files refs: S/0699/04/F and S/1066/05/F

Contact Officer: Melissa Reynolds - Senior Planning Assistant
Telephone: (01954) 713237

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

**S/0925/05/F - Bassingbourn-cum-Kneesworth
Extensions at Hyde Cottage, 157 North End
for Mrs R Parrish**

**Recommendation: Refusal
Determination Date: 6th July 2005**

Site and Proposal

1. The site lies outside of the village framework for Bassingbourn but within a group of dwellings situated either side of the road in a ribbon of development extending out of the village.
2. The dwelling is oriented perpendicular to the road as is its neighbour at No. 155 which lies to the south.
3. The dwelling to the north, No. 159, is a bungalow that sits parallel to the road, perpendicular to the application property.
4. There is a first floor bedroom window in the north elevation of No. 155 that looks directly into the garden of the application property and towards two first floor bedroom windows in the south elevation of the application property. There is also a bedroom window in the north elevation of the application property that looks directly into the garden of No. 159.
5. The full planning application, submitted 11th May 2005, proposes a two storey rear extension with a ridge line running perpendicular to the main body of the dwelling. A first floor bedroom window would be inserted into the southern end gable of the extension some 3.3m closer to the side wall of No. 155 than the existing south facing bedroom windows. The northern gable element would lie just off the southern boundary of No. 159.
6. The internal layout will remove the bedroom window which faces this property through the re-designation of the accommodation on this side to a dressing room with the introduction of a further bathroom in the extension.
7. The garage is to remain and there is sufficient space for car parking within the site.

Planning History

8. There is no planning history of relevance to the application.

Planning Policy

9. **Policy HG13** of the South Cambridgeshire Local Plan 2004 - Extensions to Dwellings in the Countryside states (in part, referring to **HG12**) that Planning Permission for the extension and alteration of dwellings will not be permitted where the proposal would

harm seriously the amenities of neighbours through undue loss of light or privacy, being unduly overbearing in terms of its mass, or would adversely affect surrounding properties by virtue of its design, layout, location or materials.

Consultation

10. **Bassingbourn Parish Council** recommends approval.

Representations

11. One letter of objection has been received from the occupiers of the adjacent property, No. 159 North End. The points of objection are:
1. The extension will be very obtrusive. The change of the window arrangements will be helpful but the overall effect will be to 'close in' the garden.
 2. The length of the dwelling will be along approximately 75% of the garden boundary going from 8m to 12m.
 3. Permission was refused for a single storey ground floor extension at No. 159 due to potential impact on neighbours.
 4. The proposal will obliterate all views to the left of the bungalow.
 5. Loss of value
 6. Due to illness the impact of the development viewed from within the bungalow will be greater due to the increasing time spent in the bungalow.

Planning Comments - Key Issues

12. The key issue is the impact of the proposal on the amenities of both adjoining neighbours.

Impact on No. 155

13. The extension contains a large bedroom window which will face the side elevation of No. 155. This elevation contains a window serving a bedroom and direct views between the two windows will be possible. At a distance of approximately 12m this is unacceptable.
14. There are already two windows in the side of the application property that faces No. 155 but these are approximately 3.3m further away, are smaller and views are partially obscured by an existing tree.
15. In my view it would be possible to relocate this window into the western elevation to overcome the problem.

Impact on No. 159

16. The extension will be to the south of the garden to No. 159. As it is due south the loss of direct sunlight will be minimal and in the winter months only. The occupiers of No. 159 have verbally stated that they do not have any concerns over loss of light having assessed for themselves the height of the sun in the south in relation to the position

of the proposed extension. In addition there are tall trees to the rear of the site which already block some sunlight as the sun moves around from the south to the west.

17. There is currently a bedroom window in the side of the application property that directly overlooks the garden to No. 159 although a carefully planted tree does minimise this impact. The proposal would remove this overlooking as all windows on the elevation to No. 159 would contain obscure glazing. This is to be welcomed and is acknowledged by the occupiers of No. 159 to be of benefit.
18. Of greater concern is the impact of the bulk of the proposal when viewed from the garden and from within No. 159. The existing application property runs just off and along the southern boundary well behind No. 159. The proposal will significantly extend this elevation and introduce a dominant gable. It will create a combined bulk that will appear overbearing to the occupiers of the property when viewed from their garden and from within their property and will effectively "close off" the southern boundary. There are clear views across the western boundary to the surrounding fields and countryside and the garden has an open feel but this is not sufficient to counterbalance the harm of the proposal.

Percentage increase

19. The proposal represents an approximate 55% increase in floor area over the existing property. The extent of the dwelling that is original is not known but I cannot find any record of any planning applications to extend the property. Notwithstanding this the existing property has four bedrooms and the proposed extensions do not seek to increase this but merely to improve the internal layout and increase the size of the bedrooms. I do not therefore consider that the increase will prejudice the aim and objective of criterion 3 of Policy HG13 of either maintaining the stock of smaller and medium sized dwellings in the countryside or ensuring that the extension is in scale and character with the existing dwelling.

Recommendation

20. Refusal for the following reasons:
 1. The proposed extension will seriously harm the amenities of the occupiers of No. 155 North End through loss of privacy as a result of the introduction of a first floor bedroom window that will allow direct views into an existing bedroom window in the side elevation of this property. As such the proposal is contrary to Policy HG13 of the South Cambridgeshire Local Plan 2004.
 2. The proposed extension will seriously harm the amenities of the occupiers of No. 159 North End, Bassingbourn-cum-Kneesworth through appearing unduly overbearing when viewed from within this property and from its garden as a result of its height and bulk and the introduction of a dominant gable element. The proposal will 'close in' the garden to No. 159 on this southern boundary. As such the proposal is contrary to Policy HG13 of the South Cambridgeshire Local Plan 2004.

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

- Planning File reference S/0925/05/F, South Cambridgeshire Local Plan 2004.

Contact Officer: Nigel Blazeby - Senior Planning Assistant
Telephone: (01954) 713256

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

**S/1416/04/F - Bassingbourn-cum-Kneesworth
Use of Land for Car Parking in Association with Park and Ride Facility to Include
Portable Building and Lighting, Land at Old North Road,
for Charter Travel**

**Recommendation: Refusal
Determination Date: 1st September 2004**

Departure Application**Site and Proposal**

1. The site lies in the open countryside to the south of Bassingbourn and is accessed directly off the A1198.
2. Immediately to the north lies the old Sunday Market site, no longer in use. This site has two accesses at its northern extremity and its southern. The southern access would provide the access to the application site.
3. The land lies a little lower than the level of the road and has planted mounds on its southern and western boundaries. To the east lies an area of trees and a pond. To the north the land is open to the old Sunday Market site.
4. The full planning application, submitted 7th July 2004, proposes the use of the land for car parking in association with a park and ride facility to include a portable building and lighting. It is proposed to alleviate parking problems at Royston Railway Station by providing parking on this site and bussing commuters to and from the station.
5. The initial submission showed 132 car parking spaces including 5 disabled spaces, a tarmac finish and a single 8m high lighting tower.
6. A revised plan was submitted showing 115 spaces including 5 disabled, a gravel finish and 4 smaller lighting columns (height unknown).
7. A flood risk assessment was requested early on in the application process but to date no such assessment has been submitted.

Planning History

8. In July 1994 planning permission was granted for "Temporary Construction Site Office and Associated Buildings".
9. In April 1996 planning permission was granted for the use of the site, together with the land to the north for the "Use as Market on Bank Holidays".
10. In April 2002 planning permission was granted for "Temporary Site Offices and Associated Storage of Pipes and Equipment".

Planning Policy

11. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 (the Structure Plan) - Environmental Restrictions on Development states (in part) that development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location.
12. **Policy P1/3** of the Structure Plan - Sustainable design in built development states (in part) that a high standard of design and sustainability for all new development will be required which minimises the need to travel and reduces car dependency.
13. **Policy P9/9** of the Structure Plan - Cambridge Sub-Region Transport Strategy outlines the transport strategy for the Cambridge Sub-Region.
14. **Policy TP1** of the South Cambridgeshire Local Plan 2004 - Planning for More Sustainable Travel states (in part) that the Council will seek to promote more sustainable transport choices, to improve access to major trip generators by non-car modes, and to reduce the need to travel, especially by car.

Consultation

15. **Bassingbourn Parish Council** (original scheme)

The Parish Council makes no recommendation. It states: "Existing screening to be retained. Sufficient access with improvement of sight lines"

16. **Principal Planning Policy Officer** (Transport)

"The development of a substantial car park in the countryside would not be consistent with policy. Structure Plan Policy P1/2 restricts development in countryside "unless the proposal can be demonstrated to be essential in a particular rural location.". (local farming, mineral extraction or public utility services).

This proposal seeks to provide car parking to assist train journeys from Royston to London. Policy TP1 of the South Cambridgeshire Local Plan 2004 seeks to promote more sustainable transport choices. However, it is my view that this proposal would not meet that objective as it would encourage long distance commuting, albeit by train. (note this is referred to in para 7.33).

The improvement in bus-based travel on the corridors between Cambridge and the Market Towns, as set out in Structure Plan Policy P9/9, should in the first instance encourage more sustainable travel **within** the Cambridge Sub-Region, and this should apply to new Park and Ride sites.

Although this facility as proposed would assist existing commuter journeys and make them more sustainable, there is a very real opportunity for it to encourage additional car-journeys, including the increase in traffic through villages to access the site. I therefore cannot support this proposal."

17. **Landscape Design Officer** (original scheme)

"1. Appears to be several bunds to site which would require reprofiling and planting.

2. Preferable to avoid any further bunding.
3. Unclear impact of visibility splays to frontage.
4. Car parking should be pulled clear of existing vegetation.
5. Concerned how easy it will be to reduce impact of lighting to wider landscape - very long views partly to Royston. 8m columns would have serious impact visually.
6. I assume there will be no junction requirements."

18. **Local Highways Authority** (original scheme)

"There are somewhat conflicting elements contained within this application.

The response to question 8 of the application [what is the estimated vehicular traffic flow to and from the site during a normal working day?] is 50. Fifty what? Fifty vehicles per day or fifty vehicle **movements** per day?

This contradicts the plan submitted which illustrates the provision of some 132 spaces on the site.

In order that I may assess this proposal, I need to be advised the total number of vehicle movements that are anticipated. This includes the vehicles of drivers utilising the park and ride and the buses going to and from the station."

19. **Chief Environmental Health Officer**

Concern expressed that the proposed illumination could be a problem and suggest a condition to be attached to any planning permission in order to minimise the effects of the development to nearby residents or occupiers: - 'Details of any external lighting including flood lighting shall be submitted to and approved by the local Planning Authority before construction commences.'"

20. **Environment Agency**

Objects.

"Insufficient information has been submitted in respect of surface and foul water drainage and pollution control to allow the Agency to fully assess the impact of the proposed development."

The Agency also requests a Flood Risk Assessment as the application site is identified as being in an area at risk of flooding.

Further advice is given on Foul Water Drainage and Pollution Control.

21. **Landscape Design Officer** (amended scheme)

"Unclear if mound to south (bottom of plan) is being retained - this would need regraded/top soiled/and more space allowed to achieve effective screening.

Given long distance views and possible lighting greater space needed to boundaries but it would be difficult to screen effectively in the short term.

Also difficult to fully assess where existing hedge and tree belts are in relation to car parks and roads and site boundaries."

22. **North Hertfordshire District Council**

No objections.

The Council's letter dated 7th September 2004 and accompanying report to the Royston and District Committee are attached as **Appendix 1**.

23. **Local Highways Authority** (revised comments following traffic flow figures)

"The number falls below that which would necessitate the provision of a right turn facility. However, I am concerned about the level of turning movements that this proposal will generate along this section of the A1198 where, although subject to a 40mph speed restriction, vehicle speed is high.

As expressed during the pre-application correspondence (2 April 2004), I strongly recommend that if this use is to proceed, the northern most access must be utilized. The southern access would have to be permanently and effectively closed.

If the applicant is able to relocate the site to the north, the northern access would require improvement to provide...An amended layout plan to be obtained from the applicant/agent indicating the improvements to the access. A copy to be forwarded to me when available. The visibility splays certainly have a direct effect on the frontage hedge enclosure."

24. **Bassingbourn Parish Council** (amended scheme)

"The lack of sufficient car parking space at both Ashwell and Royston is a well known and insoluble fact and it is difficult to understand why a scheme which would encourage commuters from the South Cambridgeshire villages to use public transport should have been subject to so many obstacles. If this Park and Ride proposal were permitted, with a sufficient number of parking spaces to make it commercially viable, it would also have the effect of freeing up space at Ashwell Station for commuters from that immediate area, thereby encouraging them to use public transport...One reason given against the proposal was that it would be a visual eyesore, when in fact the site originally proposed is well screened by the existing banking and trees, making this objections invalid..."

25. **Policy Manager, Planning Division, Cambridgeshire County Council**

No objections.

Representations

26. One letter of objection has been received from the occupiers of 92 Old North Road:

"I live opposite this land...I am confident that this would further increase the weight and flow of traffic directly outside my home, making an already hazardous road and manoeuvres even more dangerous. It can take several minutes to pull out of my road and pulling correctly into my drive way on a return journey home can also take a while (to avoid reversing out onto a main road).

...I also have safety concerns as I have a 2 year old child and further traffic on the road will only make living on it even more hazardous when pulling in and out of our home.

I also have concerns about the view from my home..."

27. Further representations received from the applicant regarding traffic flows:

Bus journeys

One bus every 10 minutes to Rail Station. It is anticipated there will be 19 bus journeys in the morning and 10 in the afternoon. The anticipated number of car journeys would be 89 in the morning and 89 in the afternoon reaching a potential maximum of 119 in both cases. The daily use will be between 6.15am and 7.50am and 4.40pm and 8.30pm, 5 days a week.

28. Applicant's further representations in relation to justification:

"As you may be aware North Herts Council granted full Planning permission on a site in Royston - York Way/Beverley Close, but soon after this they sold the site in house. I offered to purchase the site, but the council would not commit themselves to a sale, so I had to then find a new site, which would still offer the same service as the previous proposal, which was a 10 minute shuttle service to the station. I enquired with NHDC, for any other land around, but there wasn't any.

Support for the scheme

Enclosed are letters from two M.Ps, who have given their support for the scheme, they are Oliver Heald and Andrew Lansley, also our local councillor Linda Oliver has given her support.

W.A.G.N

Hugh Jennings - Retail Manager Great Northern - has openly encouraged the scheme, by offering to promote the parking facilities at all stations from Royston to Kings Cross, he has also offered the facility of a free phone number for passengers using the proposed car park to use for enquiries and also he has asked me to sell train tickets on site as well..."

Planning Comments - Key Issues

29. The proposal involves the formation of a car park in the open countryside, contrary to policies aimed at protecting the countryside for its own sake. The site has reasonable screening but a car park for 115 cars including lighting will have a significant visual impact on the surrounding countryside. The amended scheme has addressed some of these issues but is still felt to be too visually harmful.
30. The applicant has been invited to put forward a case to justify the proposal as a departure from Development Plan policies. He has provided evidence of the parking problems at Royston Station and has shown the broad support of many parties such as WAGN, North Herts District Council and Members of Parliament to a Park and Ride scheme. (Several MPs letters have been submitted that are dated prior to the submission of the application - none of these specifically refer to the application site or this proposal although Mr Andrew Lansley CBE MP does say, in his letter of 18th February 2004 "My support for your scheme will obviously be subject to the proposed site in Kneesworth, as it may be open land; could you let me have more details?"

31. At a relatively early stage officers felt that the proposal could not be justified on this green field site due to the visual impact this would have on the surrounding countryside and sustainability issues. The proposal was felt to be unsustainable at the level proposed for the reasons set out in the comments of the Principal Planning Policy Officer (Transport) quoted above, essentially that it will increase vehicular movements through the villages and encourage long distance commuting.
32. For several months there have been discussions between planning officers, the applicant and the land owner together with District Councillors and Andrew Lansley CBE MP regarding the possible use of the old Sunday Market Place (land immediately to the north) where there is currently an existing hardstanding and a good screen to the road. The suggestion was to amend the proposal to this alternative location with approximately half the number of vehicle movements and utilising the north access for a temporary period. (Land to the north of the Sunday Market site was also briefly considered and discounted).
33. Officers felt they would be able to support a proposal using part of the existing Sunday Market site at the reduced level. This, or any permission, would only be considered on a temporary basis as in the future the parking facilities at Royston Station may be improved. The applicant was advised that if the facilities at Royston Station were not upgraded and the parking problems persisted he may be successful in a later application to renew any permission granted.
34. After much discussion the land owner agreed to allow the applicant the use of a small area of the Sunday Market site but only on the condition that a road surfacing company, currently operating from opposite the site, would relocate to the Sunday Market site (or at least use it for the parking of its large vehicles) in order that he would be able to gain the maximum potential from his land.
35. During consideration of this approach it was discovered that the company opposite was operating without the benefit of planning permission and there was little merit in its relocation in any case (this company has since applied for retrospective planning permission on its existing site). As such talks have stalled, this application now needs to be determined as submitted.
36. It is my view that there would be some benefit in a proposal that would help alleviate the parking problems at Royston Station. However, the proposal as submitted would be visually detrimental to the surrounding countryside, would be unsustainable as at the scale proposed would actually increase the number of car journeys and encourage long distance commuting and would use the less preferred southern access where vehicle speeds are higher and where highway safety would be compromised. I also note the concerns of one local resident with regard to additional vehicle movements.
37. In addition to the above the matter of a flood risk assessment has not been submitted although the use of a permeable surface material may be sufficient to overcome any concerns.
38. I have suggested to the applicant that he continue to negotiate with the land owner and consider submitting a further application in the future if he can find a way forward.
39. If Members are minded to approve and to recommend the application be referred to the Secretary of State as a Departure from the Development Plan, I consider that only a temporary permission could be justified. The proposal is intended to address a very specific problem which may later be resolved - this proposal would then no longer be

justified. In my view however, to grant a temporary permission on the application site makes it difficult to consider conditions to ensure additional planting and the future removal of any new hard standing or other surface material. Such requirements may be too onerous for a temporary permission. A flood risk assessment would also need to be submitted and considered before any consent could be issued.

Recommendation

40. Refusal for the following reasons:

1. The site lies in the open countryside. It is a green parcel of land surrounded on all sides by open countryside. The formation of a substantial car park including lighting will have a detrimental impact on the visual quality of the surroundings contrary to the aim of protecting the countryside for its own sake. It has not been adequately demonstrated that this proposed use is essential in this particular rural location. As such the proposal is contrary to Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003.
2. The proposed use, at the scale proposed, would not promote more sustainable transport choices as it will encourage long distance commuting and encourage additional car-journeys including the increase in traffic through villages to access the site. As such the proposal is contrary to Policies P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy TP1 of the South Cambridgeshire Local Plan 2004.
3. Notwithstanding the above the application fails to adequately consider access improvements, visibility splays, lighting detail and flood risk.

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

- Planning File reference S/1416/04/F
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003

Contact Officer: Nigel Blazeby - Senior Planning Assistant
Telephone: (01954) 713256

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR:** Director of Development Services

S/2531/04/F - Bourn
Erection of Maintenance and Repair Hangar at Bourn Airfield**Recommendation: Approval**
Date for Determination: 15th March 2005 (Major application)**Departure Application****Site and Proposal**

1. This is a full application, received on 14th December 2004, for the erection a new hangar at Bourn Airfield, to be sited to the north west of the existing buildings occupied by Rotortech and to be used for the maintenance and repair of helicopters.
2. Since the application was originally submitted the proposals have been amended. The original proposals and the amended plans both relate to a proposed building measuring approximately 50 metres long by 20.5 metres wide. The amended proposals incorporate a ridged roof rising from 6.4 metres at the eaves to 10.9 metres at the ridge which runs across the shorter dimension of the building.
3. The south western elevation, facing the company's existing buildings, would incorporate projecting entrance lobbies and windows to serve a reception area, offices, storage, toilets and rest facilities on the ground and first floors at that end of the building. The three remaining elevations include no windows. A single pedestrian door is proposed to the north eastern elevation. The north western elevation, fronting the adjoining runway, would have large doors for the majority of its length, evidently to provide access for aircraft. The remaining, south eastern, elevation contains no windows or doors. The submitted plans indicate 48 roof lights. The amended plans do not specify the intended facing materials.
4. In support of the proposal the applicant company and its agent have variously stated that the Company currently operates from an existing building, with approximately twice the floorspace of the building now proposed. Consent was previously granted for a similar hangar which was required for the maintenance and repair of heavy helicopters. This was not constructed. The Company now wishes to develop its existing business relating to smaller helicopters. The proposed building would therefore be smaller than that previously approved. It is stated that the building could house four small helicopters at a time and that it is usual for aircraft to be at the Rotortech facility for up to six months. There would, therefore, be few aircraft movements. Indeed, some aircraft are expected to arrive by lorry.

Planning History

5. The planning history includes several applications relating to the surrounding area, the most relevant being the following consent, referred to above, relating to a similar proposal on approximately the same site:

S/1816/90/F Aircraft Hangar Consent 07 Sept 1993
(subject to a S106 agreement relating to noise)

Planning Policy

6. **Policies TP8** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") relates primarily to new airfield or flying sites or the expansion of existing facilities.
7. **Policy EM7** of the Local Plan relates to the expansion of existing firms within village frameworks or on suitable brownfield sites next to or very close to village frameworks.
8. **Policy P1/2** of the County Structure Plan 2003 states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural area.
9. **Policy P2/6** of the Structure Plan states that development in rural areas will be facilitated, where it contributes to one or more objectives, including helping to maintain or renew the vitality of rural areas.

Consultations

10. **Bourn Parish Council:** Initial proposal: No recommendation.
Revised proposal: Approve.
11. **The Chief Environmental Health Officer:** Discussions have taken place regarding appropriate means of sound insulation. A condition is recommended relating to the hours of operation and installation of any plant at the site.
12. **Cambridgeshire Fire and Rescue Service** request that adequate provision is made with regard to fire hydrants.
13. **Environment Agency:** The site overlies a major aquifer. An appropriate condition is recommended with regard to pollution control of the water environment.

Representations:

14. Representations, one by e-mail and one by letter, have been received from two households in West Drive, Highfields, Caldecote commenting as follows:
 - Policy P1/2 of the Structure Plan states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location.
 - The look, size and feel of this hangar, being forward towards the road of any other building on this part of the Airfield, will diminish the rural nature of this part of Cambridgeshire. Building it beside or behind would have looked better.
 - The proposals might extend to the already horrendous noise that emanates from the industrial premises on the site. The vast majority of the noise comes from TKA Tallent Chassis.
 - At the moment little noise comes from Rotortech, except when they appear to be testing an engine after repair. This happens infrequently. If the new hangar added to the noise it would be of concern.

- If the proposal involves increased engine testing or running an objection would be raised.

Planning Comments - Key Issues

15. The application falls to be determined by reference to the relevant policies of the Development Plan together with any other material considerations.
16. Members are reminded that the Village Frameworks, identified in the Local Plan relate to residential development only. They are not therefore directly relevant to this application.
17. Policy TP8 of the Local Plan refers to aviation-related development proposals but relates primarily to new airfield or flying sites, or the expansion of such facilities, rather than to industrial developments of the type now proposed.
18. Policy EM7 of the Local Plan relates to the expansion of existing firms within village frameworks, which this clearly is not, or on suitable brownfield sites. It is acknowledged that parts of Bourn Airfield could be regarded as brownfield.
19. There are some merits, as suggested below, in the proposed development being located alongside the existing industrial premises to demonstrate that the proposal was essential in a particular rural area, as required by Policy P1/2 of the Structure Plan. It relates to the expansion of an existing specialised firm which could not easily relocate.
20. At a more general level, however, the proposal could be said to accord with Policy P2/6 of the Structure Plan insofar as the skilled jobs likely to be created by the proposed development could help to maintain or renew the vitality of rural areas. In that context, the application forms state that there are 15 industrial employees at the existing premises. This compares with an anticipated total of 27 at the completed development.
21. The above comments suggest that the proposed development accords with some, but potentially not all, of the relevant development plan policies.
22. Turning to detailed considerations it is noted that the site would use the existing access onto the A428, with good visibility in both directions.
23. With regard to the impact upon the countryside, the proposed building when viewed from the north including whilst travelling along the A428, would be viewed against the backdrop of the existing aircraft hangar and other industrial buildings in the vicinity. When viewed from the south, including the village of Caldecote, the proposed building would be obscured from view by the existing industrial buildings. The potential impact upon the countryside is therefore likely to be limited. This could be further reduced by an appropriate landscaping scheme although it is acknowledged that this would never be likely to totally screen the building and would take several years to have any significant impact.
24. With regard to potential noise nuisance, it is suggested that this could potentially be controlled by restrictions upon the hours of work. Any attempts to exercise further control by means of restrictions upon aircraft movements are likely to prove unenforceable given the relationship of the site to the adjoining airfield. Nevertheless, the distance from the site to the nearest village, combined with the acoustic screen

provided by the existing intervening buildings, are likely to limit the extent of any nuisance caused to local residents.

25. In accordance with the above analysis, the proposed development may be held to constitute a departure from the development plan. The application has been advertised as such. The application has not been called in for determination by the Deputy Prime Minister, nor is it above the threshold to be referred to the Government Office for the East of England. There are, therefore, currently no procedural restrictions that would preclude the grant of consent.
26. 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 subject to the conditions indicated below.

Recommendation

27. APPROVAL

Conditions

1. SCA (5 years) (Standard Reason)
2. This consent relates to the amended plan (drawing number CBN 24319) submitted to the Local Planning Authority under cover of the agents' letter dated 25th April 2005.
(Reason: For the avoidance of doubt.)
3. SC40 (restrictions upon use) "the maintenance and repair of helicopters"
"Class B2"
RC40(b)
4. SC5 (a) (materials) "walls and roof"
(RC5 (a) (ii))
5. Prior to the commencement of any works on site the developer shall submit for the consideration of the Local Planning Authority a scheme relating to the sound attenuation of the building hereby approved. No works shall commence on site until such a scheme has been approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved plans.
(Reason: In order to restrict the level of noise emanating from the building having regard to amenity.)
6. Prior to the commencement of any works on site the developer shall submit for the consideration of the Local Planning Authority a scheme relating to the provision of vehicle parking to serve the building hereby approved together with the other nearby buildings in the ownership or control of the applicant. No works shall commence on site until such a scheme has been approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved scheme.
(Reason: In order to ensure the provision of adequate parking facilities within the vicinity of the proposed development.)
7. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control of the water environment, which shall

include foul and surface water drainage, shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the development being put into beneficial use.

(Reason: In order to ensure a satisfactory method of foul and surface water drainage and to prevent the increased pollution of the water environment.)

8. Development shall not begin until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved by the Local Planning Authority. No development shall take place otherwise than in accordance with the approved scheme.
(Reason: To ensure adequate water supply for emergency use.)
9. SC51 (landscaping scheme) delete “, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, “
(RC51)
10. SC52 implementation of landscaping and replanting requirement.
(RC52)
11. No works of maintenance or repair to aircraft, nor installation of plant or machinery to the building, shall take place outside the hours of 08.30 to 17.30 Monday to Fridays or 08.30 to 13.00 on Saturdays. No such works shall take place at any time on Sundays or on Bank Holidays.
(Reason: In order to restrict the level of noise emanating from the building having regard to amenity.)

Reasons for Approval

1. Although the development is not in accordance with Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 it is considered to be acceptable as a departure from the development plan having regard to the likely employment generation, the limited impact upon the countryside and the expansion of this existing specialised and local firm.
2. The development is considered generally to accord with the following Development Plan policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P2/6 (Rural Economy);
 - **South Cambridgeshire Local Plan 2004:**
TP8 (Aviation-Related Development Proposals)
EM7 (Expansion of Existing Firms at Villages)
3. 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 countryside
 - Amenity including noise.

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/2531/04/F and S/1816/90/F

Contact Officer: Steve Anderson
Telephone: (01954) 713165

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

**S/1371/92/O - Cambourne
Submission of Masterplan Revision 24B and Phasing Plan REV Q****Recommendation: Approval
Date for Determination: 6th July 2005****Background and Purpose**

1. The original outline planning permission and Section 106 Agreement for Cambourne required the approval of a Masterplan and Design Guide. These are comprised of various documents, some of which are regularly updated. In the case of the Masterplan, the map version of the Masterplan shows the disposition of land uses throughout Cambourne, reflecting the broad principles of the main Masterplan document, and is regularly updated to address modifications, refinements and to accommodate more detailed information, such as the layouts of approved housing schemes. The latest approved map version is revision 24A, approved in October 2004, and the developer has subsequently issued revision 24B for approval. This report details the changes since the last approval, and recommends approval of the latest revision.
2. The changes made since the last approval are to add the approved spine road layouts and approved school site for Upper Cambourne, along with associated changes to the shapes of the housing pods. Recently approved housing layouts are also added, as well as a lake and the skateboard park.
3. The Master Phasing Plan is a version of the Masterplan that sets out the development in geographical phases. It shows the developer's intentions as to the order of development of residential sites, and in terms of the areas not for residential development, it relates the facilities and landscaped areas to trigger points in the Section 106 Agreement, Play Strategy, etc. For example, it shows the sports centre in phase 5b, which equates to the 2000 occupations trigger point. Some facilities are only required to be "phased throughout the development" without specific trigger points relating to house occupations. In terms of the remainder of the development, these are the landscape areas, sports fields and the Upper Cambourne allotments. There are several conditions of the outline permission that are to be satisfied at the beginning of each phase, such as archaeology, drainage, etc.
4. The latest revision to the Phasing Plan is, again, an update on what has happened on site, and commits the developers to providing the second phase of the sports fields in phase 5a, which is the current phase (pre-application discussions are taking place). We have also negotiated that the allotments for Upper Cambourne be provided in phase 6, which is the first of four phases of development in Upper Cambourne. This is because we have learnt from the Great Cambourne allotments that they take time to establish and become ready for use, so will need attention early. The remainder of the landscaping, which is shown to become a golf course, is also allocated in current phases, the lakes have now been completed.

Consultations

5. No comments have been received from **Cambourne, Bourn or Caxton Parish Councils**.
6. The **Middle Level Commissioners** state that the Swavesey IDB's particular interest relates to any additional discharge from Uttons Drove Sewage Treatment Works, and the latest revision does not appear to affect the discharges.
7. The **British Horse Society** is pleased to see the circular bridleway shown but is concerned at the time taken to complete it as the roads are very busy and becoming increasingly dangerous.
8. The **Environment Agency** states that the principle of the revisions are acceptable provided surface water and foul drainage proposals take any density amendments into account, and points out that any ground raising could affect run-off characteristics. There must be no overall loss in extent of habitat areas.
9. The Council's **Landscape Design Officer** points out that some of the development pods have increased in size.

Planning Comments - Key Issues

10. As described above, the changes since the last approved version are relatively minor. There are changes in the sizes of some of the development pods, but a simple overlay exercise indicates that some of the pods have increased and some decreased, in order to accommodate the new layout of the school site and associated road changes. I am satisfied that there has been no overall change in developable area, but I have asked the master planners to confirm the geographical areas of all the Upper Cambourne pods, so as to be doubly sure.
11. The next revision of the Masterplan will probably not occur until the result of the "Cambourne Enhanced" appeal is known. That will involve the addition of the new route of the A428 and associated works to Broadway (the road to Bourn), and, if the appeal is allowed, the addition of the new facilities required to support the additional housing.
12. I have not sent the Phasing Plan out to consultation as this simply provides updates and non-controversial commitments to which phase each area of development will take place in. I have no objection to the phasing shown on the plan, but an old version of the Masterplan has been used for a base, which does not show Upper Cambourne correctly. It would therefore be appropriate to approve the phasing plan with the exception of the Upper Cambourne area, which should be the subject of a further proposal at the same time as the next revision of the Masterplan, once the Cambourne Enhanced appeal is determined.

Recommendations

13. **APPROVE** Masterplan 24B as submitted.
14. **APPROVE** Master Phasing Plan rev Q, with the exception of the Upper Cambourne development area.

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

- Cambourne Section 106 Agreement dated 20th April 1994.
- Outline planning permission dated 20th April 1994, reference S1371/92/0

Contact Officer: Kate Wood - New Village / Special Projects Officer (Cambourne)
Telephone: (01954) 713264

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

**S/6297/05/F - Cambourne
Extension Over Garage and Dining Room to Form Annexe at
11 Shearling Drive for Mr and Mrs Goundry**

**Recommendation: Approval
Date for Determination: 4 July 2005**

Site and Proposal

1. No. 11 Shearling Drive is a two storey detached brick dwelling with integral double garage, situated at the end of a turninghead. The garage and dwelling are linked at single storey level. The dwelling is setback from the streetscene, behind both adjacent dwellings (10 and 12 Shearling Drive). The front elevation of the dwelling faces north-west towards 10 Shearling Drive, with a two storey blank gable and double garage facing the road. The garage is positioned 1.4m from the common property boundary with 10 Shearling Drive. Along this property boundary is a timber fence approximately 2.2m high.
2. The property is surrounded by residential properties on all sides, with the exception of a row of three garages to the south-east of the dwelling. Nearby dwellings 6-10 Shearling Drive are accessed by a semi-circular shared private drive running along the front of these properties, which joins Shearling Drive to the side of No. 5 and 11 Shearling Drive.
3. The full planning application received 20th April 2005 proposes an extension over the double garage and dining room to form a single room annexe with shower room. The proposal involves raising the ridge of the garage and dining room roof from 5m and 4.4m to 5.4m, the insertion of two dormer windows on the north-west elevation facing Shearling Drive and the creation of a box-like windowless projection on the south-east elevation of the roof pitch. The annexe is to be accessed by stairs within the existing dwelling.

Planning History

4. Planning permission was given for the erection of the dwelling as part of a larger residential estate on 8 March 2004 (**Ref: S/6102/00/RM**). Condition 13 of the above planning consent removes the permitted development right to insert additional first floor windows, doors or openings of any kind on the north-west and south-east elevations of the dwelling without the benefit of planning permission. Condition 2 requires the permanent space to be reserved for parking and turning on each dwelling to be provided before the occupation of each dwelling and thereafter maintained.
5. In January 2005 a planning application was submitted for extension over the garage to form self-contained flat and insertion of windows into existing elevations (**Ref: S/6284/05**). This application was withdrawn. The current application represents an alternative design to the previous application.

6. On 10 May 2005, A Certificate of Lawfulness for Proposed Development for Loft Conversion including Addition of 2 Dormer Windows and Insertion of 2 Rooflights in the existing roof was issued (**Ref: S/6293/05/LDC**). This certificate provides legal confirmation that the above works do not require planning permission

Planning Policy

7. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") requires a high standard of design for all new development that responds to the local character of the built environment.
8. **Policy HG12** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") sets out the requirements that must be met in order for proposals to extend or alter dwellings within village frameworks to be considered for approval. This policy states that proposals which would seriously harm the amenities of neighbours through undue loss of light or privacy, being unduly overbearing in terms of its mass, or would adversely affect surrounding properties by virtue of its design, layout, location or materials will not be permitted.
9. **Policy TP1** of the Local Plan states that the Council will seek to ensure that every opportunity is taken to increase accessibility by non-car means by any appropriate measures, including the restriction of car parking to the maximum levels as set out in this plan.

Consultation

10. **Cambourne Parish Council** - Recommendation of Refusal for the following reasons:
 - "The overlooking of adjoining properties.
 - Overdevelopment of the property
 - Potential highway and traffic problems due to additional accommodation.
 - The application is not consistent with the development plan as it affects the number and size mix of houses.
 - The proposed development has an un-neighbourly affect on adjoining properties."

Representations

11. Letters of objection to the application have been received from the occupants of 7, 9, 10, 12 and 15 Shearling Drive and 1 Arbour Close. In addition an 'Impact Assessment Report' has been written on this application by the occupants of 9 Shearling Drive and signed by residents of 9, 10 and 11 Shearling Drive.
12. Grounds of objection raised in the above documents are summarised as follows:
 - Proposal will result in the loss of residential amenity for surrounding dwellings
 - Proposal contrary to criteria 2 and 3 of Policy HG12 of the Local Plan; the extension over the garage would result in a loss of sunlight and overshadowing to the rear garden of 10 Shearling Drive.
 - The extension over the garage would be overbearing on the property at 10 Shearling Drive.

- Proposal would lead to overlooking of garden of 9, 10 and 12 Shearling Drive and the patio area to rear of 12 Shearling Drive.
- Proposed dormer windows in roof above garage and dining room will look into rear windows (bedroom, landing and kitchen windows) at 12 Shearling Drive.
- Proposal contrary to Human Rights Act and European Convention of Human Rights, in relation to adjacent residents rights of privacy.
- Proposed extension and creation of annexe will lead to increased noise and disturbance to neighbours, in addition to materially alter the nature of the property.
- Proposal could set a precedent for other extensions and lead to a loss of medium-sized dwellings in the area.
- Proposal results in overdevelopment of the site.
- Construction of the extension will cause noise and disturbance to adjacent properties.
- The design of the extension over the garage and dining room would make the dwelling “more imposing on the streetscene and it would look too top heavy to the eye”; the design is over-complicated and “does not offer a streamlined or symmetrical appearance”.
- The extension “shows the construction on the back of the garage roof which does not resemble any type of Bovis construction which would be in keeping with the original concept of the streetscene”.
- The proposed extension in conjunction with the loft conversion permitted under permitted development rights will increase the number of bedrooms in the dwelling from 4 to 6, leading to an increased need for car parking.
- Due to high car ownership at the property, the property is already unable to provide sufficient on-site car parking, particularly as the existing garage is used for storage and not parking.
- Shearling Road due to its narrow width and cul-de-sac nature is not suitable for on-street car parking and compound existing parking problems in the vicinity.
- The proposal would lead to increased overspill car parking at the end of the cul-de-sac to the side of 11 Shearling Drive, which will result in a loss of highway safety and safety of pedestrians and children on/near road, in addition to impeding the ability of vehicles to turn within the cul-de-sac and restricting access for refuse/emergency vehicles, access to the private drive used by the occupants of 6-10 Shearling Drive and access to Arbour Close. This situation is compounded by on-street car parking at the junction of Shearling Drive and Arbour Close.
- There is insufficient room on the site to provide adequate car parking for construction related vehicles and the storage of constructed related materials.
- The increase in number of bedrooms and creation of annexe could lead to the renting out of rooms/annexe to students and other non-family members.

13. In addition, representations raised the following points which I am of the view are not material planning considerations in the assessment of the application:
- Application is intended to “merely increase the value of the applicants own property”.
 - Proposal could increase number of children playing on nearby grassed area to the front of 6-10 Shearling Drive.
 - Proposal would result in a loss of property value.
 - Applicant intending to change address in the short to medium-term.
 - Objections to the Certificate of Lawfulness for Proposed Use granted on the site.
 - No objection has been received from the occupants of 8 Shearling Drive, as the property is currently vacant.
 - The proposal does nothing to enhance the locality.
 - Extension blocks view from bedroom window of 12 Shearling Drive.
 - Consultation of application should have been extended to Arbour Close.
14. It is noted that whilst no letter of objection was received from the residents of 16 and 18 Apley Way to the current application, they did object to the previous planning application S/6284/05/F.

Planning Comments - Key Issues

15. The key issues for consideration in this assessment of this application are impacts on the residential amenity of adjacent properties and highway safety, and whether the proposal has an unacceptable visual appearance on the streetscene.

Impacts on Residential Amenity

16. One of the dormer windows on the north-west elevation serves a shower room, with the other dormer window serving a bedroom. This latter dormer window faces the length of the drive on 11 Shearling Drive and principally looks down the length of Shearling Drive between 10 and 12 Shearling Drive. The dormer window serving a habitable room is setback 5.4m from the common property boundary with 10 Shearling Drive and the orientation and position of these two dwellings, is that views over the rear elevation of 10 Shearling Drive are very oblique. There are no views over the rear elevation of this dwelling from either dormer window within a 45 degree angle of the centrepoint of each window.
17. Views from the dormer window serving the shower room over the rear garden of 12 Shearling Drive are largely obscured by the projecting two storey gable on the north-west elevation, with this gable partially obscuring views from the other dormer window. The dormer window serving the habitable room is positioned approximately 8.8m from the property boundary with 12 Shearling Drive and 15.4m from the rear elevation of the dwelling itself. I am of the view that views over 12 Shearling Drive from both dormer windows are oblique and do not justify the refusal of the application on the grounds of undue loss of privacy for this dwelling. It is noted that windows above ground floor level in 10 and 13 have existing oblique views over this property.

18. The proposed extension does not include any windows on the south-east elevation and hence preserves the privacy of the dwelling to the rear, 9 Woolthwaite Lane.
19. Whilst the height of the garage and dining room roof has been raised by 0.4m and 1m respectively to 5.4m, the garage roof remains hipped away from 10 Shearling Drive. It is noted that ridge height of the existing garage is 5m at 3.7m from the common property boundary, with the proposed roof having a ridge height of 5.4m at 4.5m from the property boundary. The box-like roof projection on the south-east elevation is setback 6.7m from the property boundary with 10 Shearling Drive and is of modest depth and size. I am of the view that the proposed extension is not overbearing to adjacent properties.
20. In the above assessment of the impacts of the proposed extension on the residential amenities of adjacent properties, regard has been given to the provisions of the Human Rights Act 1998 and the European Convention of Human Rights.

Impact on Highway Safety

21. The proposal does not result in a loss of on-site car parking and I am satisfied that adequate car parking space will remain on the site for four vehicles (including the use of the double garage), in excess of the Council's maximum standard of car parking provision of two vehicles for a dwelling with three or more bedrooms in poorly accessible areas.
22. I am of the view that the proposed extension will not generate a level of traffic that would result in a loss of highway safety for residents of Shearling Drive and Arbour Close.
23. The obstruction of the public highway by parked vehicles is dealt with under separate legislation. The planning application process for an extension to a dwelling is not able to be used to address existing parking problems in an area.

Visual Impact on the Streetscene

24. I am of the view that the extension has an acceptable visual impact on the streetscene when viewed from Shearling Drive and Woolthwaite Lane. Whilst the proposed extension alters the original design for this section of Cambourne, this by itself, is not reason to refuse the proposed extension. The unusual box-like projection on the south-east elevation faces a garage block at the rear and is setback approximately 14m from Woolthwaite Lane. The absence of a window in this elevation is intended to preserve the privacy of 9 Woolthwaite Lane.

Recommendation

25. Approve

Recommended Conditions of Consent

1. Standard Condition A - Time limited permission (Reason A).
2. SC5a - details of materials for external walls and roof (Reason ai and aii).

3. SC21 - No further windows at first floor level in the north-east, north-west and south-east elevations of the development.
(Reason - To protect the privacy of adjoining residents).
4. The extension hereby permitted shall not be used at any time other for purposes ancillary to the residential use of the dwelling known as 11 Shearling Drive.
(Reason - To ensure that the use of the annexe remains linked to the main dwelling in the interests of protecting the residential amenity of adjacent dwellings and preventing a loss of highway safety).
5. SC26: Restriction of Use of Power Operated Machinery during construction.
(Reason - RC26).

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:**
HG12 (Extensions and Alterations to Dwellings within Village Frameworks)
TPI (Planning More Sustainable Travel)
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

Other

It is noted that Condition 2 of planning application S/6102/00/RM requires the permanent space to be reserved for parking and turning on each dwelling to be provided before the occupation of each dwelling and thereafter maintained. As a result, planning permission would be required for the conversion of the garage to an alternative use.

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 Applications Ref: S/6297/05/F, S/6102/00/RM, S/6284/05/F and S/6293/05/LDC

Contact Officer: Allison Tindale - Planning Assistant
Telephone: (01954) 713159

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

**S/6225/03/RM - Cambourne
35 Dwellings at GC16 for Circle 33 Housing Trust Ltd****Recommendation: Delegated Approval
Date for Determination: 31st January 2004****Site and Proposal**

1. The site, which comprises 1.01 hectares (2.5 acres), is located on the eastern side of Great Cambourne, close to the proposed future golf course.
2. The application, received on 5th December 2003, proposes 35 affordable dwellings at a density of 35 dwellings per hectare. These have been designed to provide a variety of styles and types, ranging from bungalows to 1 ½ and 2 storey houses and 2 storey flats.
3. The houses provided would be 6 x 1 bed flats, 4 x 2 bed bungalows, 13 x 2 bed houses, 11 x 3 bed houses and 1 x 4 bed house. Most of the houses are for rent, but 8 are for shared equity ownership.

Planning History

4. This proposal has previously been considered at the Development and Conservation Control Committee on 4th February 2004. Approval was resolved subject to some layout changes which have been made, and to the conclusion of a Section 106 agreement. Subsequently the applicants, Circle 33 Housing Trust, were invited by Cambridgeshire County Council to participate in a demonstration project for sustainable drainage, for which European funding assistance would be offered. The FLOWS project seeks to demonstrate that surface water run-off can be detained within a residential development by use of such measures as porous block paving, swales and detention ponds, in order to reduce the risk of flooding within a site and further downstream in the river system. The layout was therefore adjusted to accommodate two landscaped swales (elongated depressions which collect surface water run-off and allow it to percolate slowly back into the ground or to buried drains), and two small detention basins which would hold storm water in extreme conditions and release it at a regulated rate to the Cambourne surface water system. In conjunction with those basins, an additional system of swales around the east side of the development would be landscaped into the Greenway and golf course margins to collect the run-off from the site. The inlet and outlet pipes and flow regulators are to be designed to blend into the landscaping, to demonstrate that sustainable drainage can be accommodated near housing without ugly or dangerous engineering structures.
5. These alterations have not resulted in any major alteration to the street scenes, and the houses are as previously approved.
6. This site is allocated in the masterplan as an area for housing identified as GC16. In the original masterplan, this area was allocated a notional 27 units. Cambourne has planning permission for 3000 houses + 10% reserve. Within the development, under the terms of the s106 agreement, the developers are required to provide 37 acres of free, serviced land

allocated in tranches throughout the site, with the total number of dwellings on that land not exceeding 650. During the course of the development of Cambourne, it has emerged that the number of affordable housing units allocated in the masterplan on that 37 acres only numbered 516, a shortfall of 134 units. The number of units on this site has increased from the notional 27 to 35 which helps address the shortfall in overall number of affordable units.

7. The detailed residential proposal was considered by the **Cambourne Design and Environment Group (DEG)** meeting on 23rd October 2003, and was generally accepted by all parties, with further work being required on some matters of detail including open space and footpath links.

Policy

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

Consultations

Cambourne Parish Council – to be reported

The Cambourne Management Liaison Committee (MLC) – a forerunner of the Parish Council previously recommended refusal. The principal complaint was that this scheme is for more housing than the masterplan allows.

Cambridgeshire Fire and Rescue Service ask that adequate provision is made for fire hydrants.

The Police Architectural Liaison Officer has several comments to make. His principal concerns include the supervision of the parking court in front of plot 19-23, and the requirement for lighting on all parking areas, paths and through routes. These issues have been dealt with in the amended layout and by the recommended conditions.

The County Archaeologist has no adverse comments to make.

The Local Highway Authority has recommended standard planning conditions.

The Landscape Design Officer has no objection subject to landscape conditions.

The Environment Agency has no objection subject to conditions.

English Nature has no adverse comments to make.

The Council's Ecologist has commented that he would like to see some bird and bat boxes within the proposal site.

Royal Society for the Prevention of Accidents (ROSPA) no objection to the amended plans which have introduced stepped profiles for the detention basin slopes.

Representations

None received

Planning Comments – Key Issues

9. The scheme is generally in accordance with the Design Brief for the site, with an area of high density in the northern part, and lower density overlooking the golf course, with a large area of open space within the site. Houses face out onto the greenway and out onto the site allocated for the future golf course. There is a change in scale from 2 storey terraces and flats in the high density area to single and 1 ½ storey houses and bungalows in semi detached forms in the lower density area.
10. With regard to the issue of numbers, there has been a significant increase from the 'notional' allocation in the original masterplan, however it is important that schemes are design led.

The impact of the affordable units, which are "catching up" the affordable housing shortfall, on the overall total number of units, is being closely monitored. The issue will be addressed through the Local Development Framework and in the light of the eventual outcome of the appeal into the Cambourne Consortium's proposals to increase development at Cambourne.

11. The only new issues raised by the amended plans for the FLOWS project are:
 - a) the design and appearance of the sustainable drainage features,
 - b) the adequacy of the system for drainage purposes,
 - c) the integration of the swales and basins adjacent to a play area and the greenway,
 - d) the coordination of this scheme with development on the adjacent site GC13 which has subsequently received planning approval.
12. The underdrained block paving to be used for the parking and street surfacing will appear the same as standard street surfacing in nearby areas. The swales are gentle depressions in landscaped strips similar to grass verges, and would only contain water in extreme weather events. The detention basins would be similar to the swales, with gently sloping stepped sides for safety purposes for the rare occasions when they contain water. This design is as advised by ROSPA, and recognises the proximity of the basins to housing and a Local Area for Play. The resulting rate of run-off from the site complies with Environment Agency's overall requirements for the development of Cambourne, and demonstrates that relatively low-key simple engineering solutions can be employed even in a confined building site to absorb and regulate surface water drainage.
13. The amended plans tie in the porous paving streets on this site with the approach roads from Area GC13 by use of rumble strips to define the transition to "shared surface" road, and use of grey blocks to blend with the nearby carriageway and footways.
14. A Section 106 agreement has been prepared to secure the retention of the affordable housing and to ensure that overall responsibility for maintenance of the SUDS drainage will lie with the applicant (without precluding adoption by the Parish Council).

Recommendation

Approve subject to a Section 106 agreement to secure affordable housing and maintenance of the drainage scheme, and to the following conditions (additional to the Outline permission conditions):

1. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

(Reason – To enhance the quality of the development and to assimilate it within the area in accordance with policies EN5 and CAMBOURNE 2 of the South Cambridgeshire Local Plan 2004)

2. No development shall take place until a schedule of materials and finishes for the doors, windows, walls, chimneys and roofs of the dwellings and garages, and boundary walls and gates hereby permitted, samples of the materials, and method of window opening, have been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented and maintained in accordance with the approved schedule and samples.
(Reason – In the interests of amenity and quality the development in accordance with Policy CAMBOURNE 2 of the South Cambridgeshire Local Plan 2004)
3. No development shall take place until a scheme of surface water drainage, hard surfacing and road surfacing within the site has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented and maintained in accordance with the approved scheme.
(Reason – In the interests of sustainable drainage, amenity and quality of the development in accordance with Policy CAMBOURNE 2 of the South Cambridgeshire Local Plan 2004)
4. No external lighting shall be installed on any part of the site except in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority.
(Reason – In the interests of the amenity, security and the quality of the development in accordance with Policies ES2 and CAMBOURNE 1 of the South Cambridgeshire Local Plan 2004)
5. During the course of construction, outside a secure compound area (a secure compound is defined as an area with a security fence extending to the ground, and with a gate extending to the ground and locked at night), any steep sided trench of less than 600mm deep must have at least one end sloped, and any steep sided trench of over 600 mm in depth must be covered or fenced if left open overnight.
(Reason – To prevent injury or death to badgers which may forage on the site and in accordance with the Section 106 Agreement dated 20th April 1994, and the Aims and Objectives set out in the Cambourne Master Plan Report and Policies EN13 and CAMBOURNE 1 of the South Cambridgeshire Local Plan 2004)
6. During the bird breeding season, no development or site clearance shall take place until a suitably qualified ecologist has checked the site for the presence of nesting wild birds and important plants and declared them absent.
(Reason – To prevent damage to or destruction of the nest of any wild bird whilst the development is being built or in use, and any important plants, in the interest of the biodiversity of the site in accordance with Policies EN 13 and CAMBOURNE 2 of the South Cambridgeshire Local Plan 2004.)
7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of ecological enhancement based on “Ecological Opportunities within the Build Environment” (ESL, November 2000). The development shall subsequently be implemented in accordance with the approved scheme.)
(Reason – Insufficient details were submitted with the application, and to ensure the ecological enhancement of the site in accordance with the Section 106 Agreement dated 20th April 1994, and the Aims and Objectives set out in the Cambourne Master Plan Report and Policies EN12 and CAMBOURNE 1 of the South Cambridgeshire Local Plan 2004.)

8. Visibility splays shall be provided on both sides of all private drives and shall be maintained free from any obstruction over a height of 600 mm within an area of 1.5m x 1.5m measured from and along respectively the highway boundary.
(Reason – In the interest of highway safety and in accordance with Policy TP1 of the South Cambridgeshire Local Plan 2004.)
9. Visibility splays at road junctions and on the inside of bends shall be laid out and constructed to form part of the highway and not enclosed within the curtilages of adjoining properties.
(Reason – In the interest of highway safety and in accordance with Policy TP1 of the South Cambridgeshire Local Plan 2004.)
10. No development shall take place until a plan showing the location and details of the contractors' building compound and parking area has been submitted to and approved in writing by the Local planning Authority. The plan shall be implemented as approved and no materials shall be stored, nor contractors' vehicles parked, outside the approved compound and parking area.
(Reason – To ensure that the compound and contractors' parking are adequately accommodated without an adverse impact on existing landscape features, amenity areas or existing residential areas in accordance with Policy CAMBOURNE 1 of the South Cambridgeshire Local Plan 2004.)
11. The permanent space to be reserved on the site for parking and turning of vehicles shall be provided before the respective houses are occupied and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles.
(Reason – In the interest of residential amenity and highway safety in accordance with Policy TP1 of the South Cambridgeshire Local Plan 2004)
12. No development shall take place until a scheme showing access routes for construction traffic (deliveries and spoil removal) has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently take place strictly in accordance with the approved scheme.
(Reason – In the interests of the amenities of existing residents in the vicinity in accordance with Policy CAMBOURNE 1 of the South Cambridgeshire Local Plan 2004.)

Informatives

1. It appears to the Council in respect of this proposal that the following conditions of the outline planning permission continue to apply, and the applicant's attention is drawn to these and all conditions of that permission:
 - Condition 6 (vi) – implementation of landscaping.
 - Condition 7 (b) – time limit for commencement.
 - Condition 19 – construction noise protection scheme with 100m of occupied properties **(NB: requires submission prior to commencement)**.
 - Condition 28 – roads and footpaths to base course level.
 - Condition 37 – concealment of cables, meter boxes, etc
 - Conditions 38 – 39 – aquifer protection measures
2. This Approval will be accompanied by a list of Approved Drawings and a covering letter.
3. The Environment Agency's comments will be attached.
4. Any substitution of plant species or stock from those approved will require the prior written consent of the Local Planning Authority.

5. No dwellings should be occupied until street nameplates have been erected in a location and to a specification which shall previously have been agreed with the Council's Street Naming and Numbering Officer.
6. All work on the site shall take place in accordance with Cambourne Ecology Working Paper 6: Safeguarding Statutorily Protected Species during the Construction Phase. (ESL, May 1997.)
7. The applicant's attention is drawn to the requirements of the Party Wall etc. Act 1996 if works are proposed to a party wall.
8. This approval is subject to the provision of legal agreements under section 106 of the Town and Country Planning Act 1991 dated 20th April 1994 and 2005 (to be finalised).

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),
 - **HG10** (Housing Mix and Design)
 - **TP1** (Planning for More Sustainable Travel)
 - **EN5** (Trees, Woodlands and Hedgerows)
 - **EN12** (Nature Conservation: Unidentified Sites)
 - **EN13** (Protected Species)
 - **ES2** (Road and Footway Lighting)
 - **Cambourne 1** (The Masterplan)
 - **Cambourne 2** (The Design Guide)
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 proper planning of Cambourne in accordance with the Master Plan
 - Highway and drainage design and safety
 - Visual impact on the local landscape and ecology

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: P1/3
- Planning file reference S/6261/04/RM approval for the adjacent site GC13.

Contact Officer: Pam Thornton – Senior Planning Assistant
Telephone: (01954) 713099

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee
AUTHOR: Director of Development Services

6th July 2005

**S/0611/05/F - Elsworth
Erection of 12 Metre High Pole with a
0.3 Metre Microwave Dish for Broadband Services
for Elsworth Primary School**

**Recommendation: Approve
Date for Determination: 27th May 2005**

Adjoining Conservation Area**Site and Proposal**

1. This 1st April 2005 application proposes full planning consent for the erection of a pole to be located to the south west of the main school buildings at Elsworth Primary School, Broad End, Elsworth.
2. The proposal comprises a 12 metre high tubular pole with a diameter of 273 mm at its base and 89 mm at its apex, constructed of galvanized steel, with a consequent grey finish. It would carry a single "dish" measuring 300 mm in diameter and finished in white enamel paint. At Elsworth Primary School, the provision of a broadband connection can only be achieved by a microwave radio system mounted on a pole within the school grounds.

Health and Safety Issues

3. Members will recall that this application was reported to the meeting of the Development Control and Conservation Committee held on 1st June (item 11) where it was resolved that the application be deferred in order to obtain further guidance from the Council's Chief Environmental Health Officer. In accordance with that decision a memorandum was sent to the Chief Environmental Health Officer as follows:

"Thank you for your memorandum of 10th May in respect of the above proposal.

This planning application was reported to the meeting of the Council's Development Control and Conservation Committee held on 1st June where it was resolved that the application be deferred for further information. Foremost amongst Members' concerns were the potential health risks to children attending the primary school within the grounds of which the proposed mast would be located.

I would advise you that the application has been submitted as part of a programme supported by Cambridgeshire County Council as Local Education Authority to bring broadband to schools. I understand that the system uses low power and operates on a line-of-sight basis, thereby reducing any potential risks. The application was accompanied by a risk assessment prepared on behalf of the County Council.

In the present case, I can appreciate the concerns of Members attempting to determine a planning application submitted on behalf of the Local Education Authority specifically required to serve educational needs and supported by a risk assessment when your own comments suggest that such facilities should avoid school grounds.

Against the above background may I suggest that your comments, whilst offering appropriate technical advice, are nevertheless somewhat generalist in nature. It would probably be more helpful in the assessment of this and other such telecommunications proposals if you could, as the Council's expert in such matters, interpret and apply this specialist advice to specific proposals. In the circumstances, I am therefore arranging for copies of all the relevant documentation to be forwarded to you and would be pleased if you could offer me any further advice related to the health and safety issues raised by this specific proposal.

The application is due to be reported back to the meeting of the Development Control and Conservation Committee due to be held on 6 July. In order to enable me to prepare my report for that meeting I would be pleased to receive your response no later than 17 June."

4. In response to the above, the Chief Environmental Health Officer has since stated:

"I refer to your recent consultation in respect of the above-proposed development. I have the following comments:

Currently, the environmental health department comments in respect of such applications in a fairly standardised format as indicated below. In the past the planning department has commented that the consultation from the environmental health department with respect to such applications do not relate to the specific site of the proposed installation. We cannot comment on individual sites for a variety of reasons:

Each site is different by virtue of its proximity to sensitive locations and the type of equipment proposed per application is different every time. Consequently, a considerable amount of technical expertise and precise scientific knowledge is required to comment comprehensively on this subject. For this reason we rely on the expertise such bodies as the National Radiological Protection Board. On 1 April 2005 the National Radiological Protection Board merged with the Health Protection Agency forming its new Radiation Protection Division. The Division consists of its headquarters at Chilton in Oxfordshire, its Occupational Services Department at Leeds, and Radiation and Environmental Monitoring Scotland at Glasgow. Together with the Chemical Hazards and Poisons Division of HPA it forms the Agency's Centre for Radiation, Chemical and Environmental Hazards. The Director of the Centre is Dr Roger Cox, the former Director of NRPB.

The environmental health departments general response to applications in respect of mobile phone masts and related equipment and installations is based on the information provided by such bodies as the NRPB and the HPA who regularly produce relevant information on this subject.

The attached link provides a good understanding of the complexity of the issues relating to such installations.

http://www.hpa.org.uk/radiation/understand/information_sheets/mobile_telephony/ba se_stations.htm

As regards the current proposal for the erection of a 12m steel pole with a 0.3metre microwave dish for the purposes of supporting "point- to- point wireless broadband links for schools", I have contacted the NRPB for some comment that might be of some assistance in respect of this application. The NRPB have advised that the beam produced by the equipment described by such a proposal is quite narrow and did not express any great concern as a result. When contacted the applicant, BT, and I was advised that the equipment proposed by this application has an operating potential of 1 Watt of energy.

I was further advised that a similar apparatus exists near a school in Great Wilbraham and that consent has been granted for another in Guilden Morden.

Requests for more specific advice in respect of such installations might be better addressed by the NRPB whose contact details I have attached:

Health Protection Agency,
Centre for Radiation, Chemical and Environmental Hazards
Radiation Protection Division, Chilton, Didcot. Oxon OX11 0RQ
Telephone 01235 831600 Fax 01235 833891
Email rpd@hpa-rp.org.uk

In the interim the response to such applications will contain the following advice subject to contrary direction from the government and its relevant agencies.

I wish to confirm that I have received a copy of the application and 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 sites, eg 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 (eg school grounds or buildings) without agreement from the occupier(s) (eg 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.

Please return a copy of the decision notice regarding this application, quoting the Department's reference, when it has been determined."

Planning Comments

5. It is noted that the Chief Environmental Health Officer continues to maintain a precautionary approach. Whilst this is understandable, such an approach does not reflect the framework, in Planning Policy Guidance Note No 8., within which the Local Planning Authority is required to determine the application. PPG8 thus states in relation to health considerations:

“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.

However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's 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.

The Government's acceptance of the precautionary approach recommended by the Stewart Group's report “ mobile phones and health” is limited to the specific recommendations in the Group's report and the Government's response to them. The report does not provide any basis for precautionary actions beyond those already proposed. In the Government's 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.”

6. At the time of writing this report none of the agencies concerned have offered reasons specific to this site, or to the type of equipment involved, which would suggest that there are any particular grounds for concern. In considering whether to grant consent or to refuse the current application, there is therefore no clear evidence before the Local Planning Authority that would justify a refusal of consent. Indeed, the developer has complied with the relevant guidance. The application is accompanied by a health and safety risk assessment, undertaken by Cambridgeshire County Council as Local Education Authority, based upon the guidance of the National Radiological Protection Board (NRPB) and the International Commission on Non-ionising Radiation Protection (ICNIRP).
7. Having regard to the additional information reproduced above, together with the above comments, the recommendation remains one of consent subject to the conditions outlined in the June report.

Recommendation

8. Approval, subject to the following conditions:
1. Standard Condition A - Time limited permission (Reason A);
 2. The use of the mast and associated equipment hereby approved shall be restricted to the provision of broadband services to Elsworth Primary School. (Reason - The information provided by the developer to the Local Planning Authority relates to the provision of broadband services to Elsworth Primary School. Any additional or alternative use of the mast hereby approved would

involve an assessment of other material considerations in accordance with Policy CS8 of the South Cambridgeshire Local Plan 2004.)

3. Within one month of the development hereby approved ceasing to be used the Local Planning Authority shall be notified accordingly in writing. Within four months of such notification all apparatus including the mast and any associated equipment, fencing and hard surfacing shall be removed from the land; and the land shall be restored in accordance with a scheme submitted to and approved in writing 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.)

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:**
CS8 (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:
 - Residential amenity.
 - Visual impact on the locality
 - Impact upon setting of adjacent Conservation Area
 - Health and safety

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/0611/05/F

Contact Officer: Steve Anderson
Telephone: (01954) 713165

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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

6th July 2005

**S/0013/05/F - Fen Drayton
Erection of 10 Affordable Houses
Land between 12 and 13 Cootes Lane**

**Recommendation: Refusal
Date for Determination: 5th April 2005**

Members are reminded that the established protocol for considering “rural exception” sites includes all such applications being the subject of a Member Site Visit. This will take place on Monday 4th July 2005.

Site and Proposal

1. This is a full application, received on 4th January 2005, for the erection of ten affordable houses, including 8 No. two bedroom units and 2 No. three bedroom units, to be located on a site on the northern side of Cootes Lane, to the west of the village of Fen Drayton. The site is roughly rectangular in shape, with a highway frontage of approximately 34.5 metres and a maximum depth of approximately 80 metres. The site widens to approximately 40 metres at the rear, and extends to approximately 0.3 hectares. The density equates to 33 dph.
2. The site lies within the area of the former Land Settlement Association Estate, west of Fen Drayton. Immediately to the west of the site are three greenhouses. There are semi-detached pairs of dwellings located approximately 30 metres to the east and 75 metres to the west of the application site respectively, with a series of detached dwellings located along the southern side of Cootes Lane.
3. The site is roughly level. Part of the site is occupied by a semi-derelict greenhouse. Along the highway frontage of the site is a mature hedgerow.
4. The submitted plans indicate a layout for ten dwellings with a short terrace of three dwellings to the highway frontage and a 4.8 metre wide carriageway with a single footway and turning head to be built along the eastern boundary of the site. This would lead to a 4.8 metre wide private access to serve the rear portion of the site. The submitted plans indicate that this would also provide access to the fields beyond. A pair of dwellings, on a “L” shaped footprint, would be located alongside the turning head with a further pair and a terrace of three dwellings set back to the rear of the site.
5. The submitted house types incorporate ridged roofs, with ridges typically fronting the highway. The roofs of one of the end units of each of the short terraces would be stepped down. Other architectural details included sentinel and simple monopitch storm porches, gable windows to some units, arched brick heads and false chimneys.

6. Car parking would be provided alongside two of the units and elsewhere in bays alongside the spine road / private drive or in courtyards. The existing hedgerow would be retained along part of the highway frontage. The flank and rear boundaries would be provided with post and rail or close boarded fencing.
7. The submitted details include a visibility splay to the east which appears to be outside the application site. This anomaly has been raised with the agent and a response is awaited.

Planning History

8. No relevant history has been identified relating to the site.

Planning Policy

9. **Policy SE4** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") identifies Fen Drayton as a Group Village, within which residential development and redevelopment up to a maximum scheme size of 8 dwellings will be permitted within the village frameworks of Group Villages, subject to various detailed criteria. (The application site lies outside the Village framework boundary.)
10. **Policy SE8** of the Local Plan normally precludes development outside village frameworks.
11. **Policy HG8** of the Local Plan relates to exceptions for affordable housing. This policy states that : As an exception to the normal operation of the policies of this 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 all have to be met:-

- (1) The development proposal includes secure arrangements for ensuring that all the 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 the 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.
 - (5) Development under this policy must also comply with criteria (1), (4) and (5) of Policy HG7 and the relevant interpretation provisions of that policy.
12. **Policy HG7** of the Local Plan relates to affordable housing within frameworks but also provides detailed criteria and definitions with regard to affordable housing.
 13. **Policy Fen Drayton 1** of the Local Plan states that within the area of the former Land Settlement Association Estate, planning permission will not be granted for housing or commercial development unless it is directly related to the effective operation of local agriculture, horticulture, forestry or other uses appropriate to a rural area.

14. **Policy P8/1** of The County Structure Plan relates to the links between land use and transport.

Consultations

15. **Fen Drayton Parish Council** initially recommended approval, subject to the development being to serve a need for a specified amount of social housing and it being strictly regarded as an “exception” case. Concern was expressed, however, regarding the adequacy of the proposed parking facilities and the maintenance of boundary fences.

Subsequently, the Parish Council has requested that the application be brought before the meeting of the Development and Conservation Control Committee of 6 July, in order that a Housing Corporation grant can be used and in order to enable amendments to be considered at that meeting which, the Parish Council states, are due to be considered at its own meeting on 29th June.

16. **The Housing Officer** supports the principle of the proposed development, subject to planning considerations, and has supplied a report indicating proven housing need.
17. **County Highway Authority:** Concerns expressed regarding highway details including the lack of a footway in the direction of the village centre and primary school and fact that one of the visibility splays lies outside the application site.
18. **Chief Environmental Health Officer:** Conditions recommended relating to noise and other nuisances during the construction period.
19. **Cambridgeshire Fire and Rescue Service:** Additional water supplies for firefighting are not required.
20. **Cambridgeshire Constabulary - Community Safety Dept.:** Detailed concerns have been expressed regarding the form of the layout having regard to security issues from the sides and rear of the site and to problems of surveillance.
21. **Environment Agency:** Drainage details to be considered by way of planning conditions.

Representations

22. One letter of support has been received from a housing developer variously commenting upon design issues, former LSA covenants, alleged precedents and the location of the proposed development. He further suggests that there has been a U-turn by the Planning Department.
23. One letter of objection has been received from a local resident commenting as follows:
- This would have significant implications for land occupied by the former Land Settlement Association
 - The housing need should have been met at the Wilderspin Garage
 - The Parish Council has ignored consultations.

- Many people felt there was need for a green lung
- This represents creeping urbanisation
- There is a lack of facilities and the village has little or no public transport

Planning Comments - Key Issues

24. The application falls to be determined by reference to the policies of the development plan unless material considerations indicate otherwise.

The application site lies outside the village framework for Fen Drayton. It would therefore be outside the provisions of Local Plan Policies SE4 and SE8.

25. However, the proposal is advocated as “rural exception” site in accordance with Policy HG8 of the Local Plan. This policy provides that an exception to the normal operation of the policies of the Local Plan may be made in respect of 100% affordable housing designed to meet identified local housing needs on sites within or adjoining villages.
26. In the above context, the housing need has been demonstrated. Furthermore, whilst the site lies approximately 190 metres outside the village framework at its nearest point it is noted that the policy refers to “villages”, rather than to “village frameworks” as such. Moreover, the site is well related to local facilities including both a primary school and the village hall which are both located in that area of the village nearest the application site. The site could therefore be said to satisfy the broad criteria of Policy HG8.
27. That policy, however, also refers to detailed criteria including its relationship to the built-up area of the settlement, the scale of the scheme being appropriate to the size and character of the village and ensuring that the development does not damage the character of the village or the rural landscape.
28. In the latter context, regard is also had to the location of the site within the former Land Settlement Association Estate where Policy Fen Drayton 1 of the Local Plan states that planning permission will not be granted for housing or commercial development unless it is directly related to the effective operation of local agriculture, horticulture, forestry or other uses appropriate to a rural area. No agricultural justification is offered by the applicant, housing association or the agent.
29. It is noted that much of the former estate remains in horticultural uses, with a linear pattern of development along highway frontages, often with glasshouses to the rear. Against this established settlement pattern it is suggested that, whilst the detailed design of individual dwellings respects the various existing dwelling types, the overall form of the development would be incongruous. The depth of the plot, the siting of the majority of the proposed dwellings well back from the highway, the provision of a estate road to adoption standards, the fencing along the flank and rear frontages and the use of parking courtyards combine to suggest a form of development more typical of, and appropriate to, a suburban location than to the fringes of a rural village. The form of the development is therefore considered to be contrary to both Policy HG8 and Policy Fen Drayton 1 of the Local plan.
30. Many of the comments made by the local resident objecting to the proposal echo the above concerns. The reference to the housing need being met at the Wilderspin Garage is understood to relate to the proposal having been initiated by a housing

developer who wishes an existing Section 106 agreement relating to the former garage site within the village framework to be relaxed and for the affordable housing requirement to be met through the current development proposal. These considerations do not form part of the current proposal.

31. The letter of support also relates to the above suggestion. The reference in that letter to an alleged “U-turn by the Planning Department” is not considered to be justified. The initial response to a pre-application enquiry relating to the possibility of the developing a “rural exception” site has been consistent in relation to the broad considerations. The above analysis clearly indicates that the principal concerns relate to the form of development now proposed.
32. With regard to the comments from the Parish Council, the agents state that their client, the applicant housing association, has not given any instruction to prepare amended plans. At the time of preparing this report no such amendments had therefore been received by the Local Planning Authority although any update will be reported verbally at the meeting.
33. Having regard to the policies of the Development Plan, the above comments and all other material considerations it is recommended that the application be refused for the reasons indicated below.

Recommendation

Refusal.

34. Reasons
 1. Although the proposal would bring forward 100% affordable housing on a site close to the village of Fen Drayton, the design of the proposed development, having particular regard to the siting of the majority of the proposed dwellings well back from the highway, the provision of an estate road to adoption standards, the fencing along the flank frontage and the use of parking courtyards, would damage the character of the fringes of the village and the rural landscape. The proposal would therefore be contrary to Policy HG8 of the South Cambridgeshire Local Plan 2004 which provides for exceptions to other policies in relation to a proven need for affordable housing subject to various detailed criteria.
 2. The proposed development would be contrary to Policy Fen Drayton 1 of the South Cambridgeshire Local Plan 2004 which states that within the area of the former Land Settlement Association Estate planning permission will not be granted for housing or commercial development unless it is directly related to the effective operation of local agriculture, horticulture, forestry or other uses appropriate to a rural area.
 3. The proposal fails to incorporate satisfactory highway details, including visibility splays and pedestrian footways in important areas. The proposed development would therefore be contrary to the provisions of the Policy P8/1 of the Cambridgeshire and Peterborough Structure Plan 2003 which seeks to ensure the provision of appropriate access from the highway network that does not compromise highway safety.

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/0013/05/F

Contact Officer: Steve Anderson
Telephone: (01954) 713165

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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

6th July 2005

S/0526/05/F - Fen Drayton
Change of Use of Farm Shop to Dwelling at 40A Middleton Way for Mr R Ingle

Recommendation: Refusal
Date for determination: 13th May 2005

Departure Application**Site and Proposal**

1. The site lies in the rural area to the west of Fen Drayton, which is characterised by agricultural dwellings and smallholdings in horticultural use, with many glasshouses. This area is known as the former Land Settlement Association Estate, which was disposed of by the Ministry of Agriculture in the early 1980's. The site is served by a narrow road, Middleton Way.
2. The application received 18th March 2005, relates to an existing single-storey building, two glasshouses and associated land (0.21ha plus 0.89ha land to the rear in the same ownership). The single-storey building, which has the appearance of a domestic bungalow, is unused currently, and was last in use as a farm shop. The applicant wishes to occupy this building as a private dwelling, with associated land as garden, for himself, his wife and his mother-in-law, Mrs L Lawrence.

Planning History

3. The site has an extensive history of planning decisions:
 - **S/3207/88/F** - 2 mobile homes -Refused 25 May 1989 (applicant Mr R D Ingle). The reasons for refusal refer to the holding having been served by the dwelling at 40 Middleton Way. Mr Ingle sold this dwelling off before bringing the mobile homes onto his remaining land.
 - **Enforcement Notice A**, dated 9 June 1989, against erection of a bungalow on agricultural land served on Mr R Ingle. The remedies that were required were 1) to demolish the building and 2) to clear the site of all materials arising from such demolition. The appeal was dismissed by the Inspector on 19 January 1990 (the period for compliance was extended to six months). It was noted that Mr Ingle had recently disposed of a dwelling on the holding, 40 Middleton Way. The Inspector commented:

"The Land Settlement Association area has a predominantly horticultural character quite different from that of the village proper. In my opinion it can reasonably be considered part of the countryside... Your client ...chose to dispose of the original dwelling which served the holding. Whilst I understand his personal circumstances, and have dealt with this case on its merits, if permission were granted in this instance, even with conditions attached, it would be difficult

in fairness to refuse to allow the subdivision of holdings and the establishment of new residences throughout the Land Settlement Area, and throughout the countryside generally, leading to a considerable and harmful change in the character of the open countryside. The fact that features like a bungalow and the mobile homes are not unusual in the locality does not in itself justify a proliferation of similar features... Nor do I consider that the requirement that it be demolished is unreasonable or excessive given its present form”.

- **Enforcement Notice B**, dated 9 June 1989, against siting of 2 mobile homes on agricultural land, served on Mr R Ingle. Remedy sought 1) to cease to use the mobile homes for residential purposes and 2) to remove the mobile homes from the site. Appeal dismissed by decision dated 19 January 1990.
- **Stop Notice** dated 9 June 1989, requiring construction of the bungalow to cease. Mr Ingle failed to heed the Stop Notice, which resulted in him being fined by the Court.
- **S/0859/90/F** - Use for pre-packaging and farm shop/office - Refused 12 June 1990 (applicant Mr and Mrs R D Ingle)
- **Section 106 Legal Agreement**, dated 11 September 1991, signed by Mr and Mrs R D Ingle. The Agreement refers to the combined area of 1.1ha, and states that the Council is satisfied that the building may remain without further enforcement action provided that:
 - 1) The building shall not be used for any purpose other than agriculture but including preparation, packaging and sales of agricultural products grown on the property or raised as livestock on the property, and incidental offices;
 - 2) The building shall not be used as residential accommodation or offices;
 - 3) The property and building shall be a single planning unit.

Planning Policy

4. **Government Circular No.11/95** (The Use of Conditions in Planning Permissions): This advice states that exceptionally, where there are strong compassionate or other personal grounds for doing so, personal occupancy conditions may be attached to applications for use of an existing building for a named person for some purpose which would not normally be allowed at the site. This condition will scarcely ever be justified in the case of permission for the erection of a permanent building.
5. **Planning Policy Statement 7** (Sustainable Development in Rural Areas) This advice states that isolated new houses in the countryside will require special justification for planning permission to be granted. The Government supports the re-use of appropriately 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.
6. Cambridgeshire and Peterborough Structure Plan 2003:

Policy P1/2 (Environmental Restrictions on Development) - development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.

Policy P1/3 (Sustainable Design in Built Development): a high standard of design and sustainability for all new development will be required which minimises the need to travel and reduces car dependency.

7. South Cambridgeshire Local Plan 2004:

Policy SE8 (Village Frameworks) - Residential development outside frameworks will not be permitted.

Policy CS1 (Planning Obligations) the Council will seek to negotiate planning obligations to ensure the provision of any matters that are necessary and directly related to the proposed development, without which permission ought not otherwise to be granted. The obligation will be reasonably related to the proposed development in scale and kind.

Policy Fen Drayton 1: Within the area of the former Land Settlement Association Estate, planning permission will not be granted for housing or commercial development unless it is directly related to the effective operation of local agriculture, horticulture, forestry or other uses appropriate to a rural area. The supporting text indicates that the former estate is the subject of a 1937 Planning Agreement which restricts the use of land, buildings and dwellings to those of agriculture and horticulture.

Consultations

8. **Fen Drayton Parish Council** - has offered “no recommendation” as it says that it is ‘split on whether to recommend acceptance or rejection of this planning application’ because:

- The site is on former LSA land outside the village framework. The former LSA land has specific criteria attached to it, which only allows for residential purposes if the accommodation is for agricultural/ horticultural purposes.
- It is appreciated that such difficulties appear to be overcome in other locations eg. Abington, and Chawston, Beds, but the combination of the current horticultural restrictions associated with the land, and the land being outside the village framework, raise significant concerns if permission were to be granted in this instance.
- All the LSA houses had similar piggeries/ sheds originally, and many owners still have them. If a change of use was granted in this case, it could set a difficult-to-control precedent with other land owners making a similar conversion, seeking approval for change of use and then selling on, effectively creating numerous in-fill developments without the benefit of a considered and developed policy on the matter.
- The Parish Council is very much mindful of the needs of the individual villagers, and of the need to maintain thriving village as a whole. It has sympathy with Mr Ingle’s application on the basis of his personal situation which, if approved, would give him a home well suited to his family’s needs and release his present rented

home for occupation by another family in need of affordable housing in the village.

- This application highlights the urgent need for a policy to be included in the Local Plan for some small scale, controlled development on the former LSA land, but it questions whether approval should be granted in this instance prior to the development of such a policy.
9. **The Council's Legal Officer** - has advised that the provisions of the 1989 Enforcement Notice A remains in force and can be used in the event of a breach of the terms of the Section 106 Agreement taking place.
 10. **Neighbourhood Manager, Housing Services** - The NM has advised that Mr and Mrs Ingle have applied for Council accommodation and that on 7th June 2005 they were offered a two-bedroomed bungalow at The Plantation, Fen Drayton, which they have accepted.
 11. **Council's Assistant Director (Revenues)** - has advised that the property was included in the rating list for a period of three months 1996/1997. If operational now, the farm shop would qualify for Rural Relief, but this relief was not available when the shop was trading.

Applicant's Representations

12. The applicant has put forward the following grounds in support of the application:
 - The former farm shop business has become non-viable because of a shortfall of produce, including livestock. This is as a result of the limitation to selling only homegrown produce and livestock. This restricted earning potential and public interest, as stock could not always be free flowing. Also, the building was rated as a general store, which reduced its earning potential. The business went into liquidation. The building has now reverted to an agricultural store.
 - The applicant and his wife are past retirement age. His wife is suffering from ill health, and needs to live in a bungalow. His wife's mother would also be housed there in anticipation of future accommodation problems.
 - No precedent would be set as there are no other brick buildings of this type on the entire former LSA land.
 - No alterations to the building would be required.
 - The housing department has said that there is high demand for the 2-bedroomed accommodation they occupy at present at Lark Cottages, High Street, Fen Drayton. Their self-sufficiency would benefit all round, including the release of their current affordable accommodation.

Planning Comments - Key Issues

Exception on the grounds of personal circumstances

13. The erection of this bungalow on the former LSA Estate in 1989 represented a blatant breach of planning control. The development, as a residential unit, did not comply with development plan policies applying at that time, as was confirmed by an Inspector at appeal. Since then adopted policies have placed increased emphasis on

the need to ensure that development takes place in sustainable locations. There is no basis in adopted policy to support the occupation of this building as a dwelling, as no justification based on an agricultural need has ever been put forward. A precedent for other such sporadic development in the countryside would be created if this application were to be approved, unless a clear and substantial case for exceptional grounds has been demonstrated.

14. Advice contained in Circular 11/95 allows that, in exceptional circumstances, use of a building for a use which would not normally be acceptable may be permitted for named persons, for compassionate reasons. Members will wish to consider whether the present circumstances of the applicant amount to such grounds, taking into account the applicant's recent acceptance of bungalow accommodation in the village.
15. If Members were minded to approve the application, I would recommend that a condition be attached to limit occupation to Mr and Mrs R D Ingle and Mrs L Lawrence. When the need for the accommodation by these named persons ceases, the use should revert to an agricultural store or farm shop in association with the holding. The application is a departure from the development plan but I consider that referral to the Secretary of State would not be warranted in this instance, given the minor scale of the development. The terms of the extant Section 106 Agreement would require variation to allow for occupation of the bungalow by these named persons only.
16. If Members are minded to refuse the application, the remedies of Enforcement Notice A (i.e. demolition and clearance of demolished materials from the site), can be invoked if there is a breach of the terms of the Section 106 Agreement.
17. As the applicants have accepted Council accommodation during the lifetime of this application, I am seeking clarification of the intended occupation of the bungalow, together with any medical evidence of illness and incapacity. I will advise Members verbally of any further information, if received.

Recommendation

Refusal

1. The site lies in the rural area on the former Land Settlement Association Estate. The occupation of this building, which was the subject of an enforcement notice dated 9th June 1989 alleging the erection of a bungalow without planning permission and subsequently an unsuccessful appeal dated 19th January 1990, would introduce additional and unsustainable traffic movements and activity into an area which is intended for the residential use of essential agricultural and associated workers only. The personal circumstances put forward by applicants are not considered to justify an exception to the development plan policies applying to the area.
2. For these reasons, the proposal does not comply with policies in the Cambridgeshire and Peterborough Structure Plan 2003, notably Policy P1/2 (Environmental Restrictions on Development) and Policy P1/3 (Sustainable Design in Built Development), or in the South Cambridgeshire Local Plan 2004, notably Policy SE8 (Village Frameworks) and Policy Fen Drayton 1.

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/0526/05/F and those identified in the Planning History section above.

Contact Officer: Ray McMurray - Senior Planning Assistant
Telephone: (01954) 713259

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

6th July 2005

AUTHOR/S: Director of Development Services

**S/0864/05/O - Papworth Everard
Erection of a Pair of Semi-detached Houses Following the Demolition of
Redundant Garages, Land Adjacent 43 Ridgeway for Papworth Trust**

**Recommendation: Approval
Date for Determination: 24th June 2005**

Site and Proposal

1. The 0.083ha (0.21 acre) site is situated in the north east corner of the village, at the eastern end of a row of semi-detached dwellings. To the north and east is agricultural land and opposite detached houses.
2. There are 3 timber lock-up garages on the frontage of the site, much of which is overgrown with shrubs and trees. The rear part is used as additional garden by the adjoining house.
3. The outline application, received on 24th June 2005, proposes the erection of 2 semi-detached dwellings following the demolition of the wooden garages on the site. Siting, design, means of access, landscaping are reserved matters. The density equates to 24 dwellings per ha.

Planning History

4. The site has no planning history.

Planning Policy

5. The following policies are relevant:

Cambridgeshire and Peterborough Structure Plan 2003:

Policy P1/3 - Sustainable Design in Built Development

Policy P5/5 - Density

Policy P5/5 - Homes in Rural Areas

South Cambridgeshire Local Plan 2004:

Policy SE3 - Limited Rural Growth Settlements

Policy SE8 - Village Frameworks

Policy SE9 - Village Edges

Policy HG7 - Affordable Housing on Sites within Village Frameworks

Consultations

6. **Papworth Parish Council** objects:

1. "The application site is, in essence, a small wooded area, which forms a valuable terminal feature to the existing housing on the northern side of Ridgeway. This vegetation/foliage is well established. Any removal or lopping of trees would be detrimental to the environment of the area.
2. This is a small site, but it is extremely prominent in the wider landscape. The land falls away to the north and north-east, giving views of the site for many miles. The construction of two semi-detached houses would leave insufficient room within the site to provide adequate landscape screening to protect the countryside.
3. There is no need for this development. There are current proposals for over 400 additional houses in Papworth Everard, which will be built in more appropriate and carefully planned locations over the next few years.
4. The application area is essentially a 'green field site', where there has been no previous housing development. The Parish Council opposes development of this area in advance of the **redevelopment** of other available sites (for example, the sites of two prefabricated dwellings at the western end of Ridgeway which have stood vacant for many months)."
7. **The Trees and Woodlands Officer** has requested a tree survey and a site meeting has been held - a verbal report will be made.
8. **The Housing Development Manager** confirms there is an identified affordable housing need in the village and one of the proposed units should be affordable.

Representations

9. The owners of a house (No. 22) opposite the site have no objections to the development but are concerned about parking being generated on Ridgeway, a narrow road. A planning condition requiring onsite parking/turning is requested.

Planning Comments - Key Issues

10. There is a presumption in favour of residential development on unallocated land within the village framework, by virtue of Policy SE2 of the Local Plan. For reasons set out below it is not considered the site in its present form is essential to the character of the village. Although the proposed density does not achieve a minimum of 30 dwellings per hectare, it would be sensitive to and similar to the identity of existing development in Ridgeway. In principle development is acceptable.
11. The site is within the village framework, albeit on the north eastern edge and its development with two semi-detached dwellings can be argued is in keeping with character of Ridgeway and "rounds off" the development of this corner of the estate. The site is overgrown and the Trees and Woodlands Officer is unable to gauge whether there are trees that should be retained until some clearance of undergrowth has been undertaken. This is in progress and a verbal report will be made. It could be that a single dwelling would be more appropriate here if substantial boundary screening to the open countryside is to be retained.
12. The Parish Council wishes to see the site retained in its current state, but unless the Trees and Woodlands Officer concludes there are important trees which prevent the proposed development proceeding, I do not consider there are sufficient grounds to refuse the application as the site is not accessible to the public and essentially an

overgrown area which would have to be maintained. The 3 garages on the site are nearing the end of their lives and will become eyesores. The fact that there are other large residential developments in the pipeline and other smaller sites in greater need of redevelopment are not reasons to refuse the application.

13. If a pair of semi-detached houses can be built on the site without detriment to any trees which may have to be retained, Policy HG7 of the Local Plan requires that one house would have to be affordable.

Recommendation

14. Subject to the comments of the Trees and Woodlands Officer and to the prior signing of a Section 106 Legal Agreement concerning affordable housing, Approve with the following conditions:
 1. Standard Condition B (Reason B);
 2. No development shall commence until full details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority:
 - a) The siting of the dwellings;
 - b) Design and external appearance of the dwellings;
 - c) The means of access thereto;
 - d) The landscaping of the site.

+ tree protection condition if required
+ turning/parking conditions

Informatives

1. This permission is subject to a Section 106 Legal Agreement dated in regard to the provision of affordable housing.

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
 - P5/5** - Density
 - P5/5** - Homes in Rural Areas
 - **South Cambridgeshire Local Plan 2004:**
 - SE3** - Limited Rural Growth Settlements
 - SE8** - Village frameworks
 - SE9** - Village Edges
 - HG7** - Affordable Housing on Sites within Village Frameworks
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Loss of vegetation which serves an amenity function

- Impact on the countryside

3. The Environment Agency comments:

1. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDs approach.
2. In accordance with Approved Document Part H of the Building Regulations 2000, the first option for surface water disposal should be the use of sustainable drainage methods (SUDS) which limit flows through infiltration e.g. soakaways or infiltration trenches, subject to establishing that these are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries ground water pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.
3. Flow balancing SUDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at this scale providing balanced surface water flows exceed the minimum feasible discharge rate (approx. 5 litres/second/hectare). Flow balancing should seek to achieve water quality and amenity benefits as well as managing flood risk.
4. Further information on SUDS can be found in PPG25 appendix E, in the CIRIA C522 document Sustainable Urban Drainage Systems - design manual for England and Wales and the consultation draft Framework for Sustainable Drainage Systems (SUDS) in England and Wales. The framework consultation document provides advice on design, adoption and maintenance issues. This will form the basis of a Code of Practice on SUDS and is available electronically on both the Environment Agency's website at www.environment-agency.gov.uk and CIRIA'S website at www.ciria.org.uk.
5. Where it is intended that disposal be made to public sewer, the Water Company or its agents should confirm that there is adequate spare capacity in the existing system and that they would be willing to accept any increases to flows.

Note:

Development which involves a culvert or an obstruction to flow on an Ordinary Watercourse will require Agency consent under the Land Drainage Act 1991. An Ordinary Watercourse is defined as any watercourse not identified as a Main River held on maps by the Environment Agency and DEFRA. For

further information see Procedure Key cell B25 in Excel version. Click on the attached hyperlink in HTML version [LDA 1991 - Consent Ordinary Watercourses.doc](#).

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/0864/05/O

Contact Officer: Bob Morgan - Planning Officer
Telephone: (01954) 713395

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

6th July 2005

AUTHOR/S: Director of Development Services

**S/0771/05/F - Fulbourn
Erection of 10 Houses and Garages,
Land Off The Chantry for Meldire Ltd**

**Recommendation: Approval
Date for Determination: 22nd July 2005 (Major Development)**

Partly within Conservation Area

Site and Proposal

1. Site of 0.37ha/0.9 acres off The Chantry, a cul-de-sac off Church Lane in the centre of the village. To the south is a house (No. 5) and a bungalow (No. 6) in Northfield, to the west rear gardens of houses and bungalows in Apthorpe Street, to the east houses in The Chantry and to the north, open agricultural land. The site extends by 6.0m into the arable field.
2. The full application, received 18th April proposes the extension of the roadway off Northfield and The Chantry to serve ten houses comprising:-
 - 2 x 2-bed. semi-detached houses
 - 2 x 3-bed. semi-detached houses
 - 4 x 3-bed. linked detached houses
 - 1 x 4-bed. detached house
 - 1 x 5-bed. detached house

The density equates to 27dpha. Excluding the 6.0m wide planting belt on the northern boundary realises a density of 33 dpha.

Planning History

3. In April 1993, a scheme for 4 houses and 4 bungalows was refused as the site, at that time, lay within the Green Belt. There were also concerns about the additional traffic using the access onto Church Lane and the likely loss of amenity to properties in Northfield.
4. In the former village plan the site lay within the village framework and also the Green Belt. Following successful representations to the last Deposit Local Plan, the land was taken **out** of the Green Belt.
5. At the December 2003 Committee, Item 13, delegated approval was granted to a scheme of 8 houses. Permission was dated 26th February 2004. **(Ref S/2060/03/F)**.

Planning Policy

Structure Plan 2003:

6. **P1/3 - Sustainable Design in Built Environment** requires a high standard of design and sustainability for all new development.
7. **P5/3 - Density** - aims to achieve densities of at least 30 dph, but also the highest densities possible which is compatible with maintaining local character.
8. **P6/1 - Development related provision.** A contribution towards secondary school provision is sought.
9. **P7/6 - Historic Built Environment** looks to preserve sites of archaeological interest.
10. **P9/2a - Green Belt** seeks to protect and maintain the openness of the Green Belt.

Local Plan 2004

11. **SE2 List of Rural Growth Settlements** supports the development of unallocated land within village frameworks providing inter alia, that the development would be sensitive to the character of the village. Development should achieve a mix of development and a minimum density of 30 dph unless there are strong design grounds for not doing so.
12. **GB1 and GB2 Green Belt** seek to protect the character and openness of the Green Belt.
13. **HG7 Affordable Housing** requires 30% affordable housing for developments of 11+ dwellings in villages such as Fulbourn with a population over 3,000.
14. **HG10 Housing Mix and Design** requires a mix of house types and sizes, making the best use of the site.
15. **CSI Planning Obligations/Community Infrastructure** seeks where necessary, relevant contributions.
16. **CS10 Educational Contributions.** Cambridgeshire County Council has asked for 2 x secondary school places.
17. **EN5 The Landscaping of New Development** requires adequate landscaping to be provided and maintained.

Consultations

18. **Fulbourn Parish Council** objects to the application, stating:

“The part of the site that is in the Green Belt should not be allowed to be part of gardens. All Green Belt land should be landscaped and not used for anything else on the site.

We object to the increase in the number of bedrooms in this application which leads to overdevelopment of the site that is not in keeping with a village environment.

There is insufficient room for vehicles on the site.

The access to Church Lane is extremely dangerous and unsuitable for an increased volume in traffic.”

19. **The Local Highway Agency** does not object to the number of dwellings proposed but has concerns regarding one or two points of detail. Revised plans have been submitted and a verbal report will be made.
20. **The Environment Agency** has no objections in principle.
21. **The County Archaeologist** requests the imposition of a negative condition requiring a programme of archaeological investigation to be undertaken by the Developer prior to work commencing.
22. **The Chief Environmental Health Officer** asks for a condition limiting machinery hours during construction and informatives relating to details of pile driven foundations and no bonfires without consent.
23. **Cambridgeshire Fire and Rescue Service** does not require the provision of additional fire hydrants.

Representations

24. Seven letters of objection have been received, six from residents of Northfield/The Chantry, and one from a resident of Apthorpe Street.

Points made are:-

- The density of both Northfield and The Chantry are low so traffic levels are tolerable.
- Dangerous corner opposite the Church, blind when approaching from the Wilbraham direction.
- Increase in traffic in the Conservation Area.
- Layout crowded but better thought out than previous scheme.
- That section of Church Lane, leading to Northfield and The Chantry, only has a footpath on one side.
- Replacement boundary fencing required.
- Is the site within the Conservation Area? (NB: Only a small parcel in the south west corner of the site and the eastern boundary).
- Adjacent houses, No. 5 and 6 Northfield, are not accurately shown.
- The Local Highway Authority has previously expressed concern at the possible increase in traffic onto Church Lane.
- Density too high and out of keeping, giving the impression of being "squeezed in".
- The houses are higher than previously.
- The house/garden at No. 5 Northfield will be overlooked, the new houses are too close.
- The previous 6.0m wide landscaping strip, which is in the Green Belt, has been merged into the development.

- Concern at further expansion up to the railway line.
- Increase in parking in the High Street and elsewhere in the village.
- Inadequate infrastructure.

Planning Comments - Key Issues

25. As can be seen from HISTORY above, the site has the benefit of an extant consent for eight houses. The issues raised in this application are, density, traffic/access, effect on neighbours, encroachment into Green Belt and impact on the Conservation Area.

i) **Density.** The previous scheme for 8 houses had a density of 20 dpha, that now proposed is 27 dpha or, excluding the planting belt, 33 dpha. I recognise that this is greater than the previous consent, and also those of The Chantry and Northfield, but accords more closely to the policies of both the Structure Plan and Local Plan. The additional two houses makes no greater impact on the character of this part of the village.

ii) **Traffic/Access.** This has always been a cause of concern locally. The applicants agents had prior discussions with the Local Highway Authority which has raised no objections in principle - comments are awaited on the revised plans. The Parish Council has objected as "there is insufficient room for vehicles on site"; however, the scheme is over-provided as the 5-bed. house has four spaces with all others having single garages and parking on the driveways. Three houses have space for two cars on the driveway, in addition to the garage whilst Plot 8, with a curved driveway, has room probably for three.

Without highway support, objections cannot be substantiated.

iii) **Effect on Neighbours**

There are two properties, Nos. 5 and 6 Northfield, which are adjacent to the new development. Previously the proposed houses were between 4.5m-8.0m away from the boundary with No. 6, - this has now been increased to 11.0m. although I recognise the houses are higher. There will be some overlooking from rooflights in the rear elevation of Plot 6 to the rear garden of No. 6 Northfield.

The houses to the north of No. 5 Northfield have been turned through 90° and are now "side on". The house on Plot 8 is 4.4m off the boundary with a single garage to the side, leaving a 1.0m wide path to the rear garden. A landing window has been changed to reduce any overlooking. The house type on Plot 9 has two bedrooms, plus a bathroom, windows in the rear elevation which will overlook the rear garden of No. 5 Northfield from a distance of 6.0m and 8.0m. This is unacceptable but it would appear possible to re-design these two bedroom windows into either gable - discussions are on-going with the architect in this respect and a verbal report will be made.

iv) **Green Belt**

The previous, approved, scheme had a 6.0m wide planting belt immediately outside the village framework and within the Green Belt.

As originally submitted, the current application had part of the garden of Plot 10 within this belt, together with a small turning head.

The scheme has been revised whereby the house on Plot 10 has been moved to the south and the landscape belt re-instated although the small turning head remains. The character of the Green Belt is, therefore, maintained and will be infinitely better than the row of tall leylandii that defined the edge of the countryside.

(v) **Conservation Area**

Although the proposed house on Plot 9 would extend further into the Conservation Area than dwellings in the approved scheme, the character and appearance of the Conservation Area would not, in my opinion, be materially harmed.

Recommendation

26. Subject to the receipt of satisfactory amendments for the house type for Plot 9, the agreement of the Local Highway Authority to the revised access plan and the completion of a Section 106 Agreement for the Educational contribution, delegated approval is recommended.

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)
 - P5/3** (Density)
 - P6/1** (Development Related Provision)
 - P7/6** (Historic Built Environment)
 - P9/2a** (Green Belt)
 - **South Cambridgeshire Local Plan 2004:**
 - SE2** (List of Rural Growth Settlements)
 - GB1 & 2** (Green Belt)
 - HG7** (Affordable Housing)
 - HG10** (Housing Mix and Design)
 - CS1** (Planning Obligations/Community Infrastructure)
 - CS10** (Educational Contributions)
 - EN5** (The Landscaping of New 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:
 - Highway Safety
 - Traffic
 - Density

- Neighbour Amenity
- Green Belt
- Impact on the Conservation Area

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 References: S/2060/03/F and S/0771/05/F

Contact Officer: Jem Belcham - Area Planning Officer
Telephone: (01954) 713252

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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

6th July 2005

S/1049/05/F - Girton
Erection of Two Chalet Bungalows at Land Rear of 2 Girton Road, Girton
for Juxta Properties

Recommendation: Delegated Approval
Date for Determination: 22nd July 2005

Site and Proposal

1. The site is an area of garden land measuring 0.185 hectares (0.457 acres) to the rear of a multi-occupancy dwelling and is located close to the junction of Girton Road with Huntingdon Road. The house has an existing crossover at the eastern end of the frontage. The garden contains a number of mature trees and is bounded by residential properties on all sides.
2. This full planning application, received 27th May, proposes the erection of two chalet bungalows with integral garages at a density of 10.81 dwellings per hectare (dph). A driveway will be constructed along the eastern boundary with 4 Girton Road. A bin store will be sited off the drive, adjacent to the existing house, 6 metres back from the pavement.

Planning History

3. Planning application **S/0352/05/F** for two houses and garages was withdrawn. The current planning application amends the layout and design of this previous application, following responses from consultees and the Officer in respect of trees, access, bin storage and design of the dwellings.

Planning Policy

4. **Policy 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, responding to the local character of the built environment.
5. **Policy P5/3 'Density'** of the Structure Plan sets out density standards for housing development. It states that densities of less than 30 dwellings per hectare will not be acceptable and the need to maximise the use of land by applying the highest densities possible and which are compatible with local character.
6. Structure Plan policy **P5/5 'Homes in Rural Areas'** permits small-scale housing developments in villages, where appropriate, taking into account three criteria which include affordable housing need, character of the village and setting, and the level of jobs, services, infrastructure and passenger transport in the immediate area.

7. Policy **SE3 'List of Limited Rural Growth Villages'** of the South Cambridgeshire Local Plan, adopted 2004 ("Local Plan") identifies Girton as a Limited Rural Growth Settlement and sets out the criteria against which residential development will be assessed. Residential developments of up to a maximum scheme size of thirty dwellings, will be permitted within the framework provided that the retention of the site in its present form is not essential to the character of the village, the development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours; the village has the necessary infrastructure capacity; and residential development would not conflict with another policy of the Plan, particularly policy EM8. 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.
8. Policy **HG10 'Housing Mix and Design'** of the Local Plan requires residential developments to include a mix of units in terms of type, size, and affordability, making best use of land and for the design and layout of schemes to be informed by the wider character and context of the local townscape and landscape.
9. Policy **HG11 'Backland Development'** of the Local Plan only permits development to the rear of existing properties when it would not 1) result in overbearing, overlooking or overshadowing of existing properties 2) result in noise and disturbance to existing residential properties through the use of its access, 3) result in highway dangers through use of its access or 4) be out of character with the pattern of development in the vicinity.

Consultations

10. **Girton Parish Council** recommends refusal of the application on grounds of poor visibility on exiting the narrow driveway and inadequate visibility splays for pedestrians and cyclists. It comments that the access should not serve more than two dwellings due to the proximity to the junction with Huntingdon Road.
11. **The Trees and Landscape Officer** comments that the proposal is acceptable. It is recommended that conditions be placed requiring a no dig method of construction for the driveway in the vicinity of the Yew and for protective fencing during development.
12. **County Archaeology Office** recommends a negative planning condition requiring a programme of archaeological investigation before works start on site, as the site is located near to the Roman road linking Cambridge and Godmanchester, with a series of crop marks to the immediate south of the site indicating the presence of enclosures and linear features (possibly field systems and trackways) of probable late prehistoric and Roman date. A possible Roman barrow and a Saxon cremation cemetery are also known to survive in the vicinity, the latter lying in the grounds of Girton College.
13. **The Chief Environmental Health Officer** recommends conditions limiting the hours for use of power operated machinery during construction and an informative relating to pile foundations.
14. **The Recycling and Waste Minimisation Officer** has commented that the Council would not take an RCV down this private drive to collect the wheeled bins. The turn from Girton Road is too close to Huntingdon Road for this manoeuvre to be carried out safely. The turning radii into the drive would also need to be increased to 6 metres (adoptable standard), which may not be acceptable.

If people kept their wheeled bins at the houses the distance from the house to the road, from where the bins would be collected is in excess of the 30 metre guideline (however, there are many such properties where this recommended distance is exceeded). If a bin store for the 2 houses is constructed as shown it is further than the recommended 25 metres distance for people to carry waste from their house (but this is also only a recommendation). If it is constructed it would need to accommodate 6 x 240 litre wheeled bins. If placed side by side a storage area 3.6 metres wide would be required.

We recognise that in certain circumstances like this development the distance guidelines will be exceeded. They are provided for general guidance only. When the wheeled bin scheme was introduced many properties that were remote from the road and inaccessible to RCVs remained on a weekly sack based collection system. The policy of the Council was that ALL new properties, whatever their layout or circumstances, would have wheeled bins, no new properties will go on the sack based collection system.

Representations

15. No representations have been received at the time of writing this report. The consultation period expires on 22nd June 2005. Any comments received will be reported verbally to the Committee.

Planning Comments - Key Issues

16. The key issues in relation this application are access, density and residential amenities.

Access

17. The access proposed will be 5 metres wide for a distance of 15 metres back from the pavement. Pedestrian visibility splays of 2 metres by 2 metres can be provided. Visibility of 2.5 metres by 45 metres to the north can be achieved. Highways Officers have advised informally in pre-application discussions that this level of access provision is acceptable for the number of dwellings to be served.

Density

18. The proposed density is below the minimum required of 30 dph. However due to the proximity of the access to Huntingdon Road and built layout of the area, a lower density is considered reasonable. Also the applicant has in this submission reduced the scale and height of the dwellings in order to ensure they assimilate into the area better.

Residential amenities

19. The proposed dwellings are sited in such a way as to avoid significant impacts on residential amenities of the neighbouring properties. A front-to-back distance with the existing house on the site of at least 30 metres will be achieved. Distances of at least 28 metres front-to-back between plot 1 and the house at no. 4. is achieved. The dwellings are orientated in order to avoid loss of light and overlooking of dwellings and private gardens. The access will not run the full length of the garden to no. 4, thereby avoiding undue impact on the enjoyment of the garden.

Recommendation

20. In order to seek amendments to the car parking and bin store, delegated approval is recommended, subject to the following conditions:
1. Standard Condition A - Time limited permission (Reason A);
 2. Sc5a - Details of materials for external walls and roofs (Rc5aai);
 3. Sc5d - Refuse storage accommodation (Rc5d);
 4. 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);
 5. Before the use is commenced, the access from the existing highway shall be laid out and constructed to the satisfaction of the Local Planning Authority after consultation with the Local Highway Authority (Reason: In the interests of Highway safety);
 6. The permanent space to be reserved on the site for:
 - a) turning
 - b) parking
 - c) loading and unloadingshall be provided before the use commences and thereafter maintained (Reason: In the interests of Highway safety);
 7. The visibility splays at the junction of the access road with the public highway shall be provided before the commencement of the development (Reason: In the interests of Highway safety);
 8. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within a area of 2.0 metres x 2.0 metres measured from and along respectively the highway boundary before the use of either dwelling, hereby approved, commences (Reason: In the interests of Highway safety);
 9. Sc51 - Landscaping (Rc51);
 10. Sc52 - Implementation of landscaping (Rc52);
 11. Sc56 - Protection of trees during construction (Rc56);
 12. Sc60 - Details of boundary treatment (Rc60);
 13. The driveway to plot 1 shall be constructed using a 'no dig' method (APN1). Reason: To protect roots of the adjacent yew tree.
 14. Sc66 - Archaeology (Rc66);
 15. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the local Planning Authority in accordance with any agreed noise restrictions. (Reason - To minimise noise and disturbance to nearby residential dwellings).

Informatives

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

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 **P5/5** (Homes in Rural Areas);

- **South Cambridgeshire Local Plan 2004:**
SE3 (List of Limited Rural Growth Villages), **HG10** (Housing Mix and Design) and **HG11** (Backland 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:

- Highway safety
- Trees
- Archaeology
- Refuse storage
- 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 Ref. S/1049/05/F and S/0352/05/F

Contact Officer: Melissa Reynolds - Senior Planning Assistant
Telephone: (01954) 713237

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

**S/0897/05/F - Great Shelford
 Dwelling rear of 13 Cabbage Moor for Mrs B Carpenter**

**Recommendation: Approval
 Date for determination: 1st July 2005**

Site and Proposal

1. The application site measures 30m x 17m (0.05 hectares/0.13 acres) excluding the access and currently forms part of the rear garden of No.13 Cabbage Moor, a part 1½, part 2½ storey painted brick and pantile house. The proposed access runs parallel to the existing track serving Nos. 15 and 17 Cabbage Moor. A camping and caravan site is situated to the north of the site, No.17 (a chalet dwelling with sitting room and playroom patio doors at ground floor level and a high level first floor window in the gable facing the site, and a sitting out area between the dwelling and the site) is located to the east, No.13 is to the south and the rear garden of No.11 is situated to the west of the main part of the site.
2. This full application, registered on the 6th May 2005, proposes the erection of a 3-bedroom plus games room chalet dwelling measuring 2.2m to eaves and 6.8m to ridge. It would be faced with bricks and weatherboarding and would have photovoltaic tiles and solar panels on the roof. The plans indicate that the attached single garage/porch element closest to No.17 would have a 'living roof'. The density (excluding the access) equates to 20 dwellings to the hectare.

Planning History

3. Permission for an extension to No.13 was granted in 1991 under reference **S/1785/91/F**.
4. Outline planning permission for a bungalow on the site was refused but subsequently granted on appeal in 1997 under reference **S/1589/96/O**. Permission was renewed in 2000 and again in 2003 under references **S/1619/00/O** and **S/1877/03/O** respectively.
5. A full application for a dwelling on the site of very similar design to the dwelling now proposed, albeit that the main part of the dwelling was closer to No.17 than now proposed, was refused in January 2005 under reference **S/2318/04/F** for the following reason:

"By virtue of its size, height and proximity to the existing dwelling, and sitting out area on the western side of the dwelling, at No.17 Cabbage Moor, the proposed dwelling would be unduly overbearing when viewed from, and would seriously harm the outlook from and light to, the windows in the west elevation of No.17 Cabbage Moor and the sitting out area on the western side of that dwelling.

The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policies SE2, which requires residential development in the village to be sensitive to the

amenities of neighbours, and HG11, which states that development to the rear of existing properties will only be permitted where the development would not result in overbearing or overshadowing of existing residential properties.”

Planning Policy

6. 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.
7. 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.
8. Local Plan 2004 **Policy HG10** states that residential developments will be required to make the best use of the site and 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.

Consultation

9. **Great Shelford Parish Council** recommends refusal stating “This dwelling is almost identical to that submitted in November 2004 which was refused. As the Inspector stated the building should be single storey and this is a 2 storey dwelling we recommend refusal.”
10. **Chief Environmental Health Officer** recommends conditions and informatives relating to power operated machinery during the period of construction, driven pile foundations and bonfires/burning of waste during construction are attached to any permission.
11. At the time of application S/2318/04/F, the **Trees & Landscape Officer** stated that, in view of the approval for the extension at No.17, he must concede that it would be difficult to specify a reason for refusal in relation to the proximity of the adjacent young broadleaf trees.

Representations

12. The occupiers of Nos. 11 and 13 Cabbage Moor object on the following grounds:
 - The scheme is nearly identical in size, height, storey and dimension to the previously refused application;
 - Outline permission was granted for a bungalow whereas the submitted plans are for an ill-thought out, completely inappropriate, intrusive, substantial house on an already small cramped site;
 - Overlooking and loss of privacy, light to, views from and overbearing to No.17;

- Noise and disturbance to occupiers of No.17 resulting from use of the access and garage port;
- Devaluation of No.17;
- An additional increase in the size of the access could make the area very dangerous.
- Loss of bushes, shrubbery and planting;
- Proposal does not meet requirements of the Village Design Statement; and
- Drainage.

Planning Comments - Key Issues

13. The main issues in relation to this application are the impacts of the development on:
- The character and appearance of the area; and
 - The amenity of neighbours, and the occupiers of No.17 in particular.
14. The principle of erecting a dwelling on the site with access off Cabbage Moor in the position proposed has previously been established at appeal and by subsequent approvals, albeit that approval was only sought for a bungalow at the time of those applications. Regrettably, an access in this position would result in the removal of established trees.
15. A dwelling with accommodation in the roofspace is now proposed. Dwellings in the locality are of varying storey heights and designs and the design of the dwelling and its impact on the character of the area are considered to be acceptable.
16. Subject to compliance with the recommended conditions, there would be no serious overlooking of neighbouring properties. It would also be important to ensure that a bound finish was used for the driveway and parking/manoeuvring areas to minimise noise disturbance to adjoining residents.
17. The proposal would still have an impact on the outlook from, and light to, the windows in the west elevation of No.17 Cabbage Moor and the sitting out area on the western side of that dwelling. There would be a gap of 7m between the proposed house and the west elevation of No. 17, increasing to 12m from the higher 1½ storey element of the proposed house. However, by easing the main body of the dwelling a further 2.5-3m away from the boundary with No.17 than the refused scheme, I consider that this proposal would, just about, ensure that the amenities of the occupiers of No.17 would not be seriously affected. The proposal would not unduly affect the amenity of neighbours in any other respect.

Recommendation

18. Approval
1. Standard Condition A - Time limited permission (Reason A);
 2. Sc5a - Details of materials for external walls and roofs (RC To ensure the satisfactory appearance of the development);
 3. Sc51 - Landscaping (RC51);
 4. Sc52 - Implementation of landscaping (RC52);
 5. Sc60 - Details of boundary treatments (RC60);
 6. Sc5f - Details of materials to be used for hard surfaced areas within the site including the driveway and car parking areas (Reason - To ensure the

satisfactory appearance of the development and to minimise disturbance to adjoining residents);

7. The round window shown upon drawing no. PP05 Rev.B in the east elevation of the dwelling hereby permitted shall be fixed/non-opening and permanently fitted with obscured glass (RC To protect the amenity of the occupiers of No.17 Cabbage Moor);
8. The rooflights shown upon drawing no. PP05 Rev.B in the south elevation of the dwelling hereby permitted shall be a minimum of 1.8 metres above the first floor finished floor level (RC To protect the amenity of the occupiers of Nos.11, 13 and 17 Cabbage Moor);
9. No further windows or openings of any kind shall be inserted at first floor level in the east, south and/or west elevations of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf (RC22);
10. Sc26 (0800, 0800, 1800, 1300) - Times during the construction period when power operated machinery shall not be used other than in accordance with agreed noise restrictions (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) and 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:
 - Design and scale of the development
 - Amenity of neighbours
 - Highway safety
 - Loss of planting
 - Drainage

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.

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/0897/05/F, S/2318/04/F, S/1877/03/O, S/1619/00/O, S/1589/96/O and S/1785/91/F.

Contact Officer: Andrew Moffat - Area Planning Officer
Telephone: (01954) 713169

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

6th July 2005

AUTHOR: Director of Development Services

**S/2382/04/F - Highfields Caldecote
Change of Use to Holiday Let of Part of Existing Dwellinghouse
at 90 West Drive**

**Recommendation: Approval
Date for Determination: 19th January 2005**

Site and Proposal

1. This is a retrospective application relating to the change of use of part of an outbuilding, originally constructed as part of a swimming pool complex, forming an extension to a dwelling at 90 West Drive, Caldecote. The site thus comprises a suite of rooms, including a lounge and kitchenette, two bedrooms and a bathroom. Together, this part of the building has external dimensions of approximately 10.1 metres by 6.1 metres. It has an independent external door, with the former internal access to the swimming pool understood to have been obstructed.
2. The application, as originally received on 24th November 2004, related to the retention of the use of the building as a self-contained flat and use for holiday accommodation for short or medium term lets. Supporting information submitted by the applicants states that the property was subdivided in 2002, before the applicants "...were aware that even internal alterations should have planning permission. Since then the flat has been used by family and friends. However, we would now wish to let the flat either on Assured Shorthold tenancies, or to short term holiday or business visitors." (For the avoidance of doubt it is stressed that it is the subdivision of the building into two dwelling units that constitutes development requiring consent, rather than the internal adaptations as such.)
3. Following correspondence from the case officer, the application has recently been amended to relate to holiday lets only.

Planning History

4. Two planning applications have been identified relating to extensions to the original dwelling as follows:

S/0475/78/F	Extension to form covered way	Consent	02.05.78
S/1058/84/F	Extension	Consent	19.07.84

Planning Policy

5. **Policy SE8** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") states that residential development outside village frameworks will not be permitted.
6. **Policy RT11** of the Local Plan states:

Development to provide overnight visitor 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.

Consultations

7. **Caldecote Parish Council:** Refuse. "The Parish Council has received complaints due to surface of driveway and the noise it omits with vehicles driving over it daily."

Representations:

8. One letter of concern has been received from residents at No. 88 West Drive, whose property bounds the site. They state that there has been an enormous increase in traffic in the last year. This is intrusive, particularly in fine weather, and it is feared that there will be even more traffic with the holiday accommodation. Perhaps if the road were paved it would cut the noise.
9. Comments are also made in relation to an ice cream van parked at the site. The suggestion that a business is being run from the premises is the subject of a separate enforcement investigation.

Planning Comments - Key Issues

10. The application falls to be determined by reference to the relevant policies of the Development Plan together with any other material considerations.
11. As originally submitted the subdivision of the existing dwelling, including its pool complex, would have constituted new residential development outside the village framework. Notwithstanding the fact the built development already exists, the development involving a change of use and subdivision of the building constitutes development in its own right. Having regard to Policy SE8, it is anticipated that the application as originally submitted would have attracted a recommendation of refusal.
12. The revised application now falls to be considered in accordance with Policy RT11. This policy allows for the modest extensions to existing facilities or the change of use/conversion of existing buildings not requiring large extensions. In the present case, of course, no extension is required; the development being limited to a change of use only. Subject to appropriate controls, preferably in the form of Section 106 agreement to restrict the occupancy of the unit, there is no policy objection to the development.
13. The applicants have been advised in writing that, were the description of the development to be amended, it would be likely to attract a recommendation of consent, subject to either an appropriate condition or a S106 agreement limiting the use to either short term holiday accommodation or as part of the existing dwelling. In amending the application, the applicants have offered no objection to either approach. A similar agreement has recently been completed in respect of a property at 60 High Street, Willingham.
14. Detailed issues to be considered include the concerns of the Parish Council and a neighbour relating to the noise of vehicles arising from the gravel drive. The formation of the original driveway constituted permitted development. The above concerns would, therefore, only be material insofar as they relate to noise arising

from additional traffic using from the holiday let. Nevertheless, the applicant has indicated a willingness to address this concern although, having regard to the cost of treating a 160 metre long drive, requests that this be undertaken on a phased basis.

15. The existing dwelling has a large car parking and turning area at the end of the gravel driveway. This would be well in excess of the policy requirements for off-street car parking provision.
16. Having regard to the policies of the Development Plan, the above comments and all other material considerations it is concluded that, subject to the landowner entering into a prior agreement under the provisions of Section 106 of the Town and County Planning Act 1990, consent should be granted subject to appropriate conditions as indicated below.

Recommendation

17. Subject to the prior signing of a Section 106 Legal Agreement to ensure that the premises are used as short-term holiday let only or as part of the existing dwelling, the recommendation is one of **APPROVAL**, subject to the following conditions.
 1. SCA (5 years)
Standard reason.
 2. Prior to the change of use hereby approved commencing, a programme of work relating to the reduction of noise arising from the existing driveway across the adjoining land in the applicants' ownership, with specific deadlines for the completion of any phases identified shall be submitted to the Local Planning Authority. The premises shall not be occupied as a holiday let unless and until the agreed programme of work, or the relevant phases thereof, have been completed within the deadlines agreed.
(Reason: In order to minimise the potential noise nuisance arising from the use of the gravel drive by visitors, having particular regard to the standards of amenity that might reasonably be expected to be enjoyed by the occupiers of the nearby residential properties.)
 3. This consent relates to only that part of the dwelling known as 90 West Drive, Caldecote, shown identified as a "self contained flat" on the plans submitted to the Local Planning Authority on 24 November 2004.
(Reason: For the avoidance of doubt and in order to enable the Local Planning Authority to exercise control over the future use of the adjoining dwellinghouse.)

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:**
RT11 (Tourist-related development outside frameworks).
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
- Planning file Ref. S/2382/04/F

Contact Officer: Steve Anderson
Telephone: (01954) 713165

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

S/1717/04/F - Harston**Erection of 3 Homes Following Demolition of Existing Dwelling at 103 High Street for Upware Marina****Recommendation: Approval****Date for determination: 11th October 2004****Site and Proposal**

1. The application site extends to approximately 0.22 hectares/0.55 acres and is currently occupied by No.103 High Street, a two-storey buff brick and large flat tile house with single storey elements on its southwest side and rear and an attached double garage to the northwest, and its garden. The site is bounded by High Street (A10) to the southeast, No.99 (a two-storey house) and bungalows in Chapel Lane to the southwest and west and the house and gardens of No.107 (a thatched cottage) to the north. There is a row of large deciduous trees along the boundary between the rear part of the site and No.107.
2. This full application, registered on the 16th August 2004 and amended by plans date stamped the 26th November 2004 and the 26th May 2005, proposes the erection of three dwellings on the site following the demolition of the existing house (No.103). 2no. 5m high to eaves, 8.5m high approx. to ridge, two-storey, four bedroom detached houses would front High Street. The third dwelling, also with four bedrooms, would be sited to the rear of the frontage dwellings and would have 3.6m high eaves, a 7.6m high ridge and would be accessed via a 5m wide access between the two proposed frontage dwellings. The two frontage dwellings would also access the A10 via this driveway. A 1m high wall with hedge behind is proposed along the site frontage. The density equates to approximately 14 dwellings to the hectare.

Planning History

3. Planning permission was granted for a house adjacent to No.103 in 2002 under reference **S/0788/02/F**.
4. An outline application to erect a bungalow and garage on the part of the site where House 1 (the proposed dwelling to the rear of the two proposed frontage dwellings) is now proposed with access alongside No.99 and the southwest boundary of the site was refused in 1988 under reference **S/1827/88/O** on the grounds that it would have resulted in significant harm to neighbours through noise and disturbance generated by traffic using the driveway and manoeuvring on site and it would harm the attractive character of the area since it was likely to have led to the felling of an ash tree. A subsequent appeal was dismissed on the grounds of the likely noise and disturbance to neighbouring residents and uncertainty that a satisfactory access could be achieved onto the A10.
5. Permission for the erection of No.103 was granted under references **S/1182/77/O** and **S/1804/77/F**. An earlier outline application for the erection of a house and garage

was refused under reference **S/0525/77/O** on the grounds that the development would have been connected to a sewage works which was already receiving flows above design capacity.

Planning Policy

6. 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.
7. Local Plan 2004 **Policy SE4** states that residential development up to a maximum scheme size of 8 dwellings (and, exceptionally, up to 15 dwellings if this would make the best use of a brownfield site) will be permitted within the village framework of Harston 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 all developments should provide an appropriate mix of dwelling size, type and affordability.
8. Local Plan 2004 **Policy HG11** 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 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.
9. Local Plan 2004 **Policy HG7** relates to affordable housing and states that in Harston up to 50% of the total number of dwellings for which planning permission may be given should be affordable, although higher or lower percentages may be agreed in the light of factors such as proximity to local services, access to public transport, the particular costs associated with the development, and whether or not the provision of affordable housing would prejudice other planning objectives warranting greater priority in the particular case.

Consultation

10. **Harston Parish Council** recommends refusal on the following grounds:
 - Too many dwellings for the site. Two bungalows would be more in keeping with the area;
 - Residents of surrounding areas object to the overpowering presence of these sized houses, especially in Chapel Lane; and
 - Exiting on the very busy A10 also needs to be considered.
11. In relation to the latest amended plans, it states "Comments of surrounding residents are - The amended plan for the two storey house is the same size as before and far too large for the plot. The small bungalows surround this pl/app will be completely dwarfed. Some of the objections will be sent to the Planning Officer. The Parish Council is in complete agreement with the above comments."
12. **Trees & Landscape Officer** raises no objections to the scheme as amended which shows 'House 1' pulled away from the trees along the boundary to 107 High Street

but states that any driveway construction should be of no-dig construction and a tree protection condition should be imposed on any approval.

13. **Chief Environmental Health Officer** recommends that conditions relating to the times when power operated machinery shall not be operated during the demolition and construction periods except in accordance with agreed noise restrictions and driven pile foundations are attached to any approval. He also recommends that informatives are attached to any approval stating that there shall be no bonfires or burning of waste on site during demolition and construction except with his Department's prior permission and, before the existing property is demolished, a Demolition Notice will be required.
14. **Local Highway Authority** notes that House 1 is 50m away from the High Street which exceeds the carrying distance for dustbins and also exceeds the distance required for access for fire appliances and there does not appear to be enough room for a refuse vehicle or fire appliance to turn round within the plot. It states that it has no further comments.

Representations

15. Objections have been received from the occupiers of 1A and 3 Chapel Lane on the following grounds:
 - The 1½ storey house is much higher than a normal 1½ storey house and is inappropriate for this location, being set among bungalows;
 - It is also too large for the size of the plot;
 - Overlooking from first floor Bedroom 1 window in dwelling to the rear of properties in Chapel Lane of 2 adjoining single storey houses; and
 - Any dwelling to the rear of properties in Chapel Lane should be single storey or, at the most, a smaller less bulky 1½ storey house.
16. Occupier of 99 High Street comments that the new house nearest her would be very large and very close to the boundary and, if that house is to be built, she would like a brick wall erected along the boundary. She also comments that the proposal would add more traffic congestion and she would lose privacy if any windows were allowed to the side of the property.
17. Occupier of 107 High Street was concerned that the original scheme would compromise the trees along the boundary between the site and No.107. He/she also states that the site is liable to flooding and should not be rectified by raising the level of the site and thereby resulting in significant run-off to No.107, and the development will increase congestion problems experienced when trying to access the A10 into the village.

Planning Comments - Key Issues

18. The key issues in relation to this application are:
 - The affect on the character and appearance of the area;
 - Impact on neighbours; and
 - Affordable housing.
19. There is an unimplemented permission for the erection of a two-storey dwelling between Nos. 99 and 103 High Street and I consider that the position, design and

street scene impact of the two proposed frontage dwellings would be acceptable. The site is surrounded by a mix of storey heights, including bungalows in Chapel Lane, but I consider that the scale and design of the dwelling to the rear is acceptable in terms of the character and appearance of the area. The 1m high frontage wall with hedge behind now proposed is considered to be far more in keeping with the street scene than the 1.8m high wall originally proposed.

20. The proposal would have an impact on the amenity of neighbours through some overlooking. The proposed rear dwelling would also affect the outlook from the rear of bungalows in Chapel Lane, and No.1 in particular. However, the scheme as amended has reduced the degree of overlooking and, due to the length of No.1 Chapel Lane's rear garden and the position of the dwelling to the north of this garden, I do not consider that the scheme as amended would seriously detract from the amenity of neighbours. It would be important to remove permitted development rights for the insertion of further first floor windows to protect the amenity of neighbours.
21. This application proposes the erection of two additional dwellings and I would normally expect one of these additional two dwellings to be affordable. However, in this instance, there is an extant, unimplemented permission for a further dwelling on the site which predates the current policy on affordable housing. As this application proposes one additional dwelling compared to the approved situation at the time the current affordable housing policy was first implemented, I consider that it would not be appropriate to require any of the dwellings to be affordable in this instance.
22. All three dwellings would have four bedrooms and I would normally expect a scheme for three dwellings to include a better mix of dwellings sizes. However, in this instance, the scheme would replace the existing and approved dwellings which are of similar size to the proposed dwellings and, as the scheme is considered to be acceptable in all other respects, I do not consider that this issue alone is reason to refuse the application.
23. In relation to the Local Highway Authority's comments, it is likely that occupiers of the dwelling to the rear would have to wheel their bins to High Street to be emptied and access for fire appliances would need to be resolved through Building Regulations.

Recommendations

24. Approval (as amended by drawing nos. 9A, 10A, 11A, 16A and 17A date stamped 26.11.04 and drawing nos. 17D, 18C, 19B, 20B and 21A dated stamped 26.5.05)
 1. Standard Condition A - Time limited permission (Reason A);
 2. SC5a&f - Details of materials for external walls, roofs and hard surfaced areas (RC To ensure the satisfactory appearance of the development);
 3. SC51 - Landscaping (RC51);
 4. SC52 - Implementation of landscaping (RC52);
 5. SC56 - Tree Protection (RC56);
 6. SC60 - Details of boundary treatment (RC60 and to protect the amenity of the occupiers of adjoining properties);
 7. The vehicle parking and manoeuvring areas to the northwest of the words "Entrance Access" on drawing no. 17D date stamped 26.5.05 shall be constructed in accordance with the Arboricultural Advisory and Information Service's Arboricultural Practice Note 1 'Driveways Close to Trees' unless otherwise agreed in writing by the Local Planning Authority - RC To protect the adjacent trees) ;

8. Unless otherwise agreed in writing by the Local Planning Authority, the rooflights in the southwest elevation of 'House 1' shown on drawing nos. 17D, 20B and 21A shall be a minimum of 1.8 metres above the first floor finished floor level (RC22);
9. No further windows or openings of any kind shall be inserted at first floor level in any of the dwellings hereby permitted unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf (RC22);
10. During the demolition and construction periods, ... Standard Condition 26 - Control over 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:** SE4 (Development in Group Villages) and HG11 (Backland 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:
 - Residential amenity
 - Character and appearance of the area
 - Highway matters
 - Flooding
 - Impact on trees

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.

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/1717/04/F, S/0788/02/F, S/1827/88/O, S/1804/77/F, S/1182/77/O and S/0525/77/O.

Contact Officer: Andrew Moffat - Area Planning Officer
Telephone: (01954) 713169

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Development and Conservation Control Committee	6 th July 2005
AUTHOR/S:	Director of Development Services	

**S/1062/05/O - Haslingfield
Erection of a Dwelling, Land rear of 97 New Road for Mr T. Day**

**Recommendation: Refusal
Determination date: 22nd July 2005**

Site and Proposal

1. The 0.29 ha site lies within the built up part of the village and has been used as an extension of the back garden of No.97. It is within the village framework and outside of the designated Conservation Area for Haslingfield. The area is grassed with two buildings in the extreme northwest corner. The first of these is used as a snooker room and the other is a converted stable building presently used for storage purposes. It is also used for the parking of vehicles and for external storage for an array of building materials such as bricks and scaffolding. Access to the site is via a gravelled roadway between 93 and 95 New Road. Both properties are less than 5 metres from the roadway at their nearest point. The roadway currently provides access for 93a New Road, a bungalow to the rear of No. 93 and for the applicant to gain access to the rear of his property. The access road has two informal passing bays at either end and has a maximum width of 5.8m at its junction with New Road and a minimum width of 2.8m for much of its length. The boundary with 93 is marked by a 1.8 metres high close-boarded fence, behind which there is occasional planting. The boundary to 95 has a similar fence and is separated from the access way by an area of planting including substantial conifers.
2. The outline application, submitted on 27th May 2005, proposes the erection of a dwelling. All matters are reserved save for the means of access. The density equates to 3.5 dwellings per hectare.

Planning History

3. There have been three appeals on this site, in 1989 (**S/0387/89/O**), 1994 (**S/0474/94/F**) and 2005 for a dwelling on land to the rear of No.97. The 1994 appeal was dismissed based on the increase in noise and disturbance to the occupiers of 93 and 95 New Road. The 2004 application (**S/2446/04/O**) was identical to this current application and refused on the grounds of increase in noise and disturbance to the adjoining neighbours. This is now awaiting an appeal decision also.

Planning Policy

4. **PPS1** promotes the delivery of sustainable development including high quality inclusive design in the layout of new development. It is accompanied by 'The Planning System: General Principles'
5. **PPG3** promotes making more efficient use of land in tandem with an improvement in the quality of housing development and the greening of the residential environment.

6. **Policy P5/5** of the Structure Plan 2003 permits small scale housing developments in villages only where appropriate taking into account, amongst others, the character of the village and its setting.
7. **Policy SE4** of the South Cambridgeshire Local Plan 2004 identifies Haslingfield as a group village and permits residential development within the framework provided it would, amongst other things, be sensitive to the amenities of neighbours.
8. **Policy HG11** specifically relates to backland development. Criterion (2) states this will only be permitted if the development does not result in noise and disturbance to existing residential properties through use of its access

Consultation

9. **Haslingfield Parish Council** recommends approval. It comments: “on the basis of the information made available to us regarding noise levels it would be appropriate to build one dwelling on this land.”
10. **Chief Environmental Health Officer** has no objections and recommends conditions to be added to control periods of construction.

Representations

11. None received as yet. Further consultation was sent out on the 22nd June 2005
12. Hepworth Acoustics Noise and Vibration Consultants have submitted a noise impact assessment with the application

Planning Comments – Key Issues

13. The key issue for this application is whether a new dwelling will cause an adverse impact on the neighbouring properties through the use of its access.

Noise and Disturbance

14. The erection of an additional dwelling on this site would involve the further use of the existing driveway. Currently it is used by No. 93a and No. 97, and additional dwelling would increase the traffic movement of this access further still, therefore creating an intensification of its current use and creating noise and disturbance to the occupiers of the neighbouring properties, in particular those of No. 93 and 95 New Road. The only difference in this application that differs from that of the previous application is in the statement submitted by Taylor Vinters that claims the applicant “*would be willing to have a suitable condition imposed securing a suitable bound surface on the access, to minimise noise still further*”. This would help to reduce the surface noise of the vehicles passing over the land but does nothing to address the increase in traffic that will inevitably create a disturbance in its own right.

Recommendation

15. Refuse

The erection of an additional dwelling on this backland location to the rear of No. 95 and 97 New Road involving the existing access, by residents, visitors and service vehicles would increase traffic movements passing between No's 93 and 95 New Road to an unacceptable degree, causing problems of noise and general disturbance

to the residents of those properties; the proposal would therefore be contrary to the requirements of Policies SE4 and HG11 of the South Cambridgeshire Local Plan 2004, which aim to ensure that development is sensitive to the amenities of neighbours.

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

- File references S/2446/04/O, S0387/89/O, S/0474/94/F and S/1062/05/O
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003

Contact Officer: Saffron Garner – Assistant Planning Officer
Telephone: (01954) 713162

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

**S/0990/05/O - Histon
 Five bungalows at land off Muncey Walk
 for Brook Trading Ltd.**

**Recommendation: Approval
 Date for Determination: 14th July 2005**

Site and Proposal

1. This area of former garden land measures 0.14 hectares. It is relatively flat and contains a number of trees. It adjoins the rear gardens of houses on Narrow Lane and Old Farm Close. The site fronts a shared surface drive serving dwellings on Muncey Walk.
2. This outline planning application proposes the erection of five bungalows at a density of 35.7 dwellings per hectare (dph). An illustrative plan suggests four 2-bedroomed units and one 3-bedroomed unit. Access will be in the form of a private drive and will be taken from off the turning head at Muncey Walk. All matters other than the access are to be reserved.

Planning History

3. Planning application **S/0838/96/O** for four houses was refused and subsequent appeal dismissed on grounds the village was an infill only village at that time.
4. **S/0356/97/O** sought planning permission for four bungalows. This was refused and an appeal dismissed on grounds that the proposal, together with the existing Muncey Walk development exceeded group development allowed by Policies of the Local Plan 1993. The Inspector did, however, conclude that the proposal would have little effect on the character of the area or on local amenities.
5. Planning permission was granted in 1998 for one bungalow on the site (ref. **S/1434/98/F**).

Planning Policy

6. **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 polices included within the Local Plan.
7. **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.

8. **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.
9. **Policy P1/3 'Sustainable Design in Built Development'** of the Cambridge and Peterborough Structure Plan, 2003 states that a high standard of design and sustainability should be adopted for all new forms of development.

Consultations

10. **Histon Parish Council** recommends this application be refused. It lists as its concerns:
 - Muncey Walk is an unadopted road
 - Over-development.
 - The narrow entrance and access road together with potential traffic generation.
 - Parking arrangements proposed could be inadequate resulting in obstruction of the estate road.
 - Surface water drainage and potential flooding of properties in Narrow Lane (this is an historic problem).
 - Potential loss of mature trees adjacent to the site.
11. The **Chief Environmental Health Officer** recommends conditions relating to the hours of use for power operated machinery during construction and pile driven foundations.
12. The comments of the **Trees and Landscape Officer** and the **Cambridgeshire Fire and Rescue Service** are awaited and will be reported verbally to the Committee.

Representations

13. Three letters of objection have been received from residents of No's. 3 and 4 Muncey Walk and 59 Narrow Lane. The issues raised are:
 - Density is too high for the area;
 - Traffic increase out of proportion to the area, leading to highway safety issues.
 - Muncey Walk is a shared drive, which limits how many cars can park or pass, potential to block the road through careless parking;
 - Emergency vehicle access;
 - Preservation of existing trees;
 - The strip of land adjacent to Muncey Walk is within no. 4's ownership, any trees required for removal must be agreed to and ownership established before works start on site.
 - Surface water drainage.

Planning Comments - Key Issues

14. The key planning issues in relation to this outline proposal are density and access, all other matters including surface water drainage, will be considered at the reserved matters stage or can be conditioned. The site is not within the flood plain.

Density

15. The density of the proposed development accords with policy. There are no strong design grounds for requiring a lower density. A development of bungalows will not unduly impact upon surrounding residential properties and is in keeping with the existing built form in the area, which is characterised by high-density estate development of 25-30 dph; other than to the south east, where there are larger plots fronting Narrow Lane.

Access

16. The site is accessed via a shared drive. The private drive will be 6 metres wide at the junction with the shared surface. It exceeds highways standards in terms of the access width, which is proposed to be 5 metres wide. Bins can be sited for collection within 30 metres of the road. The dwellings are all within 45 metres of the road, thereby affording acceptable access for fire vehicles. The ownership of the strip of land adjacent to Muncey Walk has been raised and confirmation is being sought from the agent with regards to the extent of the land owned by the applicants. It would appear that no. 4 Muncey Walk owns the strip of land between the site and the private drive.

Recommendation

17. Subject to no objections being received from the Trees and Landscape Officer or Fire and Rescue and receipt of satisfactory details in relation to the ownership of land over which access will be required, it is recommended that the application be approved subject to the following conditions:

1. Standard Condition B - Time limited permission (Reason A);
2. SC1 a, b and d - Reserved matters (Rc1);
3. Sc5a - Details of materials for external walls and roofs (Rc5a);
4. Sc5b - Surface water drainage (Rc5b);
5. Sc5c - Foul water drainage (Rc5c);
6. SC5d - Refuse storage accommodation (Rc5d);
7. Sc5f - Materials for hardsurfaced areas (Rc5f);
8. Sc5j - Car parking provision (Rc5j);
9. The permanent space to be reserved on the site for:
 - a. turning
 - b. parkingshall be provided before the use commences and thereafter maintained.
(Reason: In the interests of Highway safety);
10. Sc52 - Implementation of landscaping (Rc52);
11. Sc60 - Details of boundary treatment (Rc60);
12. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the local Planning Authority in accordance with any agreed noise restrictions.
(Reason - To minimise noise and disturbance to nearby residential dwellings).

Informatives

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

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), **HG10** (Housing Mix and Design) and **TP1** (Planning for More Sustainable Travel).

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Density
 - Access
 - Surface water drainage
 - Impact on trees

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/0990/05/O, S/1434/98/F, S/0356/97/O and S/0838/96/O

Contact Officer: Melissa Reynolds - Senior Planning Assistant
Telephone: (01954) 713237

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee6th July 2005**AUTHOR/S:** Director of Development Services

S/0683/05/F - Great and Little Chishill**Increase in Fence Height From 1 Metre to 2 Metres
Land Adjacent The Barn, 12 May Street, Great Chishill
for Mr and Mrs Brignall****Recommendation: Refusal
Date of determination: 3rd June 2005****Conservation Area****Site and Proposal**

1. The site is located close to the centre of Great Chishill, located in the designated Conservation Area for this village. The land is located to the South of No.12 and runs parallel with May Street. The land is currently unkempt scrubland. I am led to believe this is due to an electricity mast that is located on the grounds. A change of use is not required for the land as it has been left in its current state and fenced on the south and west boundaries with fencing no higher than 1 metre in height. It has not been made as additional garden land as is kept separate by the fencing that runs along the rear boundary of No. 12. The existing garden to No. 12 already has a 2 metre high slatted fence that runs parallel to May Street. The bank on either side of May Street is set high above the road level and the banks are planted with hedging and trees of native species.
2. The application received 8th April 2005 proposes the erection of 2 metre high slatted fencing along approximately 8 metres of the eastern boundary of the site that runs parallel with May street in the style of the existing fence on this boundary.

Planning History

3. None relevant to this application

Planning Policy

4. **Policy HG12** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") aims to resist development that is not in keeping with local characteristics or would have an unacceptable visual impact on the street scene.
5. **Policy EN30** of the Local Plan aims to resist proposals that do not preserve or enhance the special character of the conservation area, and the District Council will refuse permission for schemes which do not fit comfortably into their context. This reflects the advice in Policy P7/6 of the Structure Plan 2003.
6. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") requires environmental restrictions on development in the countryside and designated areas.

Consultation

7. **Great and Little Chishill Parish Council** recommends approval, noting that the site is in the Conservation Area.
8. **Conservation Manager** has no objections subject to a planting scheme being secured.
9. **Landscape Design Officer** has informed me that a planting scheme can only be secured providing the applicant has approximately one metre on the roadside of the fence to plant, as it is not appropriate to plant on a sloping bank.

Representations

10. 4 letters of objection have been received from the occupiers of neighbouring properties. Concerns raised include the following
 - a. Overbearing
 - b. Obscure long distance views
 - c. No justification
 - d. Adverse impact on the Conservation Area
 - e. Visually obtrusive
 - f. Bad design
 - g. Loss of daylight (7 May Street)
11. A copy of a letter received by the applicant from the South Highways Division grants permission for the applicant to plant on the Public Highway, providing the planting is kept close to the fence line and is maintained to ensure it is no closer to the road edge than other adjacent planting

Planning Comments - Key Issues

12. The key issues for this application are the impact the fence has on the street scene and its impact on the Conservation Area and the capability to plant screening.

Street Scene and Conservation Area

13. The existing fence along the bank on May Street is approximately 2 metres in height and covered in climbing plants. The structure of the existing fence is the same as that of the proposed fencing, although less obvious as it is hidden by the screening that is located in front of it and has weathered over time. The bank on which the new fencing would be erected is predominately open and screening is not present. The bank top sits high in the street scene and the newly erected 1 metre fencing that has been erected under permitted development is clearly visible. To increase the height of the fencing to 2 metres would increase its visibility in the street scene, to the detriment of the Conservation Area.

Screening

14. The Conservation Manager has no objections to the scheme providing planting can be secured. It would seem after closer inspection the applicant does not have one metre on the roadside of the fence to carry out this request and would not therefore meet the requirements of the Landscape Design Officer. It has been suggested that he move the proposed fencing back by one metre to accommodate the planting required but the applicant sought permission from the Highways Division to carry out

planting on the bank and therefore securing planting that could be implemented without moving the fence back into the site.

15. It is not possible to condition a scheme on land that is not within the control of the applicant. As a result my recommendation is to refuse the erection of this fence based on the lack of space the applicant has to secure a planting scheme to ensure that the appearance and character of the Conservation Area is preserved.

Recommendation

16. Refuse
17. In the absence of securing space for planting and permanent retention of such planting, the erection of a two metre high fence on the bank of May Street at this elevated height in the Conservation Area neither preserves or enhances the special character of the Conservation Area and is therefore contrary to the requirements of Policies EN30 of the South Cambridgeshire Local Plan 2004 and P7/6 of the Structure Plan 2003.

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

- File reference S/0683/05/F
- South Cambridgeshire Local Plan 2004
- Cambridge and Peterborough Structure Plan 2003

Contact Officer: Saffron Garner - Assistant Planning Officer
Telephone: (01954) 713162

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

6th July 2005

AUTHOR/S: Director of Development Services

S/0561/05/F- Linton

Garage/ Store at Tosca Cottage, 28 Horseheath Road For Mr & Mrs Bonney

Recommendation: Refusal

Date for Determination: 18th May 2005

1. Members will visit the site on Monday 4th July.

Site and Proposal

2. Tosca Cottage is a detached, white render and thatch, Grade II listed building that is situated to the south of Horseheath Road within the Linton village framework. It is set back from the road behind a small garden and has an existing paved hardstanding with two parking spaces to the front.
3. A public footpath runs along the western boundary of the site. No. 26 Horseheath Road has a double garage situated adjacent the boundary.
4. The application, registered on the 23rd March 2005, proposes the erection of a garage to the rear of the cottage. During the course of the application the garage has been partly constructed on site and is situated in a position forward of that shown on the site plan. It has a pitched roof design and a footprint that measures approximately 32.5 square metres. It has a height of 2.3 metres to the eaves and 4.2 metres to the ridge.

Planning History

5. Planning permission and listed building consent were granted for a single storey rear extension in 2002 (references **S/0707/02/LB & S/0708/02/F**).

Planning Policy

6. **Policy P7/6** of the **Cambridgeshire and Peterborough Structure Plan 2003** seeks to protect and enhance the quality and distinctiveness of the historic built environment.
7. **Policy P1/3** of the **Cambridgeshire and Peterborough Structure Plan 2003** seeks to ensure that all new developments incorporate high standards of design that create a sense of place which responds to the local character of the built environment.
8. **Policy EN28** of the **South Cambridgeshire Local Plan 2004** seeks to resist development that would: - dominate a listed building in scale, form, massing or appearance; damage the setting of a listed building; or harm the visual relationship between the building and its landscape surroundings.
9. **Policy HG12** of the **South Cambridgeshire Local Plan 2004** seeks to resist extensions and alterations to dwellings that would seriously harm the amenities of

neighbours through being unduly overbearing in terms of its mass, a significant loss of light, or a loss of privacy from overlooking; or where there would be an unacceptable visual impact upon the street scene.

Consultation

10. **Linton Parish Council** approves the application and comments that the materials should be in keeping with the existing building.
11. The **Conservation Manager** objects to the application on the grounds that the proposed garage would harm the setting of the listed building and the appearance of the street scene.
12. The **County Council Countryside Services Team** raises concern regarding the impact of the garage upon the public footpath. It states that it is an offence under Section 34 of the Road Traffic Act to drive on a public footpath without lawful authority and would want reassurance that the applicant has this lawful authority before planning permission is granted.

Representations

13. None.

Planning Comments – Key Issues

14. The main issues to consider in determining this application are whether the garage would adversely affect the setting of the listed building, have an unacceptable visual impact upon the street scene and/or seriously harm the amenities of neighbours.

Listed Building/ Street Scene

15. The proposed garage would be clearly visible when travelling in an easterly direction along Horseheath Road and from the public footpath as it would be elevated slightly above road level. The garage doors on the front elevation of the building are out of proportion with the width and height of the gable. In addition, the glazing on the garage doors has a domestic appearance that is inappropriate to the traditional nature of the cottage. The proposed garage, by reason of its scale, design and appearance, is therefore considered to adversely affect the setting of the listed building and the visual quality of the street scene.

Neighbour Amenity

16. The proposed garage is not considered to seriously harm the amenities of neighbours through being unduly overbearing in terms of its mass, through a loss of light or through a loss of privacy.

Other Matters

17. The applicants have not yet provided evidence that shows they have lawful authority to drive over the public footpath. I do not, however, consider that lack of this information would warrant refusal of the application on this ground alone.

Recommendation

18. Refusal.

The proposed garage, by virtue of its scale, design and appearance, would adversely affect the setting of Tosca Cottage, a Grade II listed building and have an unacceptable visual impact upon the street scene. As such, the proposal is therefore contrary to Policy P7/6 of the Cambridgeshire and Peterborough Structure Plan and Policy EN28 of the South Cambridgeshire Local Plan 2004 that seek to protect the historic built environment and Policy HG12 of the South Cambridgeshire Local Plan 2004 that seeks to resist developments that would have an unacceptable visual impact upon the street scene.

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 References S/0707/02/LB, S/ 0708/02/F and S/0561/05/F.

Contact Officer: Karen Bonnett – Planning Assistant
Telephone: (01954) 713230

This page is intentionally left blank

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 6th July 2005
AUTHOR/S: Director of Development Services

**S/2481/04/O - Longstanton
Erection of Bungalow and Garage. Barns at Woodside**

**Recommendation: Refusal
Date for Determination: 1st February 2005**

**Cllr Riley has requested that this application be the subject of a
Member site visit. This will take place on Monday 4th July 2005.**

Adjoining Conservation Area

Site and Proposal

1. This is an outline application, with all matters apart from siting reserved for subsequent approval, relating to the erection of a bungalow and garage following the demolition of barns at Woodside, Longstanton. The density equates to 14dph.
2. The site is roughly rectangular in shape, with a highway frontage of approximately 27.7 metres and a maximum depth of approximately 27.8 metres, amounting to approximately 0.07 hectares. It forms part of a larger parcel of land, indicated as being in the same ownership, roughly rectangular in shape and with a highway frontage of approximately 58 metres and a maximum depth of 160 metres.
3. The site lies on the south eastern side of Woodside, between a group of buildings around All Saints Church and the northernmost of the former MOD dwellings on Thatchers Wood. To the opposite side of Woodside, lie the extensive landscaped grounds of Longstanton House, or the Manor, which is a Listed Building. The boundary of a conservation area run along the frontage of the site.
4. The site is roughly level. Alongside the south eastern edge of the site and within its boundaries are two groups of trees which have been the subject of a draft Tree Preservation Order served in accordance with the decision of Committee at its meeting of 2 February 2005. Along the highway frontage of the site is a mature hedgerow with an existing agricultural access, located roughly centrally within the combined highway frontage of the application site and the adjoining land in the applicants' ownership. The existing structures on the site which are to be demolished include a timber pole barn and associated timber structures.
5. The submitted plans indicate that the proposed new dwelling would be served by the existing agricultural access, such that it would be located at the northern corner of the application site itself. The submitted plans also include an indicative layout relating to a possible bungalow with attached garage. These latter details do not, however, form part of the current application.
6. In support of the application the agents state that the development will make a positive contribution to the Conservation Area, visibility at the access will be

improved and that the present use is incompatible with the adjoining residential and Conservation Area and will make a positive contribution to the local environment. It is also stated that the applicants currently live in a bungalow at Few's Lane which will ultimately be surrounded by the Longstanton village expansion and impair the rural character that property currently enjoys.

Planning History

7. No relevant history has been identified relating to the site.

Planning Policy

8. **Policy SE4** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") identifies Longstanton as a Group Village, within which residential development and redevelopment up to a maximum scheme size of 8 dwellings will be permitted within the village frameworks of Group Villages, subject to various detailed criteria. (The application site lies outside the Village framework boundary).
9. **Policy SE8** of the Local Plan indicates that residential development will not be permitted outside village frameworks.
10. **Policy SE11** of the Local Plan relates to Important Countryside Frontages, which are defined within village framework boundaries in order to identify and which serve various roles including providing an important rural break between two nearby but detached parts of a village framework. (The site is so designated).
11. **Policy EN30** of the Local Plan states that the Council will require that applications for planning permission for development in Conservation Areas or affecting their setting, be accompanied by sufficient details to allow the impact of the proposals to be assessed. This must include drawings or other pictorial material which illustrates the proposed buildings in their context, and in most cases outline applications will not be acceptable. Proposals will be expected to preserve or enhance the special character and appearance of Conservation Areas especially in terms of their scale, massing, roof materials and wall materials. The District Council will refuse permission for schemes which do not specify traditional local materials and details and which do not fit comfortably into their context.
12. **Policy EN31** of the Local Plan states that the Council will expect to agree and approve a high standard of design, planting and materials for the hard and soft landscaping of the open public or private spaces connected with developments in Conservation Areas.
13. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") places "Environmental Restrictions on Development" including restrictions in the countryside.
14. **Policy P7/6** of the County Structure Plan states that Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

Consultations

15. **Longstanton Parish Council:** The following extract from the Parish Council minutes was conveyed to the Local Planning Authority:

“The feeling of council was that there was ample space for such a dwelling and garage and that the site entrance would benefit greatly from being presented as a dwelling entrance as opposed to that of a farmyard. Due to its frontage on Woodside it was necessary for vehicular ingress/exit to be achieved in forward gear. It was also felt that the SCDC should be requested to conduct a site visit to examine this application. Subject to these recommendations being made to SCDC the application was proposed for approval by Cllr Martin, seconded by Cllr Yarrow and approved by council.”

16. **Trees and Landscape Officer:** The proposed footprint impinges into an area of recent tree planting. The tree planting, I understand, was undertaken as part of a felling licence agreement with the Forestry Commission. The applicant is willing to relocate the footprint.
17. **Chief Environmental Health Officer:** Conditions recommended relating to noise and other nuisances during the construction period.

Representations

18. Six letters and e-mails have been submitted variously supporting the proposed development or otherwise offering favourable comments as follows:
 - The existing building is a blot on the landscape
 - The barn is likely to suffer from neglect
 - It would result in the demolition of the existing barns which are an eyesore
 - They are a magnet for undesirables such as petty thieves and burglars
 - The property is constantly suffering from theft
 - Challenging undesirables is a nightmare
 - The proposal would improve security
 - It would improve the streetscene and enhance the Conservation Area
 - The proposal would improve visual amenity
 - By permitting the owner to live at the site this will improve maintenance of this green space. Without any management it is just a nuisance
 - The site would benefit from a dwelling
 - A building close to the existing houses in Thatchers Wood represents a logical development
 - The proposals are not intrusive and would represent rounding off
 - It will enhance the neighbourhood
 - The proposal to build a bungalow would improve the frontage profile and hence enhance the Conservation Area

- The application is on behalf of a family who has lived and worked in the village for many years, have raised their family here and have also run a business in the village
- In turn they have contributed to the village in many ways and still continue to do so
- The applicants have always been generous contributors to village life
- It would be a great pleasure to have them as near neighbours
- It seems logical move for the applicants to be on site to look after their animals

Planning Comments - Key Issues

19. The application falls to be determined by reference to the policies of the development plan unless material considerations indicate otherwise.
20. The application site lies outside the village framework for Longstanton. It would therefore be outside the provisions of Local Plan Policies SE4 and SE8 and contrary to Policy P1/2 of the Structure Plan.
21. The site includes a mature hedgerow along its frontage which is designated as an Important Countryside Frontage in accordance with Policy SE11 of the Local Plan. It is noted that the above policy identifies one of the roles of such frontages as providing an important rural break between two nearby but detached parts of a village framework. In the present context the highway frontage of the application site, and the mature landscape grounds of Longstanton House opposite, provide an important break between the historic group of buildings around All Saints Church and the former MOD housing to the south east.
22. Policy EN31 of the Local Plan requires a high standard of hard and soft landscaping of the open public or private spaces connected with developments in Conservation Areas. Whilst the application site abounds a conservation area, rather than being located entirely within it, there are many appeal cases that indicate that views into and out of conservation areas should be treated in a similar manner as those that are located entirely within. It is thus noted that the application as submitted, with no definitive indication of the form of development proposed and no landscaping details, offers little to suggest that the above policy would be complied with. Moreover, it is possible that the proposed development could lead to the loss of a mature hedgerow and/or of trees that are the subject of a Tree Preservation Order. Even if the hedgerow and trees were not lost, the built development would be likely to significantly affect their appearance and the landscape buffer that they provide between very different parts of the village.
23. Policy EN30 of the Local Plan requires that applications for planning permission for development in Conservation Areas, or affecting their setting, should be accompanied by sufficient details to allow the impact of the proposals to be assessed adding that, in most cases, outline applications will not be acceptable.
24. The current application is submitted in outline form with all details except the proposed access reserved for subsequent approval. Whilst the point of access is illustrated on the plans, little information is provided of the details thereof including possible visibility splays and their potential impact upon the mature hedgerow. The indicative details are limited to a 1:200 scale plan indicating the roof plan of a

bungalow with attached garage measuring 24 metres by 6 metres with two projecting wings to the rear. These details do not constitute part of the application however.

25. The limited details available offer little or no indication of the scale, massing, roof materials and wall materials of the proposed development. In that context it is noted that Policy EN30 also states that the District Council will refuse permission for schemes which do not specify traditional local materials and details and which do not fit comfortably into their context.
26. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon Local Planning Authorities, when considering development proposals in conservation areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Whilst only the site frontage is included within the conservation area, rather than the body of the site itself, the absence of details prevent the Local Planning Authority from making any proper assessment of the extent to which the proposals address this requirement.
27. Draft supplementary planning guidance for the Longstanton Conservation Area (the subject of consultation) refers to the application site as follows. "The west side of Woodside is outside the Conservation Area and includes some hay barns and storage with an ugly gate at the entrance. Any development on this site could have a significant impact on the character of the Conservation Area." Whilst little weight can be given to this draft document in terms of policy guidance at the current stage it does, nevertheless, provide useful a useful assessment of the application site and its context.
28. Amongst the comments made by local residents many offer contrary interpretations to those offered by the above analysis. The personal circumstances of the applicants are not material considerations. Concerns regarding the appearance of the site could potentially be dealt with through other procedures rather than the grant of consent for a bungalow. Whilst animal welfare concerns can be material it is noted that neither the applicants nor the agents have submitted any information to suggest that the proposal is based upon agricultural need.
29. Having regard to the policies of the Development Plan, the above comments and all other material considerations it is recommended that the application be refused for the reasons indicated below.

Recommendation

30. REFUSAL

Reasons

1. The application site lies outside the village framework for Longstanton. The proposal would therefore be contrary to the provisions of Policies SE4 and SE8 of the South Cambridgeshire Local Plan 2004, relating to new housing development in Longstanton and in village frameworks, generally, and contrary to Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 which seeks to avoid development in the countryside unless essential to a particular location.
2. The proposed development would be likely to have an adverse impact upon a mature hedgerow along its highway frontage which provides an important

break between two nearby but detached parts of the village of Longstanton. The proposal would therefore be contrary to Policy SE11 of the South Cambridgeshire Local Plan 2004 which seeks to protect Important Countryside Frontages.

3. The application is submitted in outline form with no definitive indication of the form of development proposed and no landscaping details. In the absence of any such details it is considered likely that the proposed development could lead to the loss of a mature hedgerow and/or of trees that are the subject of a Tree Preservation Order. The proposal would therefore be contrary to Policy EN31 of the South Cambridgeshire Local Plan 2004 which states that the Council will expect to agree and approve a high standard of design, planting and materials for the hard and soft landscaping of the open public or private spaces connected with developments in Conservation Areas.
4. The application is submitted in outline form with no definitive indication of the form of development proposed. In the absence of any details of the scale, massing, roof materials and wall materials of the proposed development the Local Planning Authority is unable to make a proper assessment of the proposed development including, in particular, its relationship to the Conservation Area. The proposal would therefore be contrary to Policy EN30 of the South Cambridgeshire Local Plan 2004 which states that the Council will require that applications for planning permission for development in Conservation Areas or affecting their setting, be accompanied by sufficient details to allow the impact of the proposals to be assessed. In most cases outline applications will not be acceptable.

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/2481/04/O

Contact Officer: Steve Anderson
Telephone: (01954) 713165

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

TOWN AND COUNTRY PLANNING ACT 1990

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

1. Decisions Notified by The Secretary of State

Ref. No.	Details	Decision and Date
S/2058/03/F	FTA Smart 65 Hauxton Road Little Shelford Alteration to vehicular access (Officer Recommendation to Refuse)	Dismissed 02/06/2005
S/1505/04/O	L R Satchell Land east of Dales Manor Business Park, North of Babraham Road Sawston Babraham Residential Development (Delegated Refusal)	Dismissed 02/06/2005
S/0466/04/F	Mr & Mrs North Clopton Lodge, The Cinques Gamlingay Appeal against condition 2 of permission (Personal occupancy condition) and removal thereafter (Delegated decision to impose condition)	Allowed 06/06/2005
S/0844/04/F	Mr & Mrs Gordon 3-5 Station Road Histon Appeal against condition 7 regarding erection of a lockable gate (Officer recommendation to impose condition)	Allowed 06/06/2005
S/1008/04/LB	Mr & Mrs Gadian The Old Vicarage, 7 May Street Great Chishill Alterations/removal of section of wall, removal of open verandah and replacement by lean to conservatory (Delegated Refusal)	Dismissed 07/06/2005
S/1009/04/F	Mr & Mrs Gadian The Old Vicarage, 7 May Street, Great Chishill Conservatory (Delegated Refusal)	Dismissed 07/06/2005
S/2017/04/F	Mr R Turner Reed Cottage, 1 Rectory Farm Road Little Wilbraham Extension (Delegated Refusal)	Dismissed 08/06/2005

S/2019/04/LB	Mr R Turner Reed Cottage, 1 Rectory Farm Road Little Wilbraham Internal and external alterations and extension (Officer Recommendation to Refuse)	Dismissed 08/06/2005
S/1628/04/F	Mr & Mrs Evans 8 Bunyan Close Gamlingay Dormer Windows (Delegated Refusal)	Dismissed 09/06/2005
S/1838/04/F	C Onslow Rhee Valley Works, Barrington Road Shepreth Temporary mobile home (Delegated Refusal)	Dismissed 10/06/2005

2. Summaries of recent decisions of interest

Mr & Mrs J Gordon – Change of use to flats without compliance with condition – 3-5 Station Road, Histon – Appeal allowed

The application was approved subject to a condition that the means of enclosure across the opening to the site should leave access for pedestrians and cyclists only. Details of a new barrier should include raising the kerb. The reason for the condition was to maintain highway safety and to prevent harm to the character and appearance of the conservation area.

The inspector noted that it was readily apparent at his site visit that visibility to the right when existing the site is “most inadequate”. Alternative access through Brook Close was available and the Council had good reason to impose the condition.

Circumstances had changed, however, since planning permission was granted. The County Council has approved an experimental traffic calming scheme in Station Road. The key element so far as the appeal site is concerned, is that traffic will (and now is) prevented from entering Station Road from the Green. The exception is a cycle lane.

The inspector then goes on to conclude “that Station Road will become one way from south to north, thus removing the problematic left turn manoeuvre”. This is not true, as Station Road will still continue as a two-way road. However, as the site is so close to the junction with The Green, the effect will be similar. Vehicles will pass the site in one direction only and there will not be any left turn movements into the site.

Concerns were also expressed about the possibility of rat-run traffic using Brook Close to gain access across the site into Station Road. Again the inspector concluded that this would be removed now that Station Road is one-way. The site can, in fact still be used as part of a rat-run, but as this is private land, adjoining owners can quite easily erect boundary fencing to prevent this.

As the inspector found no need for gates across the entrance to the site, there would be no harm to the character and appearance of the conservation area. He therefore allowed the appeal. The Head of Legal Services has since confirmed that despite the inaccuracies in the decision, this is not a decision that is worthy of challenge.

Mr & Mrs G North – Occupation of mobile home without compliance with conditions – Clopton Lodge, The Cinques, Gamlingay – Appeal allowed and costs awarded

The mobile home was originally granted permission in 1989, subject to a personal occupancy condition. The previous occupants have since left. The permission did not provide any mechanism that required the mobile home be subsequently removed from the site.

Mr and Mrs North have occupied the site since 2002 and a new planning permission was granted retrospectively. This was subject to a new personal occupancy condition and that the mobile home be removed from the site should it be vacated for more than 6 months. The reason for the condition was because the site is within the countryside where permission will not normally be granted and because of the case put forward by the current applicant. The appeal was heard by way of a public inquiry.

The inspector agreed that a new mobile home on the site would be contrary to both national and local planning policies to control development in the countryside. He found, however, that as the previous planning permission did not require the removal of the mobile home from the site, a fallback position had been created. He also reasoned that it would be uneconomic to move the home from the site. The Council could have imposed a landscaping condition to further screen the development from public view. No material impact would then occur if the condition in dispute had not been imposed. These were material considerations that override the development plan in this instance.

Instead, the Council had imposed a personal occupancy condition without requiring the appellants to show they had a need to live on the site. As the appellants had not been asked to demonstrate any local need, the Council should have known there were no special grounds for imposing the occupancy condition. No harm would follow if the condition were not imposed. In the circumstances, the condition was unnecessary and unreasonable.

The second part of the condition sought to rectify the omission in the previous permission by requiring the removal of the mobile home from the site once occupation by the Norths had ended. This was despite the difficulties of enforcing the previous permission. This approach was unnecessary and unreasonable because of the fallback position. The Council's position was also at odds with a previous decision locally in a similar case at Bryjohn, Heath Road, Gamlingay.

The appeal was therefore allowed and the condition removed.

An application for a full award of costs was made against the Council. This was on the basis there was no evidence of a reasonable nature to substantiate why the condition was imposed. The Council's evidence did not cover the relevant government tests on the need for conditions. The Council replied that the condition was necessary because no real personal justification was sought for the development in the first place. It was necessary to protect the countryside from unnecessary clutter.

The inspector concluded that he felt the Council had found itself in a difficult position over this proposal because of the conflict with the development plan. He did not consider that this was a case where a personal occupancy condition was justified and the Council had not given any other examples where it had followed a similar approach. The Council had not been able to justify its case by reference to the relevant government circular on the use of conditions and had therefore acted unreasonably. The appellants had incurred unnecessary costs and an award was justified.

3. Appeals received

Ref. No.	Details	Date
S/0285/05/F	The Crown & Punchbowl Ltd High Street Horningsea Erection of fencing for terrace and bin store. (Retrospective Application) (Officer recommendation to Refuse)	19/05/2005
E503	Mr R Worboys & Mr R Wood Poplar Farm, off Poplar Farm Close Bassingbourn-cum-Kneesworth Enforcement against change of use from agriculture to storage of building and road making materials and depot for ground engineering business	20/05/2005
E501	Mr P Denny (Pine Direct) Unit 135 Cambridge Road Milton Enforcement against change of use from warehouse/storage to use for retail sales and associated showroom	20/05/2005
E502	Mr M Walker 2 Denny End Road Waterbeach Construction of a garage without planning permission	20/05/2005
S/1640/04/F	Camstead Ltd 137 Cambridge Road Great Shelford Erection of 7 flats and cycle bin stores following demolition of existing dwelling (Non-Determination)	20/05/2005
S/2279/04/F	K J Holdings Ltd 3 Thornton Way Girton Extension and conversion into bed-sit accommodation (7 units). (Delegated Refusal)	24/05/2005
S/0266/04/RM	Potton Developments Ltd West Road Gamlingay Erection of 4 houses each with annex (Officer Recommendation to Approve)	27/05/2005

S/0209/04/F	<p>Marchfield Developments 15 Ashwell Road Steeple Morden Demolition of existing workshops and redevelopment of site to provide 6 dwellings. (Officer Recommendation to Refuse)</p>	06/06/2005
S/0518/05/O	<p>T G Ravenscroft R/o Cranmore, Royston Road Litlington Bungalow & garage (Delegated Refusal)</p>	09/06/2005
S/2199/04/F	<p>Mrs E Eayrs Brock Cottage, 2 Brockley Road Elsworth Extension (Delegated Refusal)</p>	09/06/2005
S/2198/04/LB	<p>Mrs E Eayrs Brock Cottage, 2 Brockley Road Elsworth Internal and external alterations and two storey extension (Delegated Refusal)</p>	09/06/2005
S/2154/04/PNT	<p>Orange Personal Communications Rampton Road Longstanton 15 metre high slimline telecommunications monopole and associated development (Delegated Refusal)</p>	09/06/2005
S/2316/04/F	<p>CMA Ltd Manor Farm Business Park Shingay-cum-Wendy Alterations and conversion of buildings to live/work dwelling (mixed uses classes C3 & B1) (Officer Recommendation to Refuse)</p>	10/06/2005
S/0379/05/F	<p>B J Prince Adj 74 High Street Little Wilbraham Bungalow (Delegated Refusal)</p>	13/06/2005
S/0138/05/F	<p>Graftonbury Properties Ltd Wimbish Manor Estate, Fowlmere Road Shepreth Conversion of redundant garage/store into dwelling (Delegated Refusal)</p>	15/06/2005

S/0462/05/F Heddon Management 20/06/2005
 12 Pieces Lane
Waterbeach
 Erection of 8 houses following demolition of
 existing bungalow
 (Officer Recommendation to Approve)

4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 3rd August 2005

Ref. No.	Details	Date/Time/Venue
S/0246/04/RM	Cofton Ltd., Peter Stroude, George Wimpey East Anglia, Kings Phase 2, Home Farm Confirmed Longstanton Erection of 200 dwellings and ancillary works (Local Inquiry)	07/07/2005 Council Chamber 10.00am 2 days
S/0761/04/F	B Gemmil, A Sheridan, E Sheridan & K Sheridan Plots 1-11 Victoria View, off Orchard Drive Confirmed Cottenham Use of land for gypsy caravan site, (11 pitches) part Retrospective (Local Inquiry)	12/07/2005 Council Chamber 10.00am 8 days
S/1569/04/F	Mr M Hegerty Land off Victoria View, Smithy Fen Confirmed Cottenham Siting of 4 gypsy caravans (Local Inquiry)	12/07/2005 Council Chamber 10.00am 8 days
S/1589/04/F	M Quilligan Land off Water Lane, Smithy Fen Confirmed Cottenham Siting of 2 gypsy caravans (Local Inquiry)	12/07/2005 Council Chamber 10.00am 8 days
E353	Mr P McCarthy Plot 2 & R/o 2 Setchel Drove Confirmed Cottenham Enforcement against change of use of site to use as a residential Caravan site (Re-Determination following High Court Challenge) (Local Inquiry)	12/07/2005 Council Chamber 10.00am 8 days
S/1020/03/F	Mr P McCarthy R/o 2 Setchel Drove Confirmed Cottenham Siting of 2 gypsy caravans and shower block (Re-Determination following High Court Challenge) (Local Inquiry)	12/07/2005 Council Chamber 10.00am 8 days

5. Appeals withdrawn or postponed

S/1767/04/F	Cambridge Cottage Housing Association Adj 82 High Street Great Abington Dwelling	Withdrawn by Appellant 23/05/2005
S/0682/95/O	Peter L Stroude Land West of Longstanton (Home Farm) Longstanton Increase number of dwellings from 500 to 630	Withdrawn by Appellant 13/06/2005

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

Ref. No.	Details	Date
S/0629/04/F	Mr and Mrs Noyes 22 North Brook End Confirmed Steeple Morden Extension	04/10/2005
S/0628/04/LB	Mr and Mrs Noyes 22 North Brook End Steeple Morden Internal and external alterations including conversion of bathroom to utility room and two ground floor bedrooms to study and garden room (Hearing)	04/10/2005 Confirmed
S/1109/04/F	Beaugrove Ltd. Crail, High Street Croydon Erection of two houses following demolition of existing house (Hearing)	11/10/2005 Confirmed
S/0592/04/F	R W S Arnold Bennell Farm, West Street (Comberton) Toft Erection of B1 offices (Hearing)	09/11/2005 Confirmed
S/2062/04/F	R W S Arnold Bennell Farm, West Street (Comberton) Toft Erection of B1 offices (Hearing)	09/11/2005 confirmed
S/6258/04/RM	MCA Developments Land South of Great Cambourne Cambourne Alterations in land form (dispersion of soil from building works.) (Local Inquiry)	14/03/2006 Offered/

This page is intentionally left blank

INDEX OF CURRENT ENFORCEMENT CASES
6th July 2005

Ref. No	Location	See Page No for full update	Remarks
18/98	Setchell Drove COTTENHAM	2	Prosecution adjourned for plot 10 to 5 th August at Cambridge Magistrates Court.
34/98	Camside Farm Chesterton Fen Road MILTON	3-8	Proceeding with further prosecution
12/02	The Stables Chesterton Fen Road MILTON	8-9	Prosecution adjourned to 5 th September at Cambridge Magistrates Court.
17/02	Land at Sandy Park Chesterton Fen Road MILTON	10-11	Currently considering options for dealing with the breach of the enforcement notice.
18/02	Rose and Crown Road SWAVESEY	11-12	Currently considering options for dealing with the breach of the enforcement notice.
8/03	Land adjacent to Setchell Drove COTTENHAM (B Land)	12-14	Failed to comply with enforcement Notice which took effect on appropriate legal action being taken in anticipation of serving an injunction. Appropriate legal action being taken in preparation.
9/03	Land adjacent to Setchell Drove COTTENHAM (G Land)	14-15	Appeal against non-determination of planning permission dismissed on 11 th March 2005. Site now subject to Enforcement Notice E459. Appropriate legal action being taken in anticipation of serving an injunction. Appropriate legal action being taken.

Ref. No	Location	See Page No for full update	Remarks
10/03	Land at Plot 2 and R/O Plot 3 Setchell Drove COTTENHAM	15-16	Appealed. Public inquiry listed 12 th July 2005.
15/03	Victoria View Land to rear of Plots 3, 4 and 5 Setchel Drove COTTENHAM	16-17	Public inquiry listed 12 th July 2005.
16/03	Shelford Lodge Cambridge Road GREAT SHELFORD	17-18	Enforcement Notice compiled with. Remove from active list.
17/03	65 Wimpole Road BARTON	18-19	Further evidence being submitted by Conservation to Legal Office for prosecution case.
19/03	Land adjacent to Moor Drove Cottenham Road HISTON	19-20	Public Inquiry held on 14 th April 2005. Awaiting appeal decision.
2/04	The Bury Newmarket Road STOW-CUM-QUY	20	Appeal dismissed 3 rd February 2005. Enforcement Notice takes effect 3 rd August 2005.
4/04	65 Eland Way TEVERSHAM	20-21	Enforcement Notice appeal dismissed 14 th April 2005. Takes effect 14 th October 2005.
8/04	Berry House 33 High Street WATERBEACH	21	Awaiting appeal decision.
9/04	Land adjacent to Cow Fen Drove SWAVESEY	21-22	Awaiting appeal decision.
10/04	23 Church Street WILLINGHAM	22	Enforcement Notice appealed.
11/04	43A High Street LANDBEACH	23	Enforcement Notice appealed.

Ref. No	Location	See Page No for full update	Remarks
12/04	15 Angle End GT WILBRAHAM	23	Enforcement Notice appealed. Informal hearing heard 14 th June.
13/04	Scholes Road WILLINGHAM	24	Enforcement Notice appealed
14/04	25 South Road GREAT ABINGTON	24	Planning application approval submitted to re-site container by 18 th July 2005.
15/04	Land adjacent 12 The Common WEST WRATTING	24-25	Planning application refused on 6 th June for unauthorised development. Enforcement file to be prepared.
16/04	2 Manor Farm Barns and land adjoining LITLINGTON	25	File submitted to Legal Office for issue of an Enforcement Notice..
17/04	6 Honey Hill GAMLINGAY	25	Enforcement Notice appealed.
18/04	The Orchard Smithy Fen COTTENHAM	25-26	Enforcement Notice appealed.
1/05	73 High Street MELBOURN	26	Enforcement Notice compiled with remove from active list.
3/05	Land adjacent to Hilltrees Babraham Road STAPLEFORD	26	Stop and Enforcement Notices issued on 28 th February 2005. Notice takes effect 31 st March 2005. Compliance period 2 months. Enforcement Notice appealed.
4/05	Poplar Farm BASSINGBOURN	26	Enforcement Notice appealed
5/05	Unit 135 Cambridge Road MILTON	26	Enforcement Notice appealed

Ref. No	Location	See Page No for full update	Remarks
6/05	Threeways 2 Denny End Road WATERBEACH	27	Enforcement Notice appealed
7/05	Crown and Punchbowl High Street HORNINGSEA	27	Enforcement Notice appealed
8/05	1 Woollards Lane GREAT SHELFORD	27	Enforcement Notice compliance date 30 th June 2005.
9/05	The Warehouse Unit 2 Station Yard FULBOURN	27	Stop and Enforcement Notices issued 1 st June 2005.
10/05	6A Dale Way SAWSTON	27	File submitted to Legal Office for the issue of an Enforcement Notice
11/05	Land Adjacent to 112 Old North Road BASSINGBOURN	28	Negotiations on going to resolve issue.
17/05	12 The Maltings CAMBOURNE	28	Enforcement Notice to be issued

ENFORCEMENT ACTIONPROGRESS REPORT – 6th July 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 1st 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>3.4.2002 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>3.7.2002 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>2.10.2002 Further discussions with local Members being planned to consider a number of issues relating to development in this area.</p> <p>8.1.2003 Prosecution files submitted to Legal Office for Plots 7, 7A and 10</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>2.4.2003 Planning applications S/0024/03/F and S/0025/03/F received for 7A and 10 Setchell Drive have now been refused. Case listed at Cambridge Magistrates Court 19th March 2003 for breach of Enforcement Notice. Adjourned to 9th April 2003</p> <p>2.7.2003 On 9th 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>1.10.2003 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>7.1.2004 Prosecution file submitted to Legal Office for Plots 7 and 10. Enquiries continue concerning Plot 7A.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>7.4.2004 Prosecution files submitted for oversize buildings on Plots 7 and 10</p> <p>7.7.2004 Cases listed at Cambridge Magistrates Court for 30th June 2004.</p> <p>6.10.2004 Cases listed for plots 7 and 10 at Cambridge Magistrates Court on 29th 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>5.1.2005 Prosecution for plot 7 discontinued due to change of ownership. Prosecution for plot 10 adjourned to 6th January 2005. Legal representations being considered concerning direct action.</p> <p>6.4.2005 Prosecution adjourned for plot 10 pending outcome of planning application S/0066/05/F.</p> <p>6.7.2005 Prosecution adjourned to 5th August 2005 at Cambridge Magistrates Court. Planning application S/0066/05/F not determined.</p>
34/98 B/1/45/72 and S/0133/97/O Camside Farm Chesterton Fen Road	Without planning permission the stationing of two mobile homes for residential use.	Planning Committee 2 nd December 1998 - Item 20 Members authorised	The necessary information and documentation to seek an injunction is currently being processed.

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
MILTON		<ol style="list-style-type: none"> 1. To seek an injunction. 2. To issue an Enforcement Notice if the application for an injunction was refused. 3. A Period of three months to comply with any Enforcement Notice issued. 4. That in the event of failure to comply with the Notice and subject to there being no material change in circumstances proceedings be taken in the Magistrates Court. 	<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> <p>On advice from the Legal department an Enforcement Notice was issued under reference E342 8th 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 15th 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 10th January 2000 with the compliance period being varied to 9 months (10th October 2000).</p> <p>5.7.2000 Compliance period ends 10th October 2000.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>4.10.2000 Still within the period before compliance which ends 10th October 2000.</p> <p>3.1.2001 Arrangements were made to formally interview two of the appellants 8th December 2000 at these offices, and both attended together with their Counsel and Solicitor. On the advice of 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>2.5.2001 Summonses returnable to Cambridge Magistrates Court 16th May 2001 were served 18th April 2001.</p> <p>4.7.2001 A plea of not guilty was entered at Cambridge Magistrates Court 8th June 2001 and the case committed to Crown Court for trial, and will be listed in due course.</p> <p>3.10.2001 A pre-trial hearing scheduled for 23rd September 2001.</p> <p>2.1.2002 The case has been adjourned by Judge Howarth, generally, until the outcome of another case dealing with a human rights point</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>which the defendant's Counsel asserts has a bearing on the Webb's liability. Likely to be several months.</p> <p>3.4.2002 The outcome of the case referred to at 2.01.2002 is still awaited.</p> <p>3.7.2002 The trial has now been fixed for November. It is expected that the first day will be to hear legal arguments, followed by a further five days.</p> <p>2.10.2002 Trial still pending.</p> <p>8.1.2003 On 8th November 2002 the defendants appeared before Norwich Crown Court. They pleaded guilty and were fined as follows: A Webb (Senior) fined £3,500, costs £1,500, 2 months imprisonment in default of payment of fines. A Webb fined £1,000, £1,500 costs. 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 10th February 2003. If the Enforcement Notice has not been complied with consideration will be given to further prosecutions.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>2.4.2003 A further summons has been issued for breach of the Enforcement Notice. Case listed at Cambridge Magistrates Court 30th April 2003.</p> <p>2.7.2003 Case adjourned to 18th June 2003. A verbal update will be given.</p> <p>1.10.2003 Case adjourned to November.</p> <p>7.1.2004 On 11th November 2003 the defendants appeared before Cambridge Crown Court. They pleaded guilty and were convicted as follows: 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. The situation will be monitored and a timescale agreed once the planning application has been determined.</p> <p>7.4.2004 Awaiting determination of planning application S/2285/03/F.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>7.7.2004 No change.</p> <p>6.10.2004 Planning application S/2285/03/F approved on 16th August 2004. Conditions have been imposed which are subject of further consultation.</p> <p>5.1.2005 Negotiations continue.</p> <p>6.4.2005 Waiting for response to meeting held on 14th March 2005.</p> <p>6.7.2005 Legal Office requested to proceed with further prosecution.</p>
<p>12/02 B/1/45/72 & S/1230/02/F The Stables Chesterton Fen Road MILTON</p>	<p>Unauthorised mobile home for residential use.</p>	<p>Development and Conservation Control Committee 7th August 2002. – Item 7</p> <p>Members authorised:-</p> <ol style="list-style-type: none"> 1. The issue of an Enforcement Notice to cease using the land for the stationing of a mobile home and associated hardstanding. 2 A compliance period of 6 months to comply with the Notice. 3. Prosecution in the Magistrates Court if the Enforcement Notice is not complied with and subject to reconsideration of all material factors. 	<p>2.10.2002 File submitted to Legal Department for issue of Enforcement Notice.</p> <p>8.1.2003 Enforcement Notice issued 5th September 2002 to take effect on 20th October 2002. Enforcement Notice appealed Date fixed for 8th April 2003.</p> <p>2.4.2003 No change.</p> <p>2.7.2003 7th May appeal dismissed. Compliance date 7th November 2003.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>1.10.2003 No change. Compliance date 7th November 2003.</p> <p>7.1.2004 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 use of the site as a tropical plant nursery.</p> <p>7.4.2004 Prosecution file submitted to Legal Office. An appeal against non-determination of S/1934/03/F has been listed for 7th September 2004.</p> <p>7.7.2004 No change.</p> <p>6.10.2004 Awaiting outcome of appeal heard on 7th September.</p> <p>5.1.2005 Appeal dismissed on 21st October 2004. Legal requested to proceed with prosecution for breach of enforcement notice.</p> <p>6.4.2005 Legal Office requested to proceed with prosecution for breach of Enforcement Notice.</p> <p>6.7.2005 Prosecution adjourned to 5th September at Cambridge Magistrates Court.</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 2nd October. Item 11.</p> <p>Members authorised:</p> <ol style="list-style-type: none"> 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. 2. Should an Enforcement Notice be issued a six month compliance period. 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>8.1.2003 Interviews with occupiers of land have commenced.</p> <p>2.4.2003 No change.</p> <p>2.7.2003 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> <p>1.10.2003 Planning applications S/0903/03/F and S/0931/03/F refused. Appeal lodged.</p> <p>7.1.2004 Inquiry listed for 9th March 2004.</p> <p>7.4.2004 Awaiting outcome of appeal.</p> <p>7.7.2004 No change.</p> <p>6.10.2004 Appeal dismissed on 1st July 2004. Now subject to a Judicial Review. No date fixed.</p> <p>5.1.2005 Awaiting outcome of Judicial Review.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>6.4.2005 Judicial Review dismissed. Currently considering options for dealing with the breach of the Enforcement Notice.</p> <p>6.7.2005 No change</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, mains electricity connections, accesses and hardstandings.</p>	<p>At Development and Conservation Control Committee 2nd October 2002 Section 4 Travellers in Swavesey Members were informed that under delegated powers Enforcement Notice E454 which takes effect on 30th October 2002 with a compliance period of one month and Stop Notices E454A and E454B had been issued.</p> <p>Members authorised proceedings in the Magistrates Court against the occupiers of the land.</p>	<p>8.1.2003 The case was adjourned at Cambridge Magistrates Court on 4th December 2002 to 17th February 2003.</p> <p>2.4.2003 Appeal against Enforcement Notices withdrawn.</p> <p>Appeal against refusal of planning permission for S/1966/02/F to S/1973/02/F continues. Appeal date fixed for 30th April 2003. The compliance period for the Enforcement Notices extended to 6 months and take effect on 20th July 2003.</p> <p>Proceedings in the Magistrates Court adjourned to 16th April.</p> <p>2.7.2003 Appeal against planning permission dismissed on 19th May 2003. Proceeding in the Magistrates Court for breach of Stop Notice adjourned to 25th June 2003.</p> <p>1.10.2003 Challenge to Inspector's decision being made to the High Court by the owners.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>Prosecution for breach of Stop Notices adjourned pending outcome.</p> <p>7.1.2004 Appeal allowed by High Court. Case referred back to Planning Inspectorate to reconsider.</p> <p>7.4.2004 No date yet fixed for new appeal.</p> <p>7.7.2004 Public Inquiry on 16th June 2004.</p> <p>6.10.2004 Appeal dismissed on 22nd July 2004. Needs audit to be completed. Subject of a Judicial Review in relation to the issue of Stop and Enforcement Notices.</p> <p>5.1.2005 20th October 2004 owners prosecuted for contravening Stop Notices. All were given a conditional discharge with £40 costs.</p> <p>6.4.2005 Currently considering options for dealing with the breach of the Enforcement Notice.</p> <p>6.7.2005 No change</p>
<p>8/03 B/1/45/20 Land between Setchell Drove and Water Lane Smithy Fen</p>	<p>Material change of use of land – forming an earth bund, laying hardcore and hardstanding</p>	<p>Delegated authority to take Stop and Enforcement action. Reported to Development and Conservation Control Committee 2nd April 2003 – Item 9. Stop Notice E461A issued 20th March 2003.</p>	<p>2.7.2003 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>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
COTTENHAM (B Land)		Enforcement Notice E461 issued 19 th March 2003 to take effect on 30 th April 2003. Compliance period 3 months – 30 th July 2003.	<p>1.10.2003 Enforcement appeal hearing on 14th October 2003. Stop Notice E461D and Enforcement Notice E461C issued 29th August 2003 prohibiting the use of the land for the stationing of caravans/mobile homes for residential purposes.</p> <p>Stop Notice took effect 5th September 2003. Enforcement Notice takes affect on 30th September 2003 with a 3 months compliance period.</p> <p>Site visit on 8th September 2003 confirmed that there were caravans on site in breach of the Stop Notice. Investigations commenced.</p> <p>7.1.2004 On 18th November 2003 appeal dismissed. Compliance date 18th February 2004. Appeal outstanding on Enforcement Notice E461C. Listed for hearing on 10th February 2004. There were no caravans on this site on 5th December 2003.</p> <p>7.4.2004 Appeal Inquiry pending. Date not fixed.</p> <p>7.7.2004 Appeal inquiry listed for 20th July 2004.</p> <p>6.10.2004 Appeal inquiry adjourned on 23rd July to 23 November 2004.</p> <p>5.1.2005 Awaiting outcome of appeal.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p>9/03 B/1/45/20 Land between Setchell Drove and Water Lane COTTENHAM (G 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 enforcement action. Reported to Development and Conservation Control Committee 2nd April 2003 – Item 9. Enforcement Notice E459 issued 19th March to take effect 30th April 2003. Compliance period 3 months – 30th July 2003.</p>	<p>6.4.2005 Appeal dismissed 11th March 2005. Compliance date 11th June 2005.</p> <p>6.7.2005 Failed to comply with Enforcement Notice which took effect on 11th June 2005.</p> <p>11.6.2005. Appropriate legal action being taken, in preparation of serving an injunction.</p> <p>2.7.2003 Enforcement Notice appealed. Hearing on 14th October 2003. Planning application S/0377/02/F refused on 13th March 2003.</p> <p>1.10.2003 Refusal of planning permission and Enforcement Notice appealed. Hearing on 14th October 2003.</p> <p>7.1.2004 On 18th November 2003 appeal dismissed. Compliance date 18th February 2004.</p> <p>7.4.2004 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 20th July.</p> <p>7.7.2004 Appeal inquiry listed for 20th July.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p>10/03 B/1/45/20 Land at Plot 2 and R/O Plot 3 Setchell Drove COTTENHAM</p>	<p>Material change of use of land as a residential caravans site ancillary provision of drains and construction of access and hardstandings</p>	<p>Delegate authority to take enforcement action. Reported to Development and Conservation Control Committee 2nd April 2003 – Item 9.</p> <p>Stop Notice E353N issued 19th May 2003 took effect 25th May 2003. Enforcement Notice E353N issued 19th May 2003 takes effect 30th June 2003.</p>	<p>6.10.2004 Appeal Inquiry adjourned 23rd July to 23rd November 2004.</p> <p>5.1.2005 Awaiting outcome of appeal.</p> <p>6.4.2005 Appeal against non-determination of planning permission dismissed on 11th March 2005. Site now subject of Enforcement Notice E459.</p> <p>6.7.2005 Appropriate legal action being taken in preparation of serving an injunction.</p> <p>2.7.2003 Enforcement Notice appealed. Stop Notice not complied with. Prosecution file being prepared.</p> <p>1.10.2003 Planning application S/1020/03/F refused 26th June 2003. Appeal against refusal of planning permission and Enforcement Notice. Hearing on 4th November 2003.</p> <p>7.1.2004 Hearing moved to 29th January 2004.</p> <p>7.4.2004 Appeal allowed. Legal to update about possible legal grounds to challenge Planning Inspector's decision.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>7.7.2004 Subject of an appeal by the Council to the High Court against the Planning Inspector's decision.</p> <p>6.10.2004 Subject to a Judicial Review. No date fixed.</p> <p>5.1.2005 Awaiting outcome of appeal.</p> <p>6.4.2005 Case to be re-determined by the Planning Inspectorate. Date not yet fixed for hearing.</p> <p>6.7.2005 Public inquiry listed for 12th July 2005.</p>
<p>15/03 B/1/45/20 Land to rear of Plots 3, 4 and 5 Setchel Drove COTTENHAM</p>	<p>Material change of use of land as a residential caravan site.</p>	<p>Breach of Planning Enforcement Notices E353B, E353C and E353D issued 9th June 1999.</p> <p>Enforcement Notice E498 issued on 7th February 2005 requires the following:</p> <ol style="list-style-type: none"> 1. Cease the use of the site for the stationing of residential caravans. 2. Remove the caravans, sheds and ancillary structures from the site. 3. Remove the hard surfacing. 4. Rip up and break up the ground of the site. 	<p>1.10.2003 File submitted to Legal Office for breach of Enforcement Notices.</p> <p>7.1.2004 No change.</p> <p>7.4.2004 No change.</p> <p>7.7.2004 Site now known as Victoria View. Planning application S/0761/04/F currently being determined.</p> <p>Injunction issued 4th May 2004 which took effect 4th June 2004.</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	5. Cease to use the access used for the purposes of accessing the site for the use of stationing residential caravans. Delegated authority given to issue an Enforcement Notice to remove the mobile home from the site.	<p>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 4th June confirmed that there was a breach of the injunction committal proceedings listed at Cambridge County Court on 16th July.. Legal Officer will give an update.</p> <p>6.10.2004 Resolved to ensure compliance by means of direct action and prosecution. Summons issued listed for hearing at Cambridge Magistrates Court on 29th September 2004.</p> <p>5.1.2005 Subject of a Judicial Review. Update to be given by the Legal Officer.</p> <p>6.4.2005 Judicial review withdrawn. Enforcement Notice E498 issued on 7th February 2005. Enforcement Notice appealed. Date not yet fixed.</p> <p>6.7.2005 Public inquiry for 12th July 2005.</p> <p>7.1.2004 File submitted to Legal Office for issue of Enforcement Notice</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>7.4.2004 Enforcement Notice P246A issued 17th December 2003. Subject of an appeal provisionally arranged for 14th July.</p> <p>7.7.2004 Appeal adjourned pending outcome of planning application S/1018/04/F.</p> <p>6.10.2004 Appeal inquiry listed for 16th November 2004.</p> <p>5.1.2005 Appeal withdrawn. Enforcement Notice takes effect on 20th April 2005.</p> <p>6.4.2005 Site to be checked after 20th April 2005 for compliance of Enforcement Notice.</p> <p>6.7.2005 Enforcement Notice complied with Removal from active list.</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>7.1.2004 Case listed at Cambridge Magistrates Court on 10th December 2003. Case adjournment to 17th December 2003. A verbal update will be given.</p> <p>7.4.2004 Prosecution for unauthorised work on listed building. Defendant appeared at Cambridge Magistrates Court on 28th January 2004.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>Fined £5,000 with £1,260 costs. Site being monitored by Conservation Department.</p> <p>7.7.2004 Listed Building Enforcement Notice E475 issued on 23rd March 2004 for unauthorized work. Compliance period 3 months from 23rd April 2004. Takes effect 23rd July 2004.</p> <p>6.10.2004 Prosecution file submitted to Legal Office for breaching Enforcement Notice.</p> <p>5.1.2005 Update to be given.</p> <p>6.4.2005 Further evidence being submitted to Legal Office by Conservation for prosecution case.</p> <p>6.7.2005 No change</p>
<p>19/03 B/1/45/51 & S/2230/03/F Land adjacent to Moor Drove Cottenham Road HISTON</p>	<p>Without planning permission carrying out operational development by the laying of hardcore roadways and septic tanks on the site.</p>	<p>Delegated authority to take Stop and Enforcement action. Stop Notice E502 issued 11th December 2003 to take effect on 15th December 2003. Enforcement Notice E502 issued 11th December 2003 to take effect on 12th January 2004. Compliance period 3 months. Injunction issued 19th December 2003</p>	<p>7.1.2004 Stop and Enforcement Notices issued</p> <p>7.4.2004 Enforcement Notices and refusal of planning permission appealed. Public Inquiry arranged for 10th August.</p> <p>7.7.2004 No change.</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>6.10.2004 Appeal Inquiry adjourned on 10th August to 14th December 2004.</p> <p>5.1.2005 No change.</p> <p>6.4.2005 Appeal hearing adjourned until 14th April 2005.</p> <p>6.7.2005 Awaiting appeal decision</p> <p>7.4.2004 File submitted to Legal Office for issue of Enforcement Notice.</p> <p>7.7.2004 Enforcement Notice E473 to be re-issued.</p> <p>6.10.2004 Enforcement Notice E473A issued. Appeal provisionally arranged for 18th January 2005.</p> <p>5.1.2005 No change.</p> <p>6.4.2005 Appeal dismissed 3rd February 2005. Enforcement Notice takes effect on 3rd August 2005.</p> <p>6.7.2005 No change</p>
4/04 S/0453/04/F 65 Eland Way Tewersham	Unauthorised building	Delegated authority given to issue Enforcement Notice to remove unauthorized building.	<p>7.7.2004 File submitted to Legal Officer for issue of Enforcement Notice.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		<p>Enforcement Notice E449 issued 16th July 2004 and took effect on 18th August 2004. Compliance period 3 months.</p>	<p>6.10.2004 Enforcement Notice appealed.</p> <p>5.1.2005 Awaiting appeal decision.</p> <p>6.4.2005 Enforcement Notice appealed.</p> <p>6.7.2005 Approval dismissed compliance date 14th October 2005.</p>
<p>8/04 B/1/45/33 Berry House 33 High Street Waterbeach</p>	<p>Erection of fence within the curtilage of a listed building.</p>	<p>Delegated Authority. Enforcement Notice E490 issued 19th July 2004 to take effect on 25th August 2004. Compliance period two months.</p>	<p>Enforcement Notice appealed.</p> <p>5.1.2005 Awaiting outcome of appeal.</p> <p>6.4.2005 Awaiting outcome of appeal.</p> <p>6.7.2005 No change</p>
<p>9/04 B/1/45/88 Land adj Cow Fen Drove Swavesey</p>	<ol style="list-style-type: none"> 1. Stationing of caravans for residential use without planning permission. 2. Unauthorised erection of a temporary stable. 3. Material change of use of land for breeding dogs. 	<p>Delegated Authority. Stop Notice and Enforcement Notice E485B issued 17th August 2004. Stop Notice for residential use of caravans took effect on 7th September 2004. Enforcement Notice E485A issued 17th August 2004.</p> <p>The following to take effect on 17th September 2004:</p> <ol style="list-style-type: none"> 1. To cease to bring any further caravans onto the land. 	<p>6.10.2004 Verbal update to be given.</p> <p>5.1.2005 Enforcement Notice appealed.</p> <p>6.4.2005 Awaiting outcome of appeal.</p> <p>6.7.2005 No change.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<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>2. Not to replace any caravan removed from the land. 3. To cease to bring any further vehicles not associated with agriculture or items ancillary thereto onto the land. 4. Not to replace vehicles associated with agriculture removed from the land. 5. Cease the use of the land for the stationing of residential caravans. 6. Remove all unauthorized caravans from the land and any associated work. The following to take place on 17th December 2004: 7. Cease to use the land for the stationing of vehicles not associated with agriculture and any commercial activity concerning the breeding of dogs. 8. Remove from the land any vehicles not connected with agriculture.</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>5.1.2005 File submitted to Legal Office for issue of Enforcement Notice. 6.4.2005 Enforcement Notice appealed. 6.7.2005 No change</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
11/04 B/1/45/ S/0445/04/F 43A High Street Landbeach	Material Change of Use of land for residential garden land. Unauthorised structures.	At development and Conservation Control Committee, 7 th July, Item 9, Members authorised:- 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>5.1.2005 Enforcement Notice E484 issued 28th September 2004. Compliance period 3 months to take effect 3 November 2004. Enforcement Notice appealed.</p> <p>6.7.2005 Awaiting outcome of appeal.</p>
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>5.1.2005 Enforcement Notice E483 issued 20th October 2004. Compliance period 3 months, to take effect 30th November 2004. Enforcement Notice appealed.</p> <p>6.4.2005 Appeal hearing listed for 14th June 2005.</p> <p>6.7.2005 Awaiting outcome of appeal</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
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"> 1. Remove all caravans/mobile homes and sheds from the land. 2. Cease to use the land as a residential caravan site. 3. Take up all drains and other services, grub up all accesses and hardstandings. 4. Restore the land to its condition before the breach of planning control took place. 	<p>5.1.2005 Enforcement Notice E489A and Stop Notice E489B issued on 10th November 2004. Compliance period for Enforcement Notice, one month, to take effect on 29th December 2004. The Stop Notice takes effect on 17th November 2004.</p> <p>6.4.2005 Enforcement Notice appealed.</p> <p>6.7.2005 No change</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 3rd November 2004. Item 26 Members authorised:</p> <ol style="list-style-type: none"> 1. The issue of an Enforcement Notice to remove the storage container from the land. 	<p>5.1.2005 Enforcement Notice E491 issued on 16th November 2004. Compliance period for Enforcement Notice, two months, to take effect on 23rd December 2004.</p> <p>6.4.2005 Planning application being submitted to re-site container.</p> <p>6.7.2005 Planning application S/0746/05/F to re-site container approval. Container to be repositioned by 18th July 2005.</p>
15/04 B/1/45/97 S/1585/04/F Land adjacent to 12 The Common West Wrattling	Unauthorised extension to Hardstanding.	<p>At Development and Conservation Control Committee on 6th October 2004. Item 32 Members authorised:</p> <ol style="list-style-type: none"> 1. The issue of an Enforcement Notice to remove 	<p>5.1.2005 Negotiations continuing with the Planning Officer regarding what area of the hardstanding could be considered as permitted development.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		the unauthorised Hardstanding.	<p>6.4.2005 Planning application being submitted to resolve issue.</p> <p>6.7.2005 Planning application S/0766/05/F refused 6th June 2005. Enforcement file to be prepared.</p>
<p>16/04 B/1/45/60 S/2153/04/F 2 Manor Farm Barns and Land Adjoining Cockhall Lane Litlington</p>	<p>Without planning permission the material change of use of land to garden land and the erection of a garden room.</p>	<p>At Development and Control Committee on 1st December 2004, Item 8, Members authorised:</p> <p>1. The issue of an Enforcement Notice to remove the unauthorised garden room.</p>	<p>5.1.2005 Negotiations continuing with the Planning Officer regarding the submission of further site plans, before formal enforcement action is taken.</p> <p>6.4.2005 Negotiations continue.</p> <p>6.7.2005 File submitted to Legal Office for issue of an Enforcement Notice.</p>
<p>17/04 B/1/45/32 S/1533/03/F 6 Honey Hill Gamlingay</p>	<p>Unauthorised erection of a gate and supporting posts.</p>	<p>Delegated authority given to issue an Enforcement Notice to remove the unauthorised gate and supporting posts.</p>	<p>5.1.2005 File submitted to Legal Office for issue of an Enforcement Notice.</p> <p>6.4.2005 Enforcement Notice appealed.</p> <p>6.7.2005 No change.</p>
<p>18/04 The Orchard Smithy Fen Cottenham</p>	<p>Stationing of Caravans without planning permission. Unauthorised</p>	<p>Delegated authority given to take enforcement action. Enforcement Notice E495A issued on 22nd December 2004 to take effect on 30th January 2005. Compliance period 3 months.</p>	<p>6.4.2005 Enforcement Notice appealed.</p> <p>7.7.2005</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
	engineering works.		No change
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 th February 2005. Takes effect on 15 th March 2005. Compliance period 2 months.	6.4.2005 Enforcement Notice took effect on 15 th March 2005. Site to be checked after 15 th May 2005 for compliance. 6.7.2005 Enforcement Notice complied with remove from active list.
3/05 B/1/45/85 Land adjacent to Hilltrees Babraham Road Stapleford	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.	Delegated authority given to issue an Enforcement Notice to remove the unauthorised use for storage purposes. Enforcement Notice E489 issued on 23 rd February 2005 together with Stop Notice. Stop Notice took effect on 5 th March 2005. Enforcement Notice takes effect on 31 st March 2005. Compliance period 2 months.	6.4.2005 Enforcement Notice takes effect on 31 st March 2005. 6.7.2005 Enforcement Notice appealed.
4/05 B/1/45/9 Poplar Farm Poplar Farm Drive Bassingbourn	Unauthorised Material Change of use of land - operating a road making and ground engineering business from the land	Delegated authority given to take enforcement Notice E503 issued 6 th April 2005 to take effect on 17 th May 2005. Compliance period 2 months	6.7.2005 Enforcement Notice appealed
5/05 Unit 135 Cambridge Road Milton	Unauthorised use of part of warehouse as a showroom for retail sales	Delegated authority given to take enforcement action. Enforcement Notice E501 issued 6 th April 2005 to take effect on 22 nd May 2005. Compliance period 2 months	6.7.2005 Enforcement Notice appealed

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
6/05 S/2490/04/F Threeways 2 Denny Road Waterbeach	Unauthorised Garage with studio	Development and Conservation Control Committee - 2 nd March 2005. Item 11 Members authorised. This issue of an Enforcement Notice to demolish the garage. Enforcement Notice W502 issued 6 th April 2005 to take effect 16 th May 2005 compliance period 3 months.	6.7.2005 Enforcement Notice approved
7/05 S/0285/05/F The Crown and Punchbowl High Street Horningssea	Unauthorised fencing	Development and Conservation Control Committee - 6 th April 2005 - Item 22 Members authorised. The issue of an Enforcement Notice E503 issued 27 th April 2005. Enforcement Notice to take effect 30 th May 2005. Compliance period 3 months.	6.7.2005 Enforcement Notice appealed
8/05 S/0204/05/F 1 Woollards Lane Great Shelford	Unauthorised windows in rear of garage	Development and Conservation Control Committee 6 th April 2005 - item 8. Members authorised enforcement action for the removal of two windows in the garage. Enforcement Notice E504 issued 27 th April 2005 to take effect 30 th May 2005. Compliance period one month.	6.7.2005 Enforcement Notice takes effect 30 th June 2005.
9/05 B1/45/31 The Warehouse Unit 2 Station Yard Fulbourn	Material changes of use of buildings for public entertainment	Delegated authority given for the issue of a Stop and Enforcement Notice for the use to cease. Stop Notice and Enforcement Notice E505 issued 1 st June 2005. Stop Notice took effect on 2 nd June and the Enforcement Notice on 30 th June 2005.	6.7.2005 Verbal update to be given.
10/05 S/0124/05/F 6A Dale Way Sawston	Unauthorised extensions to bungalow	Development and Conservation Control Committee 6 April 2005 - Item 16. Members authorised Enforcement action for unauthorised development.	6.7.2005 File submitted to Legal Office for the issue of an Enforcement Notice.

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
11/05 S/0312/05/F Land adjacent 112 Old North Road Bassingbourn	Unauthorised extensions to dwelling	Development and Conservation Control Committee 6 th April - Item 29. Members authorised enforcement action for unauthorised development	6.7.2005 Negotiations ongoing to resolve issue.
12/05 S/6283/05/F 17 The Maltings Cambourne	Material changes of use of building for office use	Development and Conservation Control Committee 6 th April 2005 - item 31. Members authorised enforcement action for the use to cease.	6.7.2005 Awaiting issue of Decision Notice

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

6th July 2005

AUTHOR/S: Finance and Resources Director

Tree Preservation Order – Willingham

Recommendation: To confirm without modification

Purpose

1. To review Tree Preservation Order no.03/05/SC, made under delegated powers at Manor Farm, High Street, Willingham..

Effect on Corporate Objectives

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

Background

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

Considerations

4. Tree Preservation Order 03/05/SC was made on 24th January 2005. A plan is attached at **Appendix 1** and the Schedule at **Appendix 2**.
5. The Council made the Tree Preservation Order because the two individual Ash trees are sky line trees, and both require specific consideration in the context of a current planning application for development of the site.
6. The statutory period for the registering of objections to the Order ended on 25th February 2005. There were no objections.

Options

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

Financial Implications

8. There are no financial implications.

Legal Implications

9. There are no legal implications.

Staffing Implications

10. There are no staffing implications.

Risk Management Implications

11. There are no risk management implications.

Conclusion

12. TPO number 03/95/SC remains provisionally in force until 23rd July 2005.. By confirming it now, the Council will ensure that the Tree Preservation Order remains in force beyond that date.

Recommendations

13. It is **recommended** that Tree Preservation Order 03/05/SC in Willingham be confirmed without modification..

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

- Tree Preservation Order no. 03/05/SC In Willingham and the relevant file maintained by the Trees and Landscape Section
- Letter dated 8th November 2004 from Willingham Parish Council

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

First Schedule
03/05/SC - Willingham

<u>N° on Map</u>	<u>Description</u>	<u>Situation</u>
<u>Individual Trees</u> (Circled in black on the map)		
T1	Ash	Situated on the North Eastern corner of Manor Farm, High Street, Willingham
T2	Ash	Situated to the north side of Manor Farm farm house.

Areas of Trees
(Within a dotted black line on the map)

NONE

Groups of Trees
(Within a broken black line on the map)

NONE

Woodland
(Within a solid black line on the map)

NONE

This page is intentionally left blank