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27 September 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, 5 OCTOBER 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.)

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2. MINUTES To authorise the Chairman to sign, as correct records, the Minutes of the meetings held on 13 May (not previously formally confirmed), 3 August and 7 September 2005.	
3. MEMBERSHIP OF COMMITTEE To note the resignation of Councillors Mrs EM Heazell and D Morgan from the Development and Conservation Control Committee.	
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To consider making a Tree Preservation Order at Pierce Lane, Fulbourn.

Appendix 1 (site plan) is available as hard copy only.

EXCLUSION OF PRESS AND PUBLIC

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

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

PLEASE NOTE!

Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Planning Director.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1528/05/F - Sawston

Change of Use from Public House and Restaurant to Public House, Restaurant and Takeaway (Classes A3, A4 and A5) at The Black Bull, 98 High Street for Punch Taverns

Recommendation: Approval

Date for determination: 29th September 2005

Conservation Area**Site and Proposal**

1. The application relates to a Grade II listed public house/Indian restaurant in the High Street. There is a car park to the rear of the building accessed via a 5 metre wide approximately drive also serving the rear car park to the adjacent public house to the north, the White Lion. The old fire engine shed, with permission for use as an office, with a pair of dwellings (Nos. 102 and 104 High Street) behind lie to the south. There are double yellow lines on both sides of this section of High Street.
2. This full application, registered on the 4th August 2005, proposes to introduce a takeaway use to the existing pub/restaurant use. No external alterations to the building are proposed.

Planning History

3. Permission for new lavatory accommodation was granted in 1956 (**SC/0256/56**).
4. Advertisement consent for a projecting illuminated box sign was refused in 1980 (**S/2000/79/F**).
5. Listed building consent for internal alterations to reposition the bar was granted in 1985 (**S/1749/85/LB**).
6. Planning permission and listed building consent for alterations and extensions were granted in 1988 (**S/2198/87/LB** and **S/2199/87/F**).
7. Listed building consent was granted in August 2005 for the reinstatement of external door to bar area on front elevation with half glazed panelled door (**S/1317/05/LB**).

Planning Policy

8. Local Plan 2004 **Policy EM7** supports the expansion of existing employment firms in villages.
9. Local Plan 2004 **Policy TP1** seeks to promote more sustainable transport choices by, amongst other things, restricting car parking to a maximum of 1 space per 5 square metres of restaurant/public house floor space.

10. Local Plan 2004 **Policy EN26** relates to the conversion of listed buildings to new uses and states that, in judging applications for changes of use, the District Council will consider whether or not: the existing use can continue with reasonable utility or life expectancy; all other options for less damaging uses have been explored; the proposed use can take place without the necessity of extensive alterations or extensions which would be harmful to the fabric, character or setting of the building; and the proposal would harm the setting and amenity of adjacent buildings.

Consultation

11. **Sawston Parish Council** recommends refusal “The proposed takeaway facility will cause increase in litter in the surroundings, increase in traffic on an already difficult bend in Sawston High Street.”
12. **Conservation Manager** has no objections. He states that the change of use will not result in any alterations to the character of the listed building.
13. **County Council Countryside Access Team** has no objections to the proposal but points out that Public Footpath No.8, Sawston runs along the northern boundary of the site and the applicant’s attention should be drawn to the following points of law: the footpath must remain open and unobstructed at all times. The applicant must ensure that cars parked in the car park do not obstruct the line of the path at any time (it is an offence under s137 of the Highways Act 1980 to obstruct a public right of way); and no alteration to the surface of the footpath is permitted without consent (it is an offence to damage the surface of a public right of way under s1 of the Criminal Damage Act 1971).
14. **Ramblers’ Association** is concerned to ensure that Public Footpath No.8, Sawston is not obstructed by materials, debris, lorries etc during construction, the surface of the path is not disturbed by increased traffic to the site and any signage is not obstructed or damaged.
15. **Chief Environmental Health Officer** states that he has received a complaint of odour from the Indian restaurant since the change in the type of food being cooked. As the cooking of Indian food provides such a pungent aroma from the kitchen extract, he suggests that a condition is included to actively remove the odour from the extract air or by the use of grease and charcoal filters or similar approved filtration.

Representations

16. Three letters of objection have been received from residents of 1 Prince William Way, The Green Road and 84 High Street on the following grounds:
- a) Litter;
 - b) Noise;
 - c) Increased pollution/smell;
 - d) More traffic coming into and out of the access on a bad bend;
 - e) Proposal will result in illegal on-street parking in High Street and thereby highway dangers;
 - f) Another takeaway is unnecessary;
 - g) It is not safe for takeaway customers to collect takeaway meals in an environment where there are drunkards; and
 - h) Takeaways from pubs is the beginning of the end of the community way of life.

Planning Comments – Key Issues

17. Until April of this year, the introduction of a takeaway use into an existing public house/restaurant would not have required a planning application. Until then, public houses, restaurants and takeaways were all classified as Use Class A3 (Food & Drink). In April, an amendment to the Use Classes Order sub-divided Use Class A3 into Use Classes A3 (Restaurants and Cafes), A4 (Drinking Establishments) and A5 (Hot Food Takeaways). As a result of this change, an application is now required to introduce a takeaway use.
18. The main issues relating to this application are: traffic/parking; noise and odours; and litter.
19. Based on the Local Plan maximum parking standards, the existing use requires a maximum of 15 parking spaces. The existing car park is not marked out but a plan submitted in support of the application purports to show 22 spaces, although the indicated layout is not workable in that some of the spaces are not large enough for a vehicle and/or you could not manoeuvre into or out of some of the spaces. In practice, something like 20 spaces are available. Parking on High Street, even for a short period, would be of concern. Whilst this could be enforced against in theory (there being double yellow lines along both sides of this section of High Street), it is unrealistic to think it would be enforced 24 hours a day. The site is located close to the village centre and there is some spare capacity within the existing car park in terms of Local Plan standards. However, in view of concerns about possible parking on High Street, I consider that a temporary consent would be appropriate to enable the impact to be assessed.
20. There is already a restaurant use operating from the premises. However, the introduction of a takeaway use is likely to lead to a more intensive use of the kitchen. In view of the comments of the Chief Environmental Health Officer, whilst I do not consider them to be reason to refuse the application, I consider that a temporary consent would be appropriate to enable any additional odour to be assessed. It would also be appropriate to attach a condition requiring the agreement and implementation of an improved filtration system to any permission. A temporary consent would also enable the impact in terms of any additional noise to be assessed and the consideration of any subsequent application for a permanent permission advised by experience. The same applies with litter.
21. The concerns of the County Council Countryside Access Team and the Ramblers' Association can be covered by informatives.

Recommendations

22. Approval
 1. Standard Condition 4 – Temporary Permission until 31st October 2006 (Reason C - To enable the impact of the development on highway safety and the amenity of neighbours to be assessed.)
 2. There shall be no takeaway sales from the premises other than between the hours of 0800 to 2300 Monday to Saturday and 0800 to 2230 Sundays – RC To protect the amenity of neighbours.

3. Before the use, hereby permitted, commences, a scheme of air filtration shall be submitted to and approved in writing by the Local Planning Authority; the approved scheme shall be implemented and thereafter maintained before the use commences - RC To protect the amenity of neighbours in respect of odours.

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: EM7 (Expansion of Existing Employment Firms in Villages), TP1 (Planning for More Sustainable Travel) and EN26 (Conversion of Listed Buildings to New Uses)

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: litter; noise; pollution/smell; highway safety; need for another takeaway; safety of customers; and impact on the community way of life.

Informative

An acceptable scheme in relation to Condition 3 would be the use of grease and charcoal filters or similar approved filtration.

Cambridgeshire County Council Countryside Services Team Informatives

The footpath must remain open and unobstructed at all times. The applicant must ensure that cars parked in the car park do not obstruct the line of the path at any time (it is an offence under s137 of the Highways Act 1980 to obstruct a public right of way).

No alteration to the surface of the footpath is permitted without consent (it is an offence to damage the surface of a public right of way under s1 of the Criminal Damage Act 1971).

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

South Cambridgeshire Local Plan 2004
Planning file Refs: SC/0256/56, S/2000/79/F, S/1749/85/LB, S/2198/87/LB, S/2199/87/F, S/1317/05/LB and S/1528/05/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

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

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

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

Sawston Hall, Church Lane, Sawston, for Adrian Critchlow

Recommendation: Members are asked to reconsider the applications in light of the contents of this report

Dates for determination: 24th November 2004/5th January 2005

DEPARTURE APPLICATION, AFFECTS GRADE I LISTED BUILDING AND CONSERVATION AREA

Members visited the site on Monday 4th April 2005.

Update

1. At the 6th April meeting of this Committee, Members were minded to approve both applications. The relevant minute is as follows:
2. "The Committee was minded to approve the application subject to the proposal being referred to the Secretary of State and not being called in by him for determination, for the reasons set out in the report from the Director of Development Services and subject to the Conditions referred to therein other than Condition 6 under paragraph 112 (to be deleted), with Condition 11 under paragraph 112 being expanded to require also details of any alternative cleansing tank to be agreed, an additional Condition requiring the agreement of the precise position of the crèche/laundry building, service trenches and the structural grass road providing access to the pool and treatment rooms and the prior signing of a Section 106 Agreement to ensure the whole site only operates as a single planning unit. Whilst mindful of the Local Highway Authority's latest comments, Members, having visited the site, considered that the proposal was acceptable having regard to the following matters: the proposal involved an appropriate use for, and without harm to, this important site/listed building; highway matters were carefully considered at the time of the Committee's site visit; the use would enable a degree of public access to the site; the use would provide local employment; a modest amount of new and well-conceived build was proposed; the proposal involved a number of sustainable features;

the removal of the restaurant attached to the Coach House and the link between the Hall and the Coach House would enhance the setting of the listed building; and, by not involving alterations to the listed gate piers, frontage walls or Church Lane itself, the scheme preserved the character and appearance of the Conservation Area and the character and setting of the Hall, gate piers and St Mary's Church."

3. The applications were subsequently referred to the Secretary of State and he confirmed that he did not wish to call-in either application. The listed building consent was issued on the 26th May 2005. The resolution to approve the planning application was subject to the prior signing of a Section 106 Agreement to ensure the whole site only operates as a single planning unit. The Agreement is yet to be completed and the decision notice for the planning application has not therefore been issued.
4. A copy of the report to the 6th April meeting is attached as Appendix A.

Application for Judicial Review

5. Messrs Hewitsons Solicitors are acting for Dr. Sinan Bayraktaroglu in his proposed claim for Judicial Review of the decision of the Council's Development & Conservation Control Committee dated the 6th April 2005. The most important letter is that dated the 1st August from Hewitsons.
6. Hewitsons expect the Council to reconsider the matter afresh. The grounds upon which the Solicitors rely are threefold:-
 - a) Bias
 - b) Unreasonable rejection of highways objections
 - c) Lack of evidence of justification
7. The Council's Head of Legal Services advises that Ground (a) does present the District Council with a real problem. Whilst he was not in post at the time, he has been advised that those Members of the Conservation Advisory Group attending the 6th April Committee did not declare their pre-determination (ie. bias) and took part in the discussion and voted thereon.
8. The House of Lords in the leading case of *Porter v Magill*; *Weeks v Magill* (2001) clarified the law on bias as follows:- "The question is whether the fair minded and the informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased".
9. Consequently, the current test for bias (in local authority decision making as elsewhere) is whether:
 - a) A fair minded observer
 - b) who was suitably informed, and
 - c) who having considered the facts
 - d) would conclude (ie. not might conclude)
 - e) that there was a real possibility of bias (ie. less than a real probability of bias).
10. The recent decision of *Richards J* is particularly worth noting in this context. The case is that of *Georgiou v Enfield London Borough Council* (2004). *Georgiou* concerned a challenge to decisions of the Council through its Planning Committee to grant planning consent for the erection of a mental nursing home. The Claimant was Chairman of a local business association which objected to the applications.

The Council had under its constitution set up a Conservation Advisory Group to consider and advise on a range of conservation issues. These included considering and advising the Council's Planning Committee on proposals for development referred to the CAG which (as the Court noted) could affect the character or appearance of conservation areas, ancient monuments, listed buildings or their settings as well as advising that Committee "on the preservation or enhancement of the character or appearance of heritage features, areas and their environs". Three of the Members of the Planning Committee which made the decisions in question were at a previous meeting of the CAG. Those Members had voted in support of the applications in question. The Claimant contended that participation in the decisions by Members of the Planning Committee who were also Members of the CAG gave rise to an appearance of bias so as to vitiate the decisions of the Planning Committee.

11. In these circumstances Richards J did have concerns about what happened in this case and the objective impression that it conveyed. Although the remit of the CAG was to consider only the conservation implications of the applications, its conclusions was expressed in simple terms of support for the applications without any qualification. At the meeting of the Planning Committee there was nothing said about the limited function of the CAG or about the need for those with dual membership to put aside the support expressed in the CAG and to examine all relevant planning issues before reaching the planning decision. In the circumstances the Court took the view (albeit not without a degree of hesitation) that:
12. "A fair minded and informed observer would conclude that there was a real possibility of bias, in the sense of the decisions being approached with close minds and without impartial consideration of all planning issues, as a result of the support expressed by the CAG being carried over in support for the applications in the context of the Planning Committee's decision".
13. The Council's Head of Legal Services has therefore concluded, following consultation with his colleague solicitor in the office, that a Judicial Review of this decision is likely to succeed. To seek to defend this proposed claim would, in his opinion be an unnecessary use of public funds, use scarce staff resources and in any event any such defence would be unlikely to succeed.
14. In accordance with the Council's Constitution at Article 14.03 the rules and procedure in respect of legal proceedings brought by and against the Council are set out in Part 4 thereof. In particular, Paragraph 2.4, "Head of Legal Services shall have discretion at any time or stage of proceedings to compromise them but shall have regard to any views of the instructing Chief Officer". It is confirmed that the Head of Legal Services consulted accordingly with the Director of Development Services.

Advice from Head of Legal Services

15. The Head of Legal Services has therefore advised that this report to the Council's Development & Conservation Control Committee be prepared on both the planning application and the listed building application. Members of the Council's Conservation Advisory Group will be invited to withdraw from the meeting and take no part in the discussion or voting thereon. The remaining Members are asked to reconsider the applications based on the information contained in the original report, their assessment on site and the contents of this report and appendices.

Consultation update as reported verbally at the April meeting

16. In response to the highway objections received on behalf of the objectors at Spring Cottage, the **Local Highway Authority** (LHA) stated:
- a) The drawings supplied by the developer show that they intend to achieve a visibility splay of 40m in either direction, however it is evident that this is not achievable on the ground currently. If these splays are unable to be delivered by the developer, for whatever reason, then this proposal would not be acceptable.
 - b) The gateways distance of 4.5m from the carriage is not considered an issue as they will be open permanently. However, the distance between the existing gates themselves is not adequate to allow safe entry and exit and would result in vehicles having to wait in Church Lane to enter.
 - c) Two personal injury accidents have been recorded in Church Lane (2000 and 2003). There have been no other accidents involving vehicles or pedestrians in the past 5 years in Church Lane. This is within the context of the site operated as a Language School. During this time the data from the applicant shows that there were up to 694 daily pedestrian trips and 80 daily vehicle trips.
 - d) The developer is required to deliver a scheme to improve pedestrian access along Church Lane.
17. At the 6th April meeting, the case officer explained that the plans the LHA had originally commented upon showed unachievable 40m visibility splays. An amended plan has been received, date stamped 25th May 2005, which accurately shows the available visibility.
18. **English Nature** confirmed that it does not require any further information before the applications are determined but recommends a condition be attached to any approval requiring details of the proposed reedbed and any alternative cleansing tank to be agreed together with assurances that there will be no nutrient enrichment or pollution threat to the SSSI.

Representations by Agent as reported verbally at the April meeting

19. In response to the Trees & Landscape Officer's concerns, the agents have suggested that, notwithstanding the details shown upon the submitted plans, precise details of the position of the laundry building, roads and the service trench be controlled by condition and subsequently agreed with the Trees & Landscape Officer.

Representations by Solicitors on behalf of occupiers of Spring Cottage as reported verbally at the April meeting

20. Your officers received a copy of a letter sent to all Members of this Committee prior to the 6th April meeting asking Members to refuse the application and highlighting three particular concerns, namely, the Green Belt, highways and access matters and enabling development.

Officer Comment update as reported verbally at the April meeting

21. Whilst the required access width could be achieved by widening the currently available access width without having to affect the existing gate piers themselves, as the gate piers are listed, this would require listed building consent.

22. Perhaps more problematical is the visibility splays recommended by the Local Highway Authority which are more difficult to achieve. Whilst the originally submitted plans indicated visibility splays of 40m in both directions, the highway objections report states that only 30.4m is available to the west and 9.1m to the east. Having visited the site, it seems to me that the figures stated in the objector's highway report are likely to be accurate. Members attending the Committee site visit will have seen the available visibility themselves when exiting the site on Monday 4th April.
23. In view of the Local Highway Authority's comments, at the 6th April meeting officers recommended that the application be deferred to enable further discussions to take place with the Local Highway Authority and applicant.
24. In response to the letter sent to all Members of this Committee from the Solicitors representing the occupiers of Spring Cottage, the case officer made the following additional comments:
 - a) The new build development is not necessarily required to secure the restoration of the Hall but rather to secure the medium and long-term viability of the use and thereby the future of the building; and
 - b) English Heritage has not stated that the development would cause harm but rather, as stated in the report, the development of ancillary hotel accommodation within the grounds would be regrettable.
25. If Members are minded to approve the application, an additional condition to those set out in the report to the April meeting would need to be attached to the planning permission requiring the agreement of the precise position of the crèche/laundry building, service trenches and the structural grass road providing access to the pool and treatment rooms. With reference to English Nature's comments, a condition is already recommended requiring details of the reedbed in the report to the April meeting but this should be expanded to also require details of any alternative cleansing tank to be agreed.
26. At the April meeting, the Head of Legal Services also advised that any approval of the planning application should be subject to the prior signing of a S.106 Agreement to ensure the whole site only operates as a single planning unit.
27. In addition, at the meeting, the Conservation Manager drew members' attention to the areas of the report relating to "enabling development" noting that the report set out all the criteria for assessment of this issue and that these had been considered by officers and that their conclusions are noted in the report.

Further Update

28. Subsequent to the meeting, the solicitors acting for Dr Bayraktaroglu have also written to English Heritage challenging them over their consideration of the application in relation to their policy statement 'Enabling Development and the Conservation of Heritage Assets'.
29. In its response (which has been copied to the Local Planning Authority) English Heritage's Historic Buildings Inspector states: *'The policy document was produced for the guidance of Local Planning Authorities when approached by applicants seeking to carry out development departing from local plan policies which they seek to justify in terms of facilitating the conservation of historic buildings. In the case of Sawston Hall, during our consultation by SCDC the applicant made no substantial or sustained argument in those terms.'*

Furthermore, we considered the proposed use of the Hall a reasonable one and the development in the grounds relatively modest (and little different from that already established by previous permissions). When assessing the impact of the proposals on the Listed Building and its setting we consequently saw no need to consider the proposals in terms of that policy statement'.

30. The Head of Legal Services has received a letter from the solicitors acting for Dr Bayraktaroglu (dated 15th September 2005) and an accompanying letter from Peters Elworthy & Moore. A copy of both letters is attached as Appendix B. HLL Humberts Leisure's 17th March 2005 report, the conclusions of which were set out in the report to the April meeting, is attached as Appendix C.
31. At the April meeting, Members noted that visibility from the access to the east was only 9.1 metres and 30.4 metres to the west but considered that the proposal was acceptable having regard to the following matters: the proposal involved an appropriate use for, and without harm to, this important site/listed building; highway matters were carefully considered at the time of the Committee's site visit; the use would enable a degree of public access to the site; the use would provide local employment; a modest amount of new and well-conceived build was proposed; the proposal involved a number of sustainable features; the removal of the restaurant attached to the Coach House and the link between the Hall and the Coach House would enhance the setting of the listed building; and, by not involving alterations to the listed gate piers, frontage walls or Church Lane itself, the scheme preserved the character and appearance of the Conservation Area and the character and setting of the Hall, gate piers and St Mary's Church.

Recommendation

32. Members are asked to reconsider the applications based on the information contained in the original report, their assessment on site and the contents of this report and appendices.

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

Cambridgeshire & Peterborough Structure Plan 2003:

- South Cambridgeshire Local Plan 2004:
- English Heritage: Policy Statement – Enabling Development and the conservation of Heritage assets.
- Planning Policy Guidance Notes Nos. 6, 13, 15, 16 and 21 and PPS9
- Planning files referenced under Relevant Planning History heading in the 6th April 2005 report

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 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**

Background

1. Members will recall that this application was originally considered at the meeting on 6th July 2005, following a Committee site visit, where a decision was deferred to allow for the applicant to consider an alternative access to School Lane and for the submission of accurate plans. A copy of the officer's report to the 6th July meeting is attached as Appendix.
2. The applicant has subsequently amended the application to provide access to School Lane, which has also involved some alterations to the internal layout of the dwelling with some minor alterations to the elevations to reposition doors and other openings. Pedestrian visibility splays are incorporated.

Consultations

3. **Swavesey Parish Council** - recommends refusal of the amended application on the following ground: "Access point in School Lane. There are currently no other access points/driveways to properties in Priory Avenue and Carters Way development, into School Lane. Allowing this new development access from School Lane would set a precedent for future applications from other properties.

The original permission for the Carters Way/Priory Avenue development only granted permission for access within the development, not via the rear of the properties into either Gibraltar Lane or School Lane. The Parish Council considers that as all other accesses to properties in this area are either into Priory Avenue or Carters Way, a new access should not be granted into School 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."

4. **Local Highways Authority** comments "An additional residential unit in this location with attendant pedestrian traffic highlights the need for appropriate footway provision adjacent School Lane, if indeed vehicular and pedestrian access is to be gained from School Lane.

The proposed access to School Lane is rather close to the Gibraltar Lane junction, therefore it is my view that it would be preferable for access to be gained from Gibraltar Lane, as near to the south eastern boundary as possible.

However, I would have to confirm that I could not sustain an objection from the highway point of view to access to School Lane, provided turning space as shown is achieved."

Representations

5. The occupier of 37 Gibraltar Lane has written outlining that they have no objections to this new proposal

Planning Comments - Key Issues

Highway Safety

6. As highlighted in the previous report to members the consent for the erection of the Priory Avenue estate did not include any conditions which precluded access onto Gibraltar Lane or School Lane. Given the lack of any condition of consent it may be possible for the owners of the site at present to construct an access as illustrated without requiring prior planning approval.
7. Although the proposed access on to School Lane is rather close to the Gibraltar Lane junction, given that parking and turning spaces have been provided which would allow vehicles to enter and leave the site in a forward gear, it would not be possible to sustain an objection to the access from a highway point of view, as highlighted by the Local Highways Authority. A condition has been recommended to ensure that adequate parking and turning is provided on site prior to the use of the dwelling commencing and subsequently permanently maintained.

Recommendation

8. Approval
 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 further 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.)
8. The permanent space to be reserved on the site for turning and parking shall be provided before the dwelling is occupied and thereafter maintained.
(Reason - In the interests of highway safety.)

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
 - **South Cambridgeshire Local Plan 2004:**
HG11 (Backland Development)
SE2 (Rural Growth Settlements)
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 File Refs: S/1000/05/F; S/1479/04/F; S/0716/83/F and C/0700/71/D

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1499/05/F - Great Abington
Agricultural Dwelling at Meadowbrook Farm, Cambridge Road for C M Baker

Recommendation: Approval
Date for determination: 27th September 2005

Site and Proposal

1. The site, which extends to 0.2 hectare/0.5 acres, and its immediate surrounds is occupied by three mobile homes (one used as a farm shop, one lived in by the applicant and the third currently vacant), a blockwork and corrugated sheeting store and adjacent roofless barn, a corrugated sheeting vehicle store, timber, scrap vehicles, machinery and timber clad storage buildings. It is well-screened from the A1307 to the west by a belt of predominantly pine trees (10-15m high). There is a group of deciduous trees to the south. Undulating countryside, including the agricultural unit, extends to the north.
2. This full application, received on the 2nd August 2005 and accompanied by a Flood Risk Assessment and Agricultural Appraisal, proposes the erection of a 15m x 7m x 6.6m high 'A-frame' two-bedroom agricultural dwelling with accommodation on two floors. The dwelling would be raised up on posts by 0.4m so that the ridge would be 7m above ground level. A 3.5m diameter wind turbine, mounted on a 30m high pole supported by 4 guy wires, to provide power for the dwelling is also proposed. The dwelling and turbine would be accessed from the existing access and drive from the A1307. The proposed finished floor level of the dwelling of 31.15m AOD is approximately 800mm above the existing ground level of the part of the site on which the dwelling is proposed, albeit the site rises to the southwest to a height of 31.15m AOD.

Planning History

3. A planning application for an agricultural dwelling and wind turbine was refused in November 2004 under reference **S/2029/04/F** for the following reason:

"South Cambridgeshire 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. Cambridgeshire & Peterborough Structure Plan 2003 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.

The site is identified within the Environment Agency's Flood Zone Maps to be at risk of flooding from the adjacent River Granta. In the absence of a Flood Risk Assessment that demonstrates that the proposed development is outside the 1 in 100 year flood plain or that any development which results in the loss of flood plain has a proposed scheme of compensatory works which prevent any loss of the 1 in 100 year flood plain due to the development, the Local Planning Authority is not satisfied that the development would not be at risk of flooding and/or would not exacerbate flooding to existing property. The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy CS5 and Cambridgeshire & Peterborough Structure Plan 2003 Policy P6/3."

4. An earlier application for an agricultural dwelling and wind turbine was withdrawn (**S/2103/03/F**).
5. Planning permission was granted for a replacement agricultural mobile home for a temporary period, expiring at the end of December 2004, in March 2002 (**S/0040/02/F**).
6. Permission for an agricultural dwelling was refused in October 2001 (**S/1527/01/F**) for the following reasons:
 1. *"The submitted supporting agricultural information indicates that the farming enterprise at Meadowbrook Farm is not sufficiently well established to either fully support a full time worker nor finance the construction of a new dwelling. As such it neither satisfies the requirements of annex 1 of Planning Policy Guidance Note 7 nor of Policy HG24 of the Deposit Draft Local Plan 1999.*
 2. *With the lack of satisfactory agricultural justification the proposed new dwelling in the countryside would be contrary to Policy SP12/1 of the Cambridgeshire Structure Plan which restricts development in the countryside to that which is essential to the effective operation of local agricultural, horticultural and other acknowledge countryside pursuits."*
7. Permission for a mobile home for a temporary period, expiring at the end of June 2001, was granted in April 1998 (**S/1760/97/F**).

Planning Policy

8. The site is within the countryside as defined in the Adopted Local Plan 2004.

Countryside policies

9. Structure Plan 2003 **Policy P1/2** states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
10. Local Plan 2004 **Policy HG16** states that, in the countryside, new dwellings will only be permitted on well established agricultural units where it can be demonstrated that there is a clear, existing functional need relating to a full-time worker, and that suitable existing buildings in the area are not available or the conversion of appropriate nearby buildings would not provide suitable accommodation. It also states that, where a new dwelling is permitted, this will be subject to a condition ensuring that the occupation will be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry or a widow or widower of such a person, and to any resident dependants.

11. **Planning Policy Statement 7 (PPS7)** 'Sustainable Development in Rural Areas' (2004) states (at paragraph 3 of Annex A) that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:
- (a) there is a clearly established existing functional need;
 - (b) the need relates to a full-time worker, or one who is primarily employed in agriculture;
 - (c) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
 - (d) the functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation; and
 - (e) other normal planning requirements are satisfied.

At paragraph 9 of Annex A, it states that agricultural dwellings should be of a size commensurate with the established functional requirement.

12. Local Plan 2004 **Policy EN3** requires that, where development is permitted in the countryside, the scale, design and layout of the scheme, the materials within it, and the landscaping works are all appropriate to the particular 'Landscape Character Area' (the East Anglia Chalk Area in this instance), and reinforce local distinctiveness wherever possible. Structure Plan 2003 **Policy P1/3** requires a high standard of design and sustainability for all new development.

Flood Risk

13. Local Plan 2004 **Policy CS5** states that planning permission will not be granted for development where the site is liable to flooding, or where development is likely to: (1) increase the risk of flooding elsewhere by materially impeding the flow or storage of flood water; (2) increase flood risk in areas downstream due to additional surface water runoff; or (3) increase the number of people or properties at risk unless it is demonstrated that these effects can be overcome by appropriate alleviation and mitigation measures and secured by planning conditions or planning obligation providing the necessary improvements which would not damage interests of nature conservation.
14. Structure Plan 2003 **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.

Renewable energy

15. Local Plan 2004 **Policy EN60** states that the District Council will support and encourage proposals for the use of renewable energy resources subject to other policies in the plan.
16. Structure Plan 2003 **Policy P7/7** states that proposals for generating energy from renewable energy sources such as wind will be favourably considered.

It also states that Local Planning Authorities will consider areas of search for generating energy from wind in locations that: attain adequate wind speeds; do not cause unacceptable impact on residential amenity or to the local environment; and can be efficiently connected to new or existing energy demands.

Consultations

17. **Great Abington Parish Council** recommends refusal stating “Original Application (2003) stated that 40 free range breeding sows (=approx 650 piglets per year) and acknowledged that the land was liable to flood. 2004 Application (refused by SCDC) due to flood risk. Planning Committee should see letters from Dr Arno and Dr Michison (adjoining downstream landowners) re S/2029/04/F Application. There is no mention of pigs in the current Application so NO need for onsite accommodation in the Parish Councils view. Doesn’t meet the requirement for an Agricultural Workers dwelling. REFUSE on grounds of flooding (Flood Risk Assessment does NOT tally with actual flood incidents reported by neighbours and known to the Parish Council and villagers. No longer a husbandry need for a dwelling. It is noted in the Hannah-Reed report of the possibility of further dwelling in the future. This would be absurd given the known flood risk. A property in an area of known flooding should be REFUSED. Need for a wind turbine is not proven.”
18. At the time of application S/2103/03/F, the **Ecology Officer** stated that he supports organic production, in principle, as it integrates a range of wildlife within the crop.
19. The **Chief Environmental Health Officer** raises no objections.
20. At the time of application S/2103/03/F, the **Local Highway Authority** stated that, given its previous comments on S/1527/01/F, it would be difficult to sustain an objection to the proposal on highway grounds. It did however state that the access crossing of the highway verge must be to its specification and the existing access road should be suitably surfaced to prevent mud and debris being carried onto the A1307.
21. At the time of application S/2029/04/F, the **County Council’s Senior Farms Officer** stated that, in his opinion, there is a functional need for a dwelling and, albeit only just, the proposal meets the necessary financial tests. In relation to this application, the Council’s Agricultural Consultants (Acorus) concludes that the business satisfies the key tests of PPS7 Annex A both in terms of functional requirement and financial viability. Its full comments are reproduced as an Appendix. In coming to its view, the Consultants were asked to take account of the Parish Council’s comments.
22. The **Environment Agency** has considered the submitted Flood Risk Assessment and raises no objections to the proposal subject to the imposition of conditions relating to the finished floor level of the dwelling, requiring the undercroft to be open, the removal of the mobile homes, the provision of a high level path, no ground raising and foul water drainage. A copy of the Parish Council’s comments and the letters it refers to has been forwarded to the Environment Agency. Any further comments received will be reported verbally at the meeting.
23. In relation to the wind turbine, at the time of application S/2103/03/F, the **Ministry of Defence, NATS (Navigation, Spectrum & Surveillance), Cambridge City Airport** and the **CAA’s Directorate of Airspace Policy** all raised no objections.

Representations

24. At the time of application S/2029/04/F, the Occupiers of Abington Lodge (the letters referred to by the Parish Council in its comments) objected on the following grounds: flood risk; the turbine would be an eyesore; and precedent for further turbines.

Planning Comments – Key Issues

25. The main issues in relation to this application are flood risk and whether there is a demonstrable need for an agricultural dwelling on the site. The previous application for a dwelling of the same size and design as now proposed and the wind turbine was refused on the grounds of flood risk only. The design of the dwelling is slightly unusual but is considered to be acceptable and would not seriously detract from the visual amenities of the countryside. Development Plan policies support renewable energy initiatives in principle and, given the slim line nature of the pole and guys, the limited size of the blades and the existing landscaping, I consider that the turbine would also not seriously detract from the visual amenities of the countryside. The proposal is also considered to be acceptable in terms of highway matters subject to a condition requiring the surfacing of the access crossing of the highway verge in order to prevent mud and debris being carried onto the A1307.
26. Application S/2029/04/F was refused on the recommendation of the Environment Agency on the basis that, in the absence of a Flood Risk Assessment that demonstrates that the proposed development is outside the 1 in 100 year flood plain or that any development which results in the loss of flood plain has a proposed scheme of compensatory works which prevent any loss of the 1 in 100 year flood plain due to the development, the Local Planning Authority was not satisfied that the development would not be at risk of flooding and/or would not exacerbate flooding to existing property. A Flood Risk Assessment has been submitted as part of this application and, having carefully considered it, the Environment Agency has withdrawn its objection to the proposal subject to the imposition of safeguarding conditions. The Flood Risk Assessment and survey information demonstrates that whilst the site is located within the Environment Agency's indicative low to medium risk flood zone, the majority of the site is above the Environment Agency's interpolated design flood event water level of 30.85m AOD which places the site within the low flood risk band.
27. The Council's Agricultural Consultants have also considered the functional and financial justification for the dwelling afresh and have reiterated the view expressed by the County Council's Senior Farms Officer at the time of application S/2029/04/F, namely that there is sufficient functional justification for the dwelling and the proposal meets the necessary financial tests.

Recommendation

28. 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. The finished floor level of the dwelling hereby permitted shall be 31.15m AOD unless otherwise agreed in writing by the Local Planning Authority (RC To provide a reasonable freeboard against flooding.)
6. The dwelling shall have an undercroft which shall be open at all times in line with the flood risk assessment (RC To ensure free flow of water during times of flood.)
7. The two existing mobile home on the site shall be removed from the floodplain before the occupation of the new dwelling in line with the flood risk assessment (RC To ensure that flood storage is maintained.)
8. Before commencement of the development, a high level path, details of which (to include route and levels) shall previously have been submitted to and approved in writing by the Local Planning Authority, shall be constructed from the farmstead to the A1307 in line with the flood risk assessment (RC To ensure dry pedestrian access and egress during times of flood.)
9. No ground raising shall take place within the floodplain, including spoil heaps, construction of walls, fences and/or roadways (RC To prevent loss of flood storage and flood flow across the floodplain.)
10. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme (RC To prevent the increased risk of pollution to the water environment.)
11. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants (RC The dwelling would not have been permitted unless an essential need for an agricultural worker to be resident on the site had been demonstrated.)
12. Before development commences, details of a scheme for the surfacing of the existing access crossing of the highway verge shall be submitted to and approved in writing by the Local Planning Authority; the approved scheme shall be carried out before the dwelling hereby permitted is first occupied (RC To prevent mud and debris being carried onto the A1307 in the interests of highway safety.)

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:** P1/2 (Environmental Restrictions on Development), P1/3 (Sustainable Design in Built Development), P6/3 (Flood Defence) and P7/7 (Renewable Energy Generation)
 - **South Cambridgeshire Local Plan 2004:** HG16 (Agricultural Dwellings), CS5 (Flood Protection) and EN3 (Design Standards for New Development in the Countryside)
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 for the dwelling and turbine; flood risk; visual impact of turbine; precedent for further turbines; and 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 Policy Statement 7 'Sustainable Development in Rural Areas' 2004
- Planning file Refs: S/1499/05/F, S/2029/04/F, S/2103/03/F, S/0040/02/F, S/1527/01/F and S/1760/97/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1377/05/F – Pampisford
Erection of Building (Class B1) Together With New and Reconfigured Car Parking and Landscaping at London Road for Padrino Properties Ltd

Recommendation: Approval
Date for determination: 11th October 2005 (Major Application)

Site and Proposal

1. The site, which extends to 0.6 hectares/1.4 acres, is gently undulating, grassed and rises gently to the southwest. There is a 2m high hawthorn hedge on a low bank along the London Road/east frontage, 6-8m high conifers along the southern boundary with a two-storey house with a blank gable facing the site and a veterinary surgery beyond, a 1.2-1.5m high bank along the southwest/bypass boundary. The bypass to the west is set down below the level of the site. A single storey and two-storey business units lie to the north.
2. This full application, received on the 12th July 2005, proposes the erection of a 42m x 19m approx. x 9.5m high to top of roof/10.6m high to top of plant roof (1709 square metres of gross external floor area) B1 (Business) building together with new and reconfigured car parking (77 spaces in total, 57 spaces for the proposed building and 20 spaces for the adjacent existing building) and landscaping. Cycle parking is also proposed. The building would be faced with composite panels with feature terracotta panels and would have an aluminium standing seam roof. The proposed building would be 21m from the southern boundary and 15m from the site's west/bypass boundary. The existing access onto London Road would serve the development.

Recent Planning History

3. Outline planning permission for a B1(a) and (b) building on the site, conditioned to be no higher than the height of the adjacent two-storey building, was granted in 1997 under planning reference **S/0970/96/O** and renewed in 1999 under reference **S/1716/99/O**.
4. Planning permission was refused in January 2001 under planning reference **S/2188/00/F** for the erection of a 45m x 18.5m x 9m high to top of roof/10m to top of plant room B1 building on the site. The proposed building was 12m from the southern boundary and 8m from the bypass boundary. The application was refused for the following reason:

“The application site lies within the Pampisford village framework, on a narrow wedge of land that projects into the countryside and the Cambridge Green Belt and designated as an Area of Best Landscape.”

The proposed development, by reason of the size, height and mass of the building and its proximity to site boundaries, would be highly prominent and would have a detrimental impact on the rural and open character of the area, contrary to Policies SP12/10 of the Approved Structure Plan 1995 and H6 and E8 of the Approved South Cambridgeshire Local Plan 1993 (Policies SE14 and EM7 of the Deposit Local Plan)”

5. A subsequent application, submitted under reference **S/0490/01/F**, for the erection of a 36m x 19.5m x 8.6m to top of roof/9.7m to top of plant room B1 building located 27m from the site's southern boundary and 14m from the bypass boundary was approved in June 2001.

Planning Policy

6. Structure Plan 2003 **Policy P1/3** requires a high standard of design for all new development and requires new development to be integrated with adjoining landscapes.
7. Structure Plan 2003 **Policies P2/2, P2/6 and P9/7** relate to the general location of employment, the rural economy and the selective management of employment development respectively.
8. Local Plan 2004 **Policy SE9** requires development on the edge of villages to be sympathetically designed and landscaped to minimise the impact on the countryside.
9. Local Plan **Policy EM3** sets out the limitations on the occupancy of new business premises in the District.
10. Local Plan 2004 **Policy EM6** states that, within village frameworks, planning permission will be granted for small-scale development (small-scale being considered to be development for those who employ 25 people or less) 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 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.
11. Local Plan 2004 **Policy TP1** states that the Council will seek, through its decisions on planning applications, to promote more sustainable transport choices and to reduce the need to travel, especially by car, by amongst other things, requiring the preparation of Green Travel Plans and by restricting car parking to a maximum of 1 space per 25 square metres of gross floor space.

Consultations

12. **Pampisford Parish Council** recommends refusal stating “This is a speculative application so planning policy EM3 cannot apply as we don't know the occupant. The conclusions in the applicant's letter can only be statements of opinion, not fact. This is a resubmission of an earlier plan S/0490/01/F. We note the applicant has complied with the request to consider landscaping. However, a green commuter plan does not appear to be submitted. More importantly, the building size for the new application is 24% larger than the earlier application (previous height 8.64m, now projected as 10.52m). This will have a detrimental effect on the rural character of the area and the residential amenity of Mill Farm House and the veterinary surgery. We consider the additional size out of keeping with the village.”

13. **Landscape Design Officer** states that it would be preferable if the long lines of car parking were broken up and states that the leylandii along the southern boundary, whilst not the most desirable screen, is effective. She is concerned about the lack of high screening and requests that an element of large stock trees be included (e.g. 12-14 ash and cherry trees).
14. **Chief Environmental Health Officer** recommends conditions and informatives to be attached to any approval.
15. **Environment Agency** raises no objections subject to the imposition of conditions relating to ground contamination investigation, assessment and remediation, surface water drainage, pollution control and foul water drainage. It also makes advisory comments.
16. **County Archaeology Office** consider it unlikely that advancement of this proposal would result in any significant impact upon the archaeological record and has no further comment to make.
17. **Cambs Fire & Rescue Service** asks that adequate provision be made for fire hydrants by way of S.106 Agreement or condition attached to any permission.
18. **Local Highway Authority** was consulted but no comments had been received at the time this report was compiled. Any comments received will be reported verbally.

Representations

19. Occupiers of Mill Farm House, Mill Lane, object on the grounds of the prominence of the development in the landscape due to its height and length.

Planning Comments – Key Issues

20. The main issues in relation to this application are the affect of the development on the character and appearance of the area/surrounding countryside; highway matters/parking; and the amenity of neighbours.
21. Permission has been granted for a 1432 square metre, 8.6m high to top of roof/9.7m high to top of plant room B1 building on the site under reference S/0490/01/F.
22. The currently proposed building is 6 metres longer, 0.5 metres narrower and 0.9 metres higher than the approved scheme. I have no objections to the increase in length of the building in terms of its visual impact. However, whilst the submitted 'Visual Impact Assessment' concludes that the development would not significantly affect the character and quality of the local landscape setting or cause significant disturbance to any identified visual receptors, I consider that the 0.9 metre high increase in height of the building would make it unduly conspicuous. In response to the comments of the Landscape Design Officer, I also consider that the line of parking spaces along the eastern boundary should be broken up by trees and some large stock trees should be planted, particularly along the western boundary. I conveyed these views to the agent who, having discussed the issues with the applicant, will be submitting amended plans showing the height of the building reduced to no higher than the scheme approved under reference 0490/01/F and the layout and landscaping amended to take account of the Landscape Design Officer's comments. Subject to the receipt of such plans, I consider the proposal to be acceptable in terms of the visual impact on the area and surrounding countryside.

23. Subject to no objections being raised to the proposal by the Local Highway Authority, the existing access is considered to be capable of accommodating the additional traffic that would be generated by the development and the proposed parking provision, which equates to 1 space per 25 square metres of floorspace, is acceptable. Conditions relating to a Green Commuter Plan and details of the covered secure cycle storage are recommended.
24. Subject to safeguarding conditions to reflect those attached to planning permission S/0490/01/F, I do not consider that the proposal would unduly affect the amenity of neighbours.
25. The Parish Council states that this is a speculative application so planning policy EM3 cannot apply. Local Plan Policy EM3 covers occasions when first occupiers are known and when they are not, particularly as the Local Planning Authority can rarely stipulate that a particular company occupies a building and then can only stipulate the first occupier. A condition to reflect the local user limitations set out in Policy EM3 is recommended.

Recommendation

26. Subject to the receipt of amended plans showing the height of the building reduced to no higher than the scheme approved under reference 0490/01/F, the layout amended to show the line of parking spaces along the eastern boundary broken up by trees and confirmation that some larger stock trees than indicated on the submitted Landscape Details Plan would be used:

Approval

1. Standard Condition A – Time limited permission (Reason A)
2. SC5a – Samples of materials for external walls and roofs (Rc5aii)
3. SC51 – Landscaping (Rc51)
4. SC52 – Implementation of landscaping (Rc52)
5. Sc60 – Details of boundary treatment (Rc60)
6. Standard fire hydrants condition and reason
7. 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 date of first occupation of the hereby permitted building, it shall only be used and occupied as follows:
 - (a) Offices
 - (i) normally to the provision of 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
 - (ii) to a maximum floorspace of normally 300 square metres;

and/or

(b) Research and Development

- (i) to the provision for 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 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, and 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)

6. Prior to the commencement of any development, a scheme for the provision and implementation of ground contamination investigation, assessment and remediation 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/specification at such time(s) as may be specified in the approved scheme (RC To prevent the increased risk of pollution to the water environment)
7. Prior to the commencement of any development, a scheme for the provision and implementation of foul 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/specification at such time(s) as may be specified in the approved scheme (RC To prevent the increased risk of pollution to the water environment)
8. 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/specification at such time(s) as may be specified in the approved scheme (RC To ensure a satisfactory method of surface water drainage)
9. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control to the water environment 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/specification at such time(s) as may be specified in the approved scheme (RC To prevent the increased risk of pollution to the water environment)
10. SC5 - Details of the covered secure cycle parking. (Reason – To encourage alternative means of travel to the site.)

11. The building shall not be occupied until a Green Commuter Plan has been submitted to and approved 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.)
12. Details of the location and type of 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 restrictions. (Reason - To protect the occupiers of adjoining buildings from the effect of odour, dust or fumes.)
13. Noise emitted from the use of plant, machinery on the site shall not exceed 50 dB (A) Laeq (fast) (one minute) between 08.00 and 18.00 hours Monday to Friday and 50 dB (A) Laeq (fast) (one minute) between 08.00 and 13.00 hours on Saturdays as measured adjacent to the south-east boundary. (Reason - To protect occupiers of adjoining buildings from noise.)
14. 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 protect occupiers of adjoining buildings from noise.)

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), P2/2 (General Location of Employment), P2/6 (Rural Economy) and P9/7 (Selective Management of Employment Development)
 - **South Cambridgeshire Local Plan 2004:** SE9 (Village Edges), EM3 (Limitations on the Occupancy of New Premises in South Cambridgeshire), EM6 (New Employment Within 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: user(s) of the building; visual impact; need for green commuter plan; ground contamination investigation, assessment and remediation; surface water drainage; pollution control; foul water drainage; archaeology; and water for firefighting.

Informative

The applicant's attention is drawn to the contents of Cambs Fire & Rescue Service's 5.8.05 letter and the Environment Agency's 15.9.05 letter.

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

South Cambridgeshire Local Plan 2004

Cambridgeshire and Peterborough Structure Plan 2003

Planning file Refs: S/1377/05/F, S/0490/01/F, S/2188/00/F, S/1716/99/O & S/0970/96/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

**S/1133/05/RM - Steeple Morden
Erection of 6 Houses and 1 Bungalow (Phase 2)
Land at the Mill, Ashwell Road
for Hasler (HTC) Ltd**

**Recommendation: Approval
Date for Determination: 4th August 2005**

Site and Proposal

1. The "Hasler" site is located on the southern edge of Steeple Morden. The front section was formerly used in connection with a waste transfer business and features a windmill, which is currently being restored. The site has now been cleared and the development of Phase 1, the erection of 5 dwellings, has commenced. Phase 2, the subject of this application, adjoins to the rear and is predominantly open paddocks. To the north of the paddocks is an orchard and to the west and east hedging and trees, predominantly growing outside the application site.
2. The reserved matters application received on 9th June 2005 and amended on the 1st August 2005 proposes the erection of 6 houses and 1 bungalow on the 0.32 ha site (excluding access), at a density of 22 dwellings per ha. In its amended form the courtyard scheme consists of a two bedroom bungalow, five 3 bedroom houses, two of which are detached, and a 2 bedroom terraced unit. Ridge heights are below those approved on Phase 1 and range from 6.5m for the bungalow, 7.2m for the courtyard terraced units to 7.4m for the detached dwellings.
3. A design statement submitted with the application states that the design approach is to create a logical extension/termination to the approved Phase 1 to the south, incorporating a high quality scheme which is characterful and aesthetically complimentary to Phase 1. All the dwellings on site have been limited in height to roughly 1½ storeys to reduce the visual impact and to create a "soft" developed edge to the southern boundary of the village. A single storey dwelling has been incorporated on the south-western boundary, as suggested by officers, to help achieve this aim. The most relevant design consideration was the opportunity to create a courtyard terrace on the site which would compliment the more detached dwellings in Phase 1, thereby creating a diverse mix of dwellings for the overall development and a pleasing terminated view to the north of the site. The two small detached dwellings on Plots 6 and 11 are intended to create a transition from the large detached dwellings on Phase 1 via a "gateway" effect into a terraced courtyard of five dwellings.
4. The materials, with a high incidence of weatherboarding and slate roofing are intended to give the impression of barn conversions rather than new build.

Planning History

5. Outline planning permission was granted for residential development on the site in June 2002, following a public inquiry. A Section 106 agreement concerned the

restoration of the windmill. Prior to this the part of the site which was used in connection with the adjacent waste transfer business had been the subject of applications for lawful development certificates and breach of condition notices.

6. At the August 2005 meeting Members approved a further period of 1 year for the submission of reserved matters on Phase 2. The reserved matters for 5 dwellings on the adjacent Phase 1 were approved earlier this year.

Planning Policy

7. The following policies are relevant:

Cambridgeshire and Peterborough Structure Plan 2003

Policy P1/2 - Environmental Restrictions on Development

Policy P1/3 - Sustainable Design in Built Development

Policy P5/3 - Density

Policy P5/5 - Homes in Rural Areas

Policy P7/6 - Historic Built Environment

South Cambridgeshire Local Plan 2004

Policy SE4 - Group Villages

Policy SE8 - Village Frameworks

Policy SE9 - Village Edges

Policy HG10 - Housing Mix and Design

Policy EN28 - Development within the Setting of a Listed Building

Policy Steeple Morden 1 refers to Phases 1 and 2 and states:

“Land at The Mill, Ashwell Road, is allocated for residential development. However, planning permission will only be granted for a scheme which (a) results in the relocation of the existing waste transfer station, (b) is accompanied by measures to ensure that full internal and external structural repair of the grade II listed smock mill is undertaken and (c) provides sufficient open space around the Mill to permit a reasonable appreciation of its original setting, including removal of the present brick wall partly surrounding the building. Reinforcement of the boundary hedge along the western boundary of the site will also be required.”

The supporting text states:

“As an exceptional measure, the village framework boundary has been extended (and a residential allocation made) at The Mill, Ashwell Road. This is intended to facilitate both the relocation of the present waste transfer station and the full internal and external repair of the Grade II listed smock mill which is a rare example of its type. Because of the special reasons behind the decision to extend the village framework onto greenfield land, planning permission will not be granted unless the development proposals provide assurance that these two aims will both be met. The scheme will also be required to provide sufficient open space around the Mill to permit a reasonable appreciation of the setting that it once enjoyed. This should include removal of the existing confining brick wall and would be assisted by amendment of the boundary between the Mill House and The Mill. In addition, the western boundary hedge must be retained and reinforced to provide an appropriate degree of screening between the new development and the open countryside beyond.”

Consultations (amended plans)

8. **Steeple Morden Parish Council** objects:

“Far from addressing the concerns expressed in our response to the original application, the amended version will only serve to exacerbate many of them. In particular:

Density

Whilst appreciating the reasoning behind the housing density requirements in PPG3, we feel that such an approach here would be at odds with the character and setting both of the rest of this development and with Steeple Morden as a whole. We would suggest that, for reasons of consistency, the Policy should either be applied to the entire development (i.e. including Phase 1) or not at all. There seems to be a tendency to regard the two Phases of this development as separate entities whereas, once completed, they will inevitably be viewed as a single area of new building - whereas as conceived, the two Phases currently appear to be barely on speaking terms.

However, should it be decided to accept the argument for a higher density of housing in this second Phase, we would seek a categorical assurance from the relevant body that the grossly overloaded local sewerage system can cope not only with a notional 12 extra dwellings arising from this development but also the 19 new apartments already approved for the White House development and the 10 new dwellings soon to be built in Jubilee Way, together with the 6 additional dwellings that have been constructed in Steeple Morden during the past year (not counting the extra bathrooms and WCs in extensions to existing properties). We fear there has been a tendency in the past to view this aspect of each new development in isolation - it is surely now time to examine it within the overall development context of the village.

Design

We note that the Applicant does not disagree with our previous suggestion that a courtyard design has no precedent in Steeple Morden, only claiming that it can be found in certain (unspecified) neighbouring villages. We also see no suggestion of whether such a design suits the character and setting of these unspecified villages, which may be significant.

The replacement of the two garages in the back row of houses with an extra dwelling would seem to increase still further the potential for parking congestion and clutter within the development, as well as adding to the potential dangers for any pedestrians, for whom there are still no footways indicated.

However, we note gratefully that there is now provision for moving rubbish bins behind this rear row of houses, into what has now apparently become a communal garden area (previously, it featured separate private gardens).

In General

We would suggest that the site boundaries are still unclear and may give an unclear picture of the size of the area. It would also seem that, contrary to the suggestion in the accompanying letter, only a few of the indicative trees have been removed from the plan.

As well as the full restoration of the listed Mill (for which we still look forward to seeing a definitive timetable), it will be recalled that the appeals inspector agreed for this second area to be developed for housing, on the understanding that it would part-fund the relocation of the waste transfer station formerly on this site. We await confirmation that this business has indeed been relocated, rather than simply ceased trading. Should the latter be the case, we feel there should now be sufficient equity in the site for part of it to be used for the provision of affordable housing.

We understand (and hope!) that these points will be viewed in conjunction with those we made in our response to this application in its original form.”

The original objection concerned similar issues e.g. density, inaccuracy of site boundaries, inadequate parking, turning and footways within the site, the need for landscaping and protection of existing trees, no street lighting should be installed given the rural nature of the site and fears over the restoration and maintenance of the Mill.

9. The **Local Highway Authority** comments concern the details of the access conditioned as part of the reserved matters approval of Phase 1.
10. **The Environment Agency** has no objections subject to standard conditions concerning the submission of details of surface water drainage and site contamination.
11. **Anglian Water** comments will be reported verbally.
12. **The Cambridgeshire Fire and Rescue Service** require a condition to ensure the provision of fire hydrants.
13. **The Conservation Manager** raises no objections. The alterations do not materially harm the setting of the nearby listed Mill.

Discussions are continuing concerning Phase 2 of the restoration of the Mill and a schedule of works will be produced which can be incorporated into the Section 106 Legal Agreement.

Representations

14. 3 objections to the original application were received from Station Road residents whose properties back onto the site. The main points are:
 1. The site boundaries are misleading. Most of the boundary vegetation is off-site and additional landscaping is needed.
 2. The detached houses on Plots 6 and 11 are too high and not 1½ storey as described by the applicants.
 3. Concerns expressed at the restoration and future maintenance of the Mill. The S106 agreement needs to be amended to reflect the repairs being implemented.
 4. Utility vehicles will have to reverse onto Ashwell Road.
15. A further objection has been received from 10 Ashwell Road following the submission of amended plans, concerned that the additional dwellings will adversely affect highway safety in Ashwell Road.

Planning Comments – Key Issues

16. The key issues are the design and density of the proposed scheme.
17. The application was the subject of pre-application discussions following the granting of outline planning permission on appeal. As no affordable houses were required given the costs involved in restoring the Mill on Phase 1 of the site, smaller units were sought compared to the earlier phase. A mixture of 2 two bedroom and 5 three bedroom units meets that requirement. The courtyard approach was considered appropriate, contrasting with the detached house on Phase 1 and closing the vista into the site from the Ashwell Road entrance. The “farmyard” flavour of the courtyard, with extensive timber cladding, and barn-like proportions, compliments the Mill and its rural setting. Officers were keen to reduce the impact of the scheme when seen from the open countryside to the west, and a single storey unit has been introduced on Plot 10 with this aim in mind.
18. The scheme has been amended at officer suggestion to increase the density to 22 dwellings per ha, which although below the 30 dwellings per ha threshold, is appropriate to this site and its setting on the edge of the village and close to the listed Mill. The height of the 2 dwellings on Plots 6 and 11 have also been reduced to 7.4m to provide more of a transition with the Phase 1 development, whilst retaining their function as “gateway” buildings into the courtyard.
19. The Parish Council and neighbours are concerned at the number of dwellings proposed but at below 30 per ha this cannot be substantiated. There is a concern about foul water drainage but the principle of development has already been approved and at a below average density the impact will be reduced.
20. The Parish Council is also concerned at the appropriateness of a courtyard layout, but although there may not be other examples in the village it is an appropriate form in an edge of village setting, reflecting a farmyard in the disposition of buildings.
21. Neighbours were concerned at the accuracy of the site boundaries, but following the submission of amended plans I am satisfied the boundaries are correctly defined.
22. The restoration and maintenance of the Mill has long been a cause for local concern. The Phase 1 legal agreement (as amended) required works to the Mill and these have commenced and are proceeding to the satisfaction of the Conservation Manager. A Deed of Variation will be required to update the Section 106 accompanying the outline planning, and this is being prepared in conjunction with the Conservation Manager.

Recommendation

23. Subject to the prior signing of a Section 106 Legal Agreement concerning the restoration of the Mill:

Approve details of reserved matters for the siting, design and means of access for the erection of 6 houses and 1 bungalow, Phase 2, land at the Mill, Ashwell Road, Steple Morden.

In accordance with the application dated 31st May 2005 (as amended by plans franked 1st August 2005) and the plans, drawings and documents which form part of the application and in accordance with outline planning permission dated 10th June 2002 reference: S/0843/01/O.

All of the conditions, including standard Condition B contained in the above mentioned outline planning permission, continue to apply so far as the same as capable of taking effect but subject to the additional conditions set out below:

1. No development shall commence until full details of the proposed fenestration including finishes, samples of all materials to be used for the external walls and roofs 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.
(RC - To ensure that visually the development accords with neighbouring buildings and is not incongruous.)
2. During the period of demolition and 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.
(RC - To minimise noise disturbance to adjoining residents.)
3. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:
PART 1 All Classes
PART 2 Class A
(RC - To safeguard the character of the area.)
4. Details of any proposed street lighting to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out in accordance with the approved details.
(RC - To protect the character of the area and amenity of adjoining residents.)
5. SC52. Implementation of Landscaping. (RC 52).
6. No development shall commence 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.
(RC - To ensure adequate water supply is available for emergency use.)

Informatives

The Environment Agency has the following comments:

“The application site shall be subject to a detailed scheme for the investigation and recording of contamination and a report submitted together with detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless any contamination that may be found.

Contaminated land investigations must be carried out in accordance with BS 10175:2001. Investigation of potentially contaminated sites - Code of Practice. Soil and water analysis must be fully MCERTS accredited.

Soakaways will not be permitted in contaminated ground.

Notwithstanding the above, if 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.

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

An acceptable method of foul drainage disposal would be connection to the public foul sewer.”

The Chief Environmental Health Officer comments:

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

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)
 - P5/5** (Homes in Rural Areas)
 - P7/6** (Historic Built Environment)
 - **South Cambridgeshire Local Plan 2004:**
 - SE4** (Group Villages)
 - SE9** (Village Edges)
 - HG10** (Housing Mix and Design)
 - EN28** (Development within the Setting of a Listed Building)
 - Policy Steeple Morden 1**

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- Character of the area
 - Highway safety
 - Future restoration and maintenance of the Mill

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/1133/05/RM, S/0843/01/O, S/1966/04/RM and S/1200/05/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1013/05/O - Great Shelford
Erection of House Including Part Demolition of Existing Dwelling at 2 Mingle Lane for
S L Nightingale

Recommendation: Approval
Date for Determination: 18th July 2005

Members of Committee will visit the site on Monday 3rd October 2005

Site and Proposal

1. The application site is a 0.09 hectare plot of land sited to the rear of Nos. 2 and 4 Mingle Lane. The site forms part of the garden area to No. 2 Mingle Lane, a two storey brick/render and tile dwelling, and comprises a number of mature trees. To the south of the site are the rear gardens of dwellings within Leeway Avenue whilst to the west are properties within Hinton Way. The site is approximately 1.8 metres lower than the garden land of No.3 Leeway Avenue which lies directly to the south.
2. The outline application, submitted on 23rd May 2005, seeks consent for the erection of a house on the site. The means of access to the site forms part of the application with details of siting, design and landscaping reserved for further consideration. The proposed access would be on the west side of the existing dwelling and would entail the demolition of an existing lean-to car port. The access would then continue for approximately 70 metres along the rear/east boundaries of dwellings in Hinton Way. The density of the development equates to 0.11 dwellings/hectare.

Planning History

3. None

Planning Policy

4. Great Shelford is identified within **Policy SE2** of the South Cambridgeshire Local Plan 2004 as a Rural Growth Settlement where estates, groups of dwelling and infilling are acceptable subject to development being sympathetic to the character and amenities of the locality.
5. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
 - a) Result in overbearing, overlooking or overshadowing of existing residential properties;
 - b) Result in noise and disturbance to existing residential properties through the use of its access;
 - c) Result in highway dangers through the use of its access;
 - d) Be out of character with the pattern of development in the vicinity.

6. **Policy EN5** of the Local Plan requires trees to be retained wherever possible in proposals for new development.
7. **Policy P1/3** of the County Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.

Consultations

8. **Great Shelford Parish Council** states:

“The size of the plot and the fall on the site means that a dwelling could be accommodated which with careful design would not overlook or be overbearing to adjacent properties. However we feel the proposed access immediately adjacent to the existing house and running to the rear of the properties on Hinton Way would affect the amenities of the occupiers of the properties. We hope the mature trees on the site will be retained.”

9. **The Trees and Landscape Officer** raises no objections stating that it would be possible to accommodate a dwelling on the site subject to the footprint size being constrained by the requirements of BS:5837:1991.
10. **The Chief Environmental Health Officer** raises no objections subject to a condition restricting the hours of use of power operated machinery being attached to any consent in order to minimise noise disturbance to neighbours during the period of construction.

Representations

11. Objections have been raised from Nos. 2, 4, 4a, 6, 8, 10 and 12 Hinton Way, No.3 Leeway Avenue and No.4 Mingle Lane. The main points raised are:
 - a) It is possible that the new building would overlook adjoining dwellings;
 - b) It is difficult to make specific comments until further details have been submitted;
 - c) The driveway would result in noise and disturbance to occupiers of properties in Hinton Way;
 - d) Backland development would be out of keeping with the character of the area;
 - e) Mature trees would need to be felled in order to create both the driveway and the house. These trees are important in the outlook from adjoining properties;
 - f) The trees make a significant contribution to the character of the village as recognised in the Village Design Statement which seeks to protect the village treescape;
 - g) The garden forms an important wildlife habitat for many species of birds;
 - h) There was once a sandpit on the site and the site is on lower ground than adjoining properties so the application could result in problems in providing drainage;
 - i) If approved, the application would set a precedent for new building;

- j) Any disturbance to the roots of trees, which are currently helping to shore up No.3 Leeway Avenue's garden, could affect the stability of this garden;
- k) The position of the access road along the rear gardens of properties in Hinton Way would result in an increased security risk to the occupiers of these properties;
- l) Any consent should be subject to a boundary treatment condition;

Planning Comments – Key Issues

12. The key issues to consider in the determination of this application are:

- a) Impact upon the character of the area;
- b) Affect upon the amenities of adjoining residents;
- c) Impact upon trees;
- d) Highway safety.

Character of the area

13. Concerns have been raised on the basis that the proposal would result in backland development which is considered to be out of keeping with the character of the area. The site, in being located close to the junction of Mingle Lane and Hinton Way and being adjoined by properties in Leeway Avenue to the south, is surrounded on three sides (to the east, south and west) by dwellings. In addition, there is a backland plot further to the east in Mingle Lane (No. 24a). In light of these factors, I do not consider the creation of a backland plot in this location to be out of keeping with the character of the area.

Residential amenity

14. Residents in Hinton Way have raised objections on the basis that the means of access to the proposed plot would result in an unacceptable level of noise and disturbance as well as to an increased security risk. Whilst the access would run directly adjacent to the rear garden areas of properties in Hinton Way, it would not pass directly by any of these properties and would be sited in excess of 20 metres away from the rear elevations of each of the dwellings in Hinton Way. Although the access would result in the loss of some existing vegetation along the western boundary of the site, I consider its distance from properties in Hinton Way together with the fact that it would serve just one dwelling, to be sufficient to avoid undue noise and disturbance to the occupiers of properties in Hinton Way. The access would pass directly by No.2 Mingle Lane itself. However, there are no windows in the west elevation of this property and, providing a formal boundary is erected between the access and No. 2's garden area, I am satisfied that the access would not cause significant harm to the amenities of the existing dwelling.

15. In letters from neighbouring properties, it has been stressed that it is impossible to judge the impact of any dwelling on this site upon their amenities in the absence of a block plan and elevations. Whilst this is correct, I am satisfied that there is sufficient space between the site and adjoining dwellings to be able to site a property here without resulting in overlooking or overshadowing of neighbouring properties. It appears from the plan that it would only be possible to site a single storey dwelling on the plot.

However, given that the site is at a lower level than adjoining land, I consider there to be scope, in principle, to erect a dwelling with some first floor accommodation.

Impact on trees

16. There are a number of mature trees on the site. The Trees and Landscape Officer initially objected to the application as the site earmarked for the location of the house contained significant trees including a mature beech and Norway maple both of which would be compromised by any development on the site. Following this comment, Planning and Trees Officers met the applicant on site, where, on closer inspection, it was established that the maple had a defect and that an objection could not be sustained to its loss. The maple was subsequently removed, the Trees Officer then revisited the site and established that the removal of this tree had generated sufficient space to be able to accommodate a dwelling at the eastern end of the site. The beech tree is considered to be of sufficient quality to require its retention (and if Members are minded to approve the application, it is recommended that a Tree Preservation Order be served to protect this tree) and, due to its siting in the middle of the plot, it would not be possible to gain vehicular access to any dwelling and garaging/parking would need to be sited towards the western side of the plot. These issues can be addressed as part of any reserved matter application.

Highway safety

17. No.2 Mingle Lane presently has 2 points of vehicular access, one of which would be utilised to serve the proposed plot. As such, I am satisfied that the proposal would not result in highway safety problems.

Other issues

18. Concerns regarding drainage of the site could be covered by surface and foul water drainage conditions should Members be minded to approve the application.

Recommendation

19. Approval:
1. Standard Condition B (Reason B);
 2. Sc1a, b and d – Reserved Matters of the siting, design, external appearance and landscaping (Rc1);
 3. Sc5b – Surface water drainage details (Rc5b);
 4. Sc5c – Foul water drainage details (Rc5c);
 5. 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).

Informatives

Reasons for Approval

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

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

South Cambridgeshire Local Plan 2004: SE2 (Development in Rural Growth Settlements), HG11 (Backland Development) and 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:

Residential amenity;
Highway safety;
Impact on trees;
Impact on character of area.

General

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
3. The footprint size of any replacement dwelling will need to be constrained by the requirements of BS:5837:1991.

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;
Great Shelford Village Design Statement;
Planning application reference: S/1013/05/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/2283/04/F - Great Shelford
Erection of 4 Houses Following Demolition of Existing Dwelling at 137 Cambridge Road for Camstead Ltd

Recommendation: Approval
Date for determination: 5th January 2005

Site and Proposal

1. The application site measures 55m x 20m approximately (0.1 hectares/0.27 acres) and is occupied by a hipped roof brick bungalow with accommodation in the roof, rooflights in the front roofslope and a flat roof dormer to the rear. No.135 to the southeast is a two-storey roughcast render at first floor, red brick at ground floor hipped plaintile roof dwelling with a rear conservatory and a blank side elevation facing the application site. No.139 to the northwest is a roughcast render bungalow with accommodation in the roof and a dormer in the front roofslope. There is a window at first floor level in the side elevation of No.139 facing the site and a glazed element used as a greenhouse to the side of No.139 at ground floor level. No.5 Westfield Road to the rear/southwest is a two-storey house with a flat roof garage to the side and one obscure glazed window and one narrow, clear glazed window in its side elevation. There is a silver birch tree in the highway verge to the front of the site.
2. This full application, registered on the 10th November 2004 and amended by plans date stamped the 19th September 2005, proposes the demolition of the existing dwelling and its replacement with 2 pairs of staggered 2½ storey dwellings, 2no. dwellings with 2-bedrooms and 2no. dwellings with 4-bedrooms, measuring 5.2 metres to eaves and 9 metres to ridge. 6 parking spaces would be provided. The density equates to 40 dwellings to the hectare.

Planning History**137 Cambridge Road**

3. Planning permission for alterations and an extension to the dwelling was granted in 1991 (**S/0422/91/F**).
4. An application for the erection of 2no. pairs (4no. dwellings) of 9.6m high, 2½ storey semi-detached dwellings, 2no. with 4-bedrooms/2no. with 3-bedroom and a study, following the demolition of the existing dwelling was refused in September 2004 under reference **S/1492/04/F** for the following reasons:
 1. *“Development along Cambridge Road is varied in terms of the design of dwellings and in the materials used, and this contributes to its character and appearance. However, by virtue of their height, depth and the position of dwellings 3b and 4a, the proposed dwellings would appear as incongruous features in the street scene and would thereby detract from the character and appearance of development along Cambridge Road.*

The proposal is therefore contrary to Cambridgeshire and Peterborough Structure Plan 2003 Policy P1/3 which requires a high standard of design which responds to the local character of the built environment for all new development; South Cambridgeshire Local Plan 2004 Policy SE2 which requires residential development in Great Shelford to be sensitive to the character of the village; and South Cambridgeshire Local Plan 2004 Policy HG10 which requires the design of residential development to be informed by the wider character and context of the local townscape.

2. *Furthermore, by virtue of their height and position, the proposed dwellings on plots 1a and 4a would seriously harm the amenity of the occupiers of Nos. 135 and 139 respectively by being unduly overbearing and resulting in undue overshadowing. The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy SE2 which requires residential development in Great Shelford to be sensitive to the amenities of neighbours."*
5. An appeal was made in May 2005 against non-determination of an application for the erection of 7 flats and cycle/bin stores on the site following the demolition of the existing dwelling (**S/1640/04/F**). This is to be considered at an Informal Hearing.
6. An earlier application for the erection of 7 flats following the demolition of the existing dwelling was withdrawn (**S/0550/04/F**).

139 Cambridge Road

7. An application for the erection of 8 dwellings following the demolition of the existing dwelling on the adjacent site at 139 Cambridge Road (4 dwellings in a 2½-storey block fronting Cambridge Road and the other 4 dwellings in a 2-storey block fronting Westfield Road) was refused in January 2005 under reference **S/1851/04/F** for the following reasons:
 1. *"The proposed development would be unduly dominant in the street scenes and would seriously detract from the suburban character of this section of Cambridge Road by virtue of the size, depth and height of the building fronting Cambridge Road, the length of the terrace fronting Westfield Road and the close proximity of the buildings to Westfield Road. The proposal is therefore contrary to: Cambridgeshire and Peterborough Structure Plan 2003 Policy P1/3 which requires all new development to respond to the local character of the built environment; South Cambridgeshire Local Plan 2004 Policy SE2 which requires residential development in Great Shelford to be sensitive to the character of the village; South Cambridgeshire Local Plan 2004 Policy HG10 which states that the design and layout of residential schemes should be informed by the wider character and context of the local townscape; and the Great Shelford Village Design Statement, adopted as Supplementary Planning Guidance in February 2004, which describes the scale and feel of development along Cambridge Road as suburban.*
 2. *The proposal would seriously harm the amenity of the occupiers of No.137 Cambridge Road as a result of the noise and disturbance generated by the use of the amenity area to the rear of units 5-8 and the parking area. The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy SE2 which requires residential development in Great Shelford to be sensitive to the amenities of neighbours.*

3. *The development would also provide for an unsatisfactory standard of amenity for the occupiers of the proposed dwellings due to the fixed, obscure glazed 'bedroom 2' windows proposed for units 5-8 that are necessary in order to avoid serious overlooking of the garden area of No.137 Cambridge Road and the very limited amount of amenity space proposed."*
8. A subsequent appeal was dismissed in August 2005 but only on the grounds that the part of the proposed building fronting Westfield Road would harm the character and appearance of the area and the use of the amenity area to the rear of proposed units 5 to 8 would harm the living conditions for occupiers of No.137. The Inspector concluded that the proposed 2½-storey building fronting Cambridge Road (which had a frontage of 12.8 metres, a depth of 9.4 metres, an eaves height of 6 metres, a ridge height of 8.9 metres and was set back 9-10 metres from the site frontage) would not harm the character and appearance of the area.

Planning Policy

9. Structure Plan 2003 **Policy P1/3** requires a high standard of design for all new development which responds to the local character of the built environment.
10. Structure Plan 2003 **Policy P5/3** states that Local Planning Authorities should seek to maximise the use of land by applying the highest density possible which is compatible with maintaining local character. It also states that, in setting density standards appropriate to their area, Local Planning Authorities should take into account the following guidelines: densities of at least 40 dwellings per hectare should be sought in locations close to a good range of existing and potential services and facilities and where there is, or there is the potential for, good public transport accessibility; and densities of less than 30 dwellings per hectare will not be acceptable.
11. Local Plan 2004 **Policy SE2** states that residential development will be permitted on unallocated land within the village framework of 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.
12. Local Plan 2004 **Policy HG10** states that residential developments will be required to contain a mix of units providing accommodation in a range of types, sizes (including 1 and 2 bedroom dwellings) and affordability, making the best use of the site and promoting a sense of community which reflects local needs. It also states that the design and layout of schemes should be informed by the wider character and context of the local townscape and landscape. Schemes should also achieve high quality design and distinctiveness, avoiding inflexible standards and promoting energy efficiency.
13. Local Plan 2004 **Policy TP1** states that the Council will seek, through its decisions on planning applications, to promote more sustainable transport choices and to reduce the need to travel, especially by car, by amongst other things restricting car parking to a maximum of an average of 1½ spaces plus ¼ space for visitors per dwelling.

14. Local Plan 2004 **Policy CS10** states that, where permission is granted for residential development of 4 or more dwellings, financial contributions will be sought towards the provision of additional permanent or temporary education accommodation in those cases where the new development would cause the planning capacity of permanent buildings at the local primary or secondary schools to be exceeded during the 5 years following the date of the application.
15. The **Great Shelford Village Design Statement** describes the scale and feel of development along Cambridge Road as suburban.

Consultation

16. **Great Shelford Parish Council** recommends refusal stating “These amended plans were fully discussed at the planning committee who looked in detail at all the previous plans for the site. As a result the planning committee do not feel they can approve the amended design. In comparing the amended design with the application which was refused, the footprint remains the same although it has been moved forward, the height has been reduced by only 0.5 metres and there is still considerable bulk at 2nd floor level in terms of the front and rear facing gables which we feel should be removed or reduced. An acceptable infill building was obtained at 143 Cambridge Road – this building is only 8 metres high but sits relatively comfortably with this part of Cambridge Road. We would prefer a scheme that respects the character and appearance of this part of Cambridge Road.”
17. **Chief Environmental Health Officer** raises no objections but 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.
18. **Local Highway Authority** does not recommend refusal of the application but is concerned that less than two parking spaces per dwelling are to be provided and states that any additional vehicles associated with the dwellings are likely to park within the turning area or on-street. It therefore states that, when determining the proposal, it trusts that the District Council will take into consideration the effect of vehicles reversing onto Cambridge Road due to parking within the turning area and the effect of vehicles parked within Cambridge Road close to the Westfield Road junction. It recommends conditions to be attached to any approval.
19. **County Council Chief Financial Planning Officer** is concerned that adequate primary school capacity is not available in Great Shelford to meet the additional demand from this proposal and therefore asks that a contribution from the developer to cover the cost of 1 place in the sum of £7000 is sought.
20. **Environment Agency** raises no objections but makes advisory comments.

Representations

21. Occupiers of 135 Cambridge Road have no objections to the scheme as amended. They feel that the latest amendments are a significant improvement in that the height of the buildings has been reduced and, as a result of this and the roof modification, the impact on both their property and the street scene is reduced.

They state that their major concern with any development on this site has always been the potential overshadowing of their conservatory and rear garden and reiterate that the current proposal is a great improvement on the previously refused scheme.

22. Occupier of 5 Westfield Road states that she is not opposed to redevelopment of this site and the concept of four houses is acceptable. However, she states that the latest amendments are very minor and objects to the scheme on the grounds of overlooking and height problems.
23. Occupier of 154 Cambridge Road objects on the grounds of overdevelopment of the site/character of the village and the development would only add to the immense volume of traffic on Cambridge Road.

Planning Comments – Key Issues

24. The main issues in relation to this application are: the impact on the streetscene and the character and appearance of Cambridge Road; impact on neighbours; and parking provision.
25. Whilst dismissing the appeal for the erection of 8 dwellings on the adjacent site (139 Cambridge Road – S/1851/04/F) on the grounds that the part of the proposed building fronting Westfield Road would harm the character and appearance of the area and the use of the amenity area to the rear of proposed units 5 to 8 would harm the living conditions for occupiers of No.137, the Inspector concluded that the proposed 2½-storey building fronting Cambridge Road (which had a frontage of 12.8 metres, a depth of 9.4 metres, an eaves height of 6 metres, a ridge height of 8.9 metres and was set back 9-10 metres from the site frontage) would not harm the character and appearance of the area.
26. There is a mix of dwellings sizes and designs, including recently approved and built 2½-storey flats at Nos. 216-220 even Cambridge Road. The proposed dwellings as amended, whilst higher than many dwellings along Cambridge Road, are considered to be acceptable in terms of their impact in the street scene. No.135 stands forward of 137 and 139 and the proposed stagger is therefore considered to be appropriate.
27. Whilst there are first and second floor windows in the rear elevations of the dwellings, any overlooking of Nos.135 and 139's rear gardens would be at an oblique angle. Whilst the rear elevations face the rear garden of No.5 Westfield Road, they are over 30 metres from this boundary. The development is not considered to result in serious harm to the amenity of neighbours.
28. Six parking spaces are proposed for the four dwellings. The Local Plan requires a maximum of seven spaces to be provided. Notwithstanding the Local Highway Authority's concerns, and given the site's location, I consider that it would be very difficult to substantiate a refusal based on the inadequacy of the proposed parking provision.
29. The proposed housing mix is acceptable.
30. Mindful of the Inspector's comments in relation to the appeal at No.139, and by reducing the height and size of the dwellings and revising their position, this scheme is considered to overcome the first reason for refusal of the previous application for 2no. pairs of dwellings on the site (S/1492/04/F). By reducing the height and mass of the dwellings and easing them forward, this scheme is also considered to overcome the second reason of refusal of that application without harming the street scene.

31. Local Plan Policy CS10 only requires a financial contribution towards the provision of school accommodation for developments of 4 or more dwellings. As this proposal only involves a net increase of 3 dwellings, a contribution is not appropriate in this instance.
32. The latest side elevation plans still show the now omitted front dormer windows. Further amended elevation plans showing these dormers omitted are required before the application can be determined.

Recommendation

33. Approval (as amended by drawing nos. 4.563F and 4.564D date stamped 19.9.05 and further amended drawing nos. 4.576 and 4.578 showing dormer windows deleted)
 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. SC5e – Details of finished floor levels (RC To ensure the satisfactory appearance of the development)
 4. SC51 – Landscaping (RC51)
 5. SC52 – Implementation of landscaping (RC52)
 6. SC60 – Details of boundary treatments (RC60)
 7. SC5f – Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (RC To ensure the satisfactory appearance of the development)
 8. Highway condition B9 (5.0 m) (delete 'for distance of ...') – Access width (RC In the interests of highway safety)
 9. Highway condition B10 – Access construction (RC In the interests of highway safety)
 10. Highway condition C3 a and b – Parking and turning (RC In the interests of highway safety)
 11. During the periods of demolition and construction ... SC26 (0800, 0800, 1800, 1300) – Restriction on hours of use of power operated machinery during demolition and construction periods (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) and P5/3 (Density)
 - **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: residential amenity; impact on character and appearance of this part of Cambridge Road; traffic on Cambridge Road; and parking provision.

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 Environmental Health 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.

The applicant's attention is drawn to the contents of the Environment Agency's 16th November 2004 letter.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref: S/0422/91/F, S/0550/04/F, S/1492/04/F, S/1640/04/F, S/1851/04/F and S/2283/04/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1529/05/F – Great Shelford
Ornamental Display Garden and Erection of Log Cabin at Scotsdales Garden Centre,
120 Cambridge Road for Scotsdales Garden Centre

Recommendation: Approval
Date for Determination: 4th October 2005

Site and Proposal

1. The application site is part of a grassed area of land sited at the front of Scotsdales and on the north side of the main access to the garden centre. There is a row of trees along the north-eastern edge of the site. The site is located in the countryside and Green Belt.
2. The full application, submitted on 4th August 2005, proposes an ornamental display garden and the erection of a log cabin on the land. The garden would be 29.5 metres long x 8.4 metres deep and would have benches along its south-western side with a low evergreen hedge forming the south-western boundary of the site. The log cabin would measure 3.9 metres long x 5.4 metres deep x 2.85 metres high and would be sited within the row of trees on the north-eastern side of the site. The plans show that a 1.8 metre high fence would be erected along the north-eastern edge of the garden and a 0.9 metre high open structure timber fence along the south-eastern boundary. The treatment to the remaining side boundary is unclear.
3. A covering letter submitted with the application states that the land would be used by BBC Radio Cambridgeshire's Trustline Charity and that they wish to create a small garden where members of the public can go to be peaceful and where a wishing well/fountain will be used to collect money for the Charity. The log cabin would be provided to enable members of the public to obtain more information about the Charity and to liaise with Charity representatives and Garden Centre staff.

Planning History

4. There is no planning history specifically relating to the application site.

Planning Policy

5. **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.
6. **Policy 9/2a** of the Structure Plan states that within the Green Belt, new development will be limited to that required for agriculture and forestry, outdoor sport, cemeteries, or other uses appropriate to a rural area.

7. **Policy GB2** of the South Cambridgeshire Local Plan 2004 states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated. Development is defined as inappropriate unless it comprises [in part] buildings providing essential facilities for outdoor sports and recreation or for other uses of land which preserve the openness of the Green Belt and do not conflict with Green Belt purposes.
8. **The Great Shelford Village Design Statement 2004** refers to the importance of preserving glimpses of the countryside from inside the village. Paragraph 4.1 of the Landscape section states: "The sense of enclosure makes the glimpses of countryside from inside the village of great importance. Much of the rural and agricultural landscape is hidden by buildings. So the gaps between them and those places where fields abut the road, are very important. They keep the link between village and surrounding countryside. "Additionally, paragraph 8.2 of the Character Areas section states, in describing the character of Cambridge Road, that the generous verges and trees give a valued green aspect to the road, as do the views between development into the rural setting beyond to east and west. The open space at the front of Scotsdales (of which the application site forms part) is identified in the map accompanying the design statement as an important viewpoint.

Consultations

9. **Great Shelford Parish Council** objects to the application stating:

"The frontage has been identified as an important viewpoint into the countryside from Cambridge Road. At present it has an attractive open parkland appearance and the proposed gardens and building would be visually intrusive and out of character. We feel the proposal could be located elsewhere on the site."

The Parish Council has since clarified that it's comments are based on Sections 4.1 and 8.2 of the Village Design Statement as well as the accompanying map together with the main conclusion that 'visual links with the landscape should be preserved'.

10. **The Trees and Landscape Officer** raises no objections stating that the cabin would be placed on raised foundations and therefore the root zone of the trees would be unaffected.

Representations

11. No letters have been received from local residents.

Representations by the applicant's agent

12. Two letters submitted by the applicant's agent during the course of the application have clarified that the intention behind the garden is to raise money for a new scanner for Addenbrooke's Hospital, with the log cabin acting as an information centre for the scanner appeal. The letter submitted with the initial application did refer to the log cabin being manned by garden centre staff. However, it has been made clear in the subsequent letters and in telephone conversations between the case officer and the applicant's agent, that the development would not be linked to the normal commercial operation of the site and that the garden/cabin would only be required for a temporary 5 year period. Officers have queried whether the log cabin could be smaller (eg – the size of an information kiosk) but the agent has explained that the cabin needs to be the size proposed in order to accommodate a table and chairs.

It would be staffed by 1 or 2 representatives of the charity who would be on hand to assist and answer queries from visitors.

Planning Comments – Key Issues

13. The key issues to consider in the determination of this application relate to:
 - a. The impact of the development upon the character, appearance and openness of the countryside and Green Belt;
 - b. Impact on trees.
14. The site lies within the countryside and Green Belt. The proposed garden and log cabin, whilst sited close to and seen against a backdrop of a row of trees, would be visible from the street and would change the open, parkland character of this area of land at the front of Scotsdales. In normal circumstances, Officers would consider such development to be inappropriate in that it harms the openness and character of the Green Belt and countryside and conflicts with the aims of the Village Design Statement. However, in this instance, Officers consider that the 'very special circumstances' referred to within Policy GB2 of the Local Plan apply as the garden and log cabin are being proposed for charitable purposes, with the aim being to raise money for the Addenbrookes Scanner Appeal. The development would therefore only be required for a temporary period of 5 years, after which time the garden and log cabin would be removed and the land reinstated to its current condition. Such a requirement could be conditioned as part of any planning permission.
15. The letter that initially accompanied the planning application referred to the log cabin being manned by garden centre staff and Officers were concerned that this implied an intention to use the site for retail purposes. It has since been clarified that this is not the case, the site would only be staffed by representatives from the charity and there would be no link whatsoever with the normal commercial operation of the site. It would be essential to prevent, by condition, any retail sales taking place from the application site as such a use would be contrary, in principle to Green Belt and countryside policies.
16. The proposal would not result in any harm to the tree belt on the north-eastern side of the site given that the log cabin would not have permanent foundations.
17. Officers have some reservations about the proposed boundary treatment details, with the 1.8 metre high fence shown along the north-eastern boundary of the garden considered to be inappropriate. The applicant's agents have been asked to replace this with a hedge or low fence and I am awaiting amendments to this effect. The details of the remaining boundaries are unclear and a condition should therefore be added to any consent requiring the agreement of boundary details before development starts.

Recommendation

18. Subject to the 1.8 metre high fence being removed from the north-eastern edge of the garden area, approval, as clarified by letters dated 5th and 8th September 2005:
 1. The log cabin and garden use, together with associated boundary hedges/fences hereby permitted, shall be removed and the land restored to its former condition on or before 30th September 2010.

(Reason – Approval of the proposal on a permanent basis would be contrary to Policies P9/2a of the Structure Plan 2003 and GB2 of the Local Plan 2004, which aim to protect the openness of the Green Belt);

2. Sc60 – Boundary treatment details (Rc60);
3. No retail sales shall take place from the garden and log cabin, hereby permitted. (Reason – The use of the site for retail purposes would be contrary to Policies P1/2 and P9/2a of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy GB2 of the South Cambridgeshire Local Plan 2004).

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:** P1/2 (Environmental Restrictions on Development) and P9/2a (Development in the Green Belt)
 - **South Cambridgeshire Local Plan 2004:** GB2 (Development in the Green Belt)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Impact upon the openness of the Green Belt and upon the character and appearance of the countryside

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
- Great Shelford Village Design Statement 2004
- File Ref: S/1529/05/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

**S/1560/05/F - Waterbeach
Erection of Stable Block and Change of Use of Land to Paddocks
At 53 Field Squadron, Waterbeach Barracks
For Ministry of Defence**

**Recommendation: Approval
Date for determination: 10th October 2005**

Site and Proposal

1. Waterbeach Barracks is the large secured settlement/complex owned by the Ministry of Defence to the north of Waterbeach village accessed off Denny End Road, Waterbeach. The Barracks lie outside the Village Framework in land defined as open countryside. There are no other policy restrictions on the land.
2. This application received on 15th August 2005 seeks full planning permission for the erection of a part brick/timber and slate stable block adjacent to 53 Field Squadron building and the change of use of 4no. areas of land within the Barracks to paddock land. The stable block would be single storey, comprising 12 individual boxes, a tack room, feed room and hay storage area. It would be constructed in a 'U' shape with the open side facing northwest (this side would be closed off using a proposed 2m high chain link fence with double gates). The northern most arm of the building would be constructed from 'hit and miss' timber panels and will be used as the hay store. Internally the walls will be removable depending on the number of horses and level of storage required. Within the courtyard created there would be a grassed area. The southeastern block will be 32.3m in length with 2x27.2m "wings" forming the courtyard. The overall height would be 4.3m.
3. The application is part retrospective as foundations and low-level brick courses have been constructed. Development has stopped on site pending the outcome of this planning application.

Planning History

4. None relevant

Planning Policy

5. **Policy P1/2 'Environmental Restrictions on Development'** of the Cambridgeshire and Peterborough Structure Plan 2003 sets out the strategic restrictions to development of land.
6. **Policy P1/3 'Sustainable Design in Built Development'** of the County Structure Plan 2003 requires a high standard of design and sustainability for all new development.

Consultation

7. **Waterbeach Parish Council** – Refuses the application. “Concern regarding access and highway related matters. The change of use is a retrospective application. If for other than MOD personnel there is concern over security. There is no car parking provision which the P.C would have expected to see for the amount of stabling. No provision for DEFRA requirements for waste management.” – Refuse
8. **The Chief Environmental Health Officer**
No significant impact from an Environmental Health standpoint.
9. **Waterbeach Level Internal Drainage Board**
The Board has no comment from a drainage point of view.
10. **Environment Agency**
No objections subject to comments.

Representations

11. No comments have been received in response to press and site notification.

Planning Comments – Key Issues

12. The key issues to consider in respect of this application are the impact on the character and appearance of the Countryside.
13. The application should be considered in light of the Cambridgeshire and Peterborough Structure Plan 2003 policies; there are no directly relevant Local Plan policies.
14. Policy P1/2 of the County Structure Plan 2003 seeks development to be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location. In addition there should be no risk to the quality of ground or surface water and no damage to areas considered important for their biodiversity, historic, archaeological, architectural and recreational value.
15. Development within the Barracks is generally on an ad hoc basis, this scheme is no exception and proposes a fairly large stable block building and conversion of land to paddock land. The building will be utilised for a period of time as part of MOD training and it is expected that the building will then be converted to storage and accommodation as a continued use.
16. The Barracks provides a unique situation in Policy terms given it is a large settlement/complex outside the village framework and Members should consider whether there would be an unreasonable impact on the countryside from the erection of this proposed building and the change of use to the surrounding parcels of land.
17. This development is essential in so far as it forms part of the MOD training programme. Officers take the view that the siting of the building is appropriate given it is adjacent to existing built form (53 Field Squadron building and Air Hangar) and falls within what is considered to be the main developed perimeter of the site much of which comprises vast areas of hard standing. The more rural areas of the site are those identified as proposed paddock land to the north and east of the Barracks and that of the disused airfield.

18. In visual terms the building is fairly low and the impact is not considered to be significant as it will be set in the context of existing buildings when viewed from Denny End Road and the A10. Use as paddocks on the identified parcels of land is considered to be an appropriate countryside use; the specific details of enclosure should however be conditioned to ensure no adverse large-scale or intrusive fencing.
19. Concern has been raised regarding parking, however, there are substantial areas of hardstanding, which could be utilised if so desired. Persons using the stable complex will be MOD personal already on site.
20. Prior to the submission of this part retrospective application a number of complaints were received from nearby residents regarding the noise from construction of the stable block. Although the Chief Environmental Health Officer has no objections it is advised that time restrictions on construction be imposed.

Recommendation

21. Approve subject to the following conditions:
 1. Standard Condition A – Time limited permission (Reason A);
 2. Sc5a – Details of materials for external walls and roofs (Reason: Rc5aii);
 3. Sc51 – Landscaping (Reason: Rc51);
 4. Sc52 – Implementation of landscaping (Reason: Rc52);
 5. 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 Sunday or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. (Reason: Rc25)
 6. Sc60 – Boundary treatment (insert - paddock area) (Reason: Rc60)
 7. No external lighting shall be installed on the application site unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason: To avoid excessive visual intrusion within the surrounding countryside)
 8. The reference to 2m high chain link fence and double gates is specifically excluded from this permission. No development shall commence until exact details regarding the means of enclosure to the open side of the stable block have been agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed details. (Reason: To ensure the development is not incongruous)

Informatives

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

- c) Only clean, uncontaminated surface water, should be discharged to any soakaway, watercourse or surface water.
- d) All foul sewage or trade effluent, including stable wash down water, shall be discharged to the public foul sewer.
- e) Any stable waste retained on site prior to disposal should be stored on a sealed concrete pad, not discharging to surface or ground water
- f) No foul sewage or effluent, including run-off from contaminated yards, manure heaps, stable washing and hay soaking, should be discharged to any surface water drainage system.
- g) Manure heaps should not be located within 10m of any ditch or watercourse or within 50m of a well, borehole or spring.
- h) Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Reasons for Approval

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

Cambridgeshire and Peterborough Structure Plan 2003:
P1/2 (Environmental Restrictions on Development)
P1/3(Sustainable design in built development)

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

- Highway safety
- Parking
- Waste management

Background Papers: the following background papers were used in the preparation of this report: Application file Ref S/1560/05/F
South Cambridgeshire Local Plan 2004
Cambridgeshire and Peterborough Structure Plan 2003

Contact Officer: Matthew Carpen – Planning Assistant
Telephone: (01954) 713393

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

**S/1451/05/F - Willingham
Conversion of Dwelling into Two Flats at 40 Station Road
For Mr and Mrs D Young**

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

Members will visit this site on 3rd October 2005

Site and Proposal

1. The approximately 0.36 hectare site contains a detached two-storey dwelling with four-bedrooms with outbuildings (No. 40) situated on the western side of Station Road (B1050), within the Willingham village framework. To the front of the property is a drain, which is crossed by the existing vehicular access. Adjacent land to the south and west is in the ownership of the applicant. The site is surrounded by residential dwellings to the north, south and east, with a field to the rear.
2. The site is identified as being a Medium-High Flood Risk Zone by the Environment Agency.
3. The full application registered on the 21st July 2005, proposes the conversion of the existing dwelling into two two-bedroom flats. No external alterations to the building are involved, with the exception of the replacement of an existing window on the rear elevation with a larger window.

Planning History

4. No relevant planning history.

Planning Policy

5. Willingham is identified as a Rural Growth Settlement in the South Cambridgeshire Local Plan 2004 ("The Local Plan"). **Policy SE2** of the Local Plan states that residential development and redevelopment will be permitted in these villages providing 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** (Loss of Employment Sites).

This policy adds that “development should provide an appropriate mix of dwellings in terms of size, type and affordability and should achieve a minimum density of 30 dph unless there are strong design grounds for not doing so”.

6. **Policy HG7** of the Local Plan states that the threshold for the provision of affordable housing in villages of over 3,000 population is 10 dwellings. No affordable housing is required for this proposal.
7. **Policy HG10** of the Local Plan states that “residential developments will be required to contain a mix of units providing accommodation in a range of types, sizes (including 1 and 2 bedroom dwellings) and affordability, making the best use of the site and promoting a sense of community which reflects local needs.
8. **Policy CS5** of the Local Plan outlines that planning permission will not be granted for development where the site is liable for flooding, or where development is likely to increase the number of people or properties at risk, unless “it is demonstrated that the above 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.”
9. **Policy P5/2** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) sets the target of 37% of all new housing in the District be located on either previously developed land or will utilise existing buildings.
10. **Policy P5/3** of the County Structure Plan encourages an increase in the average density of housing development.
11. **Policy P5/4** of the County Structure Plan states the local plans should make provision to meet the locally assessed need for different types of housing, including one and two bedroom homes.
12. **Policy P5/5** of the County Structure Plan outlines the criteria for the provision of small-scale housing developments within village frameworks.
13. **Policy P6/3** of the County Structure Plan 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 or elsewhere”.
14. **Policy P6/4** of the County Structure Plan states that “all new development will be expected to avoid exacerbating flood risk locally and elsewhere by utilising water retentions areas and other appropriate forms of Sustainable Drainage Systems (SUDS) for the disposal of surface water run off.

Consultation

15. **Willingham Parish Council** - Recommendation of Approval. Adds that it is “noted that there is adequate car parking and approved unanimously”.

Additional comments awaited and will be reported verbally at Planning Committee

16. **Old West Drainage Board** - No comment

17. **Local Highways Authority** - "I have no objection from the highway point of view to this proposal. There are ample parking facilities together with manoeuvring space. The access should be improved to provide a minimum of 5.0m for a min distance of 10.0m measured from the channel line of Station Road. This is to allow a vehicle to enter the site whilst another is waiting to exit. I recommend that a plan, addressing the above issue, be obtained from the applicant".
18. **Environment Agency** - The Agency objects to the proposed development as submitted on the grounds that the "site is identified as being within zone 3 of the Agency's Indicative Floodzone maps. No acknowledgement of the associated risk to life has been submitted.

Planning Policy Guidance Note 25: Development in Flood Risk (Paragraph 60, Appendix F) states that the applicant should carry out an assessment of flood risk and the run off implications of their proposals that is appropriate to the scale and nature of the development and the risk involved.

The aforementioned Flood Risk Assessment (FRA) should be submitted with the application. No such assessment has been submitted and the flood risk has therefore not been considered.

The proposed development would be at risk of flooding and would increase the risk of flooding to existing property.

Flood warning and evacuation procedures will need to be agreed a part of the flood risk assessment.

Representations

19. None received

Planning Comments - Key Issues

20. The main issues to be considered in relation to the application are:
- a) The acceptability of the proposal in-principle;
 - b) Impacts on highway safety; and
 - c) Impacts on flooding.

Acceptability of proposal in-principle

21. No objection is raised by any party in relation to the principle of dividing the existing dwelling into two smaller flats. It is noted the proposal would increase the supply of small dwellings within the village. The proposal allows little scope for a garden for the occupants of either flat, due to the need to provide on-site parking and turning. Nevertheless, the lack of garden space is not considered grounds for refusal in this central location within the village of Willingham.

Impact on Highway Safety

22. The width of the existing vehicle access and crossing to the ditch to the front of the property is too narrow to allow for vehicles to enter the site, when another vehicle is waiting to exit the property. In this situation, vehicles would need to wait on Station Road, until the existing obstruction of the access by another vehicle is cleared.

23. I am of the view that the creation of a second dwelling on the site (despite no increases in floor area) increases the likelihood of obstructions to Station Road and hence interference in the free flow of traffic, from vehicles waiting to enter the site. Widening of the vehicular access can be required by the imposition of a condition on any planning permission. Any alterations or culverting of a watercourse would require the prior approval of the Environment Agency, regardless of any planning approval.
24. I am satisfied that car parking can be provided on the site for four vehicles (2 vehicles per property), with space for vehicles to turn so they can enter and leave in forward gear. Nevertheless, a new site plan should be submitted which accurately illustrates the space available for car parking and vehicle manoeuvring.

Impact on Flooding

25. At the time of writing the agenda report, no information had been supplied by the applicant or their agent, to demonstrate that the site is not at risk of flooding and would not increase the number of people at risk from flooding.

Recommendation

26. Refusal for the following reason:
1. No 40 Station Road is identified as being located within an area of medium-high flood risk (Flood Zone 3), according to information provided by the Environment Agency. The application does not include an adequate flood risk assessment. As such it does not demonstrate that the proposed subdivision of the property into two flats will alleviate or mitigate the potential for an increased number of persons and properties at risk from flooding. It would therefore be contrary to Policy CS5 of the South Cambridgeshire Local Plan 2004 and Policy 6/3 of the Cambridgeshire and Peterborough Structure Plan 2003.

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

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning File References S/1451/05/F

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1600/05/F - Shudy Camps
Replacement Dwelling at Jasmine Cottage, Main Street for Oakhurst Homes Limited

Recommendation: Approval
Date for Determination: 10th October 2005

Members will visit the site on Monday 3rd October 2005.

Site and Proposal

1. Jasmine Cottage is a 1½ storey dwelling with 2 dormer windows facing Main Street and a single storey lean-to to the rear. The site is 0.283ha in area, which includes existing garden outside the village framework. The property has outbuildings in the garden area, and a garage set back from the road and adjacent to the 1m high fencing. This part of Main Street comprises a mix of 2 storey and single storey dwellings, including listed buildings. To the east is a 1½ storey dwelling, Granary Cottage with a kitchen window at the ground floor and a side bedroom window at the first floor facing the site. Between the side boundaries of the application site and Granary Cottage is a Public Footpath. To the west of the site is a 2 storey dwelling, Yew Tree House with a secondary sitting room window at the ground floor facing the 1m high fencing along the common boundary with the application site.
2. There are two Listed Buildings in the locality: to the east, approximately 65m from the site, is Street Farm and to the west, adjacent to Yew Tree House is Lower Farm. Planning consent has been granted for a single storey dwelling at land adjacent Street Farmhouse.
3. The full application, registered on 15th August 2005 proposes to replace the existing dwelling and garage with a larger 5 bedroom house, approximately 7.5-8.2m high to the ridge and 4.3-5m high to the eaves. The proposed dwelling is to be set back from the road and the front building line of the existing cottage. A detached double garage would be sited on the east side of the proposed house but set back from the front elevation. The density would remain 3.5 dwellings per ha.

Planning History

4. **S/2233/03/F** – Planning consent granted for a dwelling at land adjacent to Street Farmhouse

Planning Policy

5. **Policy P1/3** of the **Cambridgeshire and Peterborough Structure Plan 2003** requires a high standard of design which responds to the local character of the built environment for all new development.
6. **Policy SE5** of the **South Cambridgeshire Local Plan 2004** identifies Shudy Camps as an Infill-only village. Residential developments within the village framework of these villages are restricted to not more than two dwellings comprising:

- a) A gap in an otherwise built-up frontage to an existing road; or
- b) The redevelopment or sub-division of an existing residential curtilage.

“Provided the site in its present form does not form an essential part of village character, and development is sympathetic to the historic interests, character, and amenities of the locality.”

- 7. **Policy SE8** of the Local Plan states in part, there will be a general presumption in favour of residential development within village frameworks.
- 8. **Policy HG10** of the Local Plan states that the design and layout of residential development should be informed by the wider character and context of the local townscape and landscape.
- 9. **Policy EN5** of the Local Plan requires trees to be retained wherever possible in proposals for new development.
- 10. **Policy EN28** of the Local Plan aims to protect the setting, well-being and attractiveness of Listed Buildings.

Consultation

- 11. **Shudy Camps Parish Council** recommends refusal on the basis of the size of the proposed property. It adds:

“Main Street, Shudy Camps is characterised by a mix of old and new properties. Currently, a number of infill sites have been developed or planning approval has been obtained, increasing the proportion of new dwellings. Jasmine cottage is an attractive old property and I would object strongly to its demolition and replacement by a new house. This would mean, not only the loss of one of the older properties in the village, but the proposed new property is much larger and out of proportion to the adjacent houses.”
- 12. **Landscape Design Officer** considers that a landscaping scheme would be important and assumes that the rear field will remain as a paddock and will not become garden area.
- 13. **County Council’s Definitive Map Officer** raises no objections to the proposed development but recommends informatives to be included on the decision notice if approved to protect Public Footpath No. 3, Shudy Camps.
- 14. **The Chief Environmental Health Officer** - raises no objections in principle although does express concerns about potential noise disturbance to residents during the demolition and construction period. As such, it is recommended that conditions and informatives are attached to any permission including a condition restricting hours of use of power operated machinery.
- 15. **Conservation Manager** - The Conservation Section have concerns over the size and scale of the replacement dwelling. However, given the scale and massing of the 1980’s dwelling built adjacent to Lower Farm, the Conservation Section do not believe that an objection on grounds of impact on this listed building (as set out in Policy EN28 of the Local Plan) could be sustained. In the event that the scheme is approved, a condition requiring agreement of ground floor level, to ensure the building is kept as low as practicable, thereby keeping its impact to a minimum.

16. **Trees and Woodlands Officer** - comments will be reported verbally.

Representations

17. A letter has been submitted by the applicant's architect and it is confirmed that the proposed rooflight opening to the eastern elevation is positioned over the dressing area to Bedroom 1 with a cill height of approximately 2.5m above floor level.
18. One letter from a Parish Councillor adds to the Parish Council's comments as follows:

"Jasmine Cottage has two neighbouring new houses. Granary Cottage, the most recently built to the East, has been designed in a style reminiscent of Jasmine Cottage and though it is new the two make sympathetic neighbours. The house to the West of Jasmine Cottage, though significantly bigger, is also in a sympathetic style. Lower Farm House, two doors to the west of Jasmine Cottage, is an old farmhouse of traditional style and scale. These four properties generally form a harmonious group.

The proposed new dwelling on the site of Jasmine Cottage is significantly larger. In addition, its front elevation is higher: both Jasmine and Granary cottages have dormer windows to their upper story, but the proposed new house has a conventional first floor with added roof above. The new house will appear significantly larger than, and out of scale with, Granary Cottage, and in particular its roofline will be much higher. The new development would be in a very different scale from the existing houses.

As a final point it should be noted that the new proposed dwelling has a footpath running to its East between it and Granary Cottage. In addition its East elevation will be extremely visible from Main Street to motorists and pedestrians travelling Westwards. The proposed East elevation is extremely deep in the plot. At the moment the view of Granary and Jasmine Cottages from the road is a typically pleasant English village scene - it will not be improved by the proposed development! The amenities of the footpath will be even more affected."

19. Occupiers at Yew Tree House, Main Street
- a) The proposal is out of keeping with local characteristics;
 - b) The size and height of the proposed new dwelling will affect the natural light to the main house and the garden, and would appear dominant and overbearing in the outlook from a sitting room window in the west elevation;
 - c) The existing infrastructure is impossible to sustain the proposed development; and
 - d) The proposal is not in keeping with the Council's sustainable development policy in terms of pollution and ecological impact and is contrary to the policy of affordable housing in rural areas.

Planning Comments – Key Issues

20. The key issues in relation to this application are:
- a) The affect on the amenity of the occupiers of Yew Tree House and Granary Cottage, Main Street,
 - b) Visual impact upon the street scene, and character and appearance of the area, and
 - c) The impact on the wider setting of the nearby Listed Buildings.

Impact on Yew Tree House

21. This property lies immediately to the west of the site. Its main living room window is at the ground floor level facing the road. There is a main sitting room window in the front elevation of the house and a secondary window serving that room in the eastern side elevation facing the existing boundary fencing. Given that only a single storey side element of the proposed new dwelling will face directly towards the side elevation of Yew Tree House and there are no main habitable room windows of Yew Tree House facing the new dwelling, I do not consider that the development will result in any serious loss of light or privacy to Yew Tree House. The proposal will not result in serious harm to the amenities of neighbours being unduly overbearing in terms of its mass. The proposed first floor bedroom window will face, at an angle, onto the front garden of Yew Tree House.

Impact on Granary Cottage

22. This property lies to the east of the site and adjacent to the public footpath. There are two bathroom windows and 3 rooflight windows (serve a dressing area) in the east side elevation of the new house facing the side of Granary Cottage. Granary Cottage has a side kitchen window at ground floor and a first floor side bedroom window facing the site. Giving an approximate distance of 14m between the edges of these two properties, I do not consider that the development will have a serious adverse impact upon the residential amenity interests of the occupiers at Granary Cottage.

Impact on street scene

23. The existing properties in this part of the village are mixed with cottages, modern two storey dwellings and listed buildings. This proposal is for a two storey dwelling. I consider the scale of the new dwelling is acceptable. The new dwelling will be set back from the existing cottage. There is adequate space to the side of the dwelling (9m to the east and 4.5m to the west) to respect not only the amenity of the occupiers of the neighbouring properties to either side but also the visual spacing in the street scene. There is an approximately 9m space on the eastern side to the adjoining public footpath and the proposal includes new planting and landscaping on the boundaries of the site. The development will not result in dominating of the public footpath. The ground level of the application site rises towards the garden area and the paddock beyond. As a result, the height of the proposed new dwelling varies from 7.5m to 8.2m following the ground level. I consider that the proposed development is in keeping with the local character and will not have an adverse impact on the street scene.

Impact on the wider setting of nearby Listed Buildings

24. In my opinion the design of the house is acceptable. It is a traditional design with a double pitch roof of narrow spans. External materials are reserved for approval by condition. The scale of the building would appear similar to Yew Tree House to the west.

Recommendation

25. Approval subject to conditions:
1. Standard Condition A – Time limited permission (Reason A);
 2. Sc 5a – Details of materials of external walls and roofs (Rc5a);
 3. Sc 51 – Landscaping (Rc 51);
 4. Sc 52 – Implementation of landscaping (Rc 52);
 5. Sc 60 – Details of boundary treatment (Rc 60);

6. No power operated machinery shall be operated on the premises during the period of demolition and construction, before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 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 disturbance to adjoining residents).
7. The first floor windows in the east/side elevation 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);
8. No further windows, doors or openings of any kind shall be inserted in the side elevations of the house, 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);
9. Sc5e – Finished floor levels (Reason – Rc5ai);

Reasons for Approval

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

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

South Cambridgeshire Local Plan 2004:
Policy SE5 (Development in Infill Villages);
Policy SE8 (Residential Development within the Village Frameworks);
Policy HG10 (Housing Design);
Policy EN5 (The Landscaping of New Development);
Policy EN28 (Development within the Curtilage or Setting of a Listed Building)
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 size and scale of the proposed dwelling.

General

1. Should driven pile foundations be proposed, before development commences, a statement of the method for construction of these foundations shall be submitted to and approved in writing by the District Council's Environmental Health Officer so that noise and vibrations can be controlled.
2. During construction, there shall be no bonfires or burning 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.
3. Before the existing property is demolished, a Demolition Notice will be required from the Environmental Health Department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of rains and establishing hours of working operation. This should be brought to the attention of the applicant to ensure the protection of the residential environment of the area.

4. The adjacent footpath must remain open and authorised at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it (it is an offence under s.137 of the Highways Act 1980 to obstruct a public right of way).
5. The footpath must not be used for vehicular access to the site unless the application is sure that they have lawful authority to do so (it is an offence under s34 of the Road Traffic Act to drive on a public footpath).
6. No alteration to the surface of the Footpaths is permitted without our consent (it is an offence to damage the surface of a public right of way under s1 of the Criminal Damage Act 1971).
7. The County Council as Highway Authority is only responsible for the maintenance of the surface up to footpath standard, or the purpose of legitimate use by members of the public in relation to that status; damage to the surface caused by non-public footpath use is repairable by those private users.
8. Hedges and other vegetation must be planted at least 2m away from the Public Right of Way to ensure that future growth does not obstruct the path. Maintenance of the vegetation alongside the right of way is the responsibility of the owner, and should be cut back to allow passage along the full width of the path.

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/2233/03/F and S/1600/05/F

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1415/05/F - Bar Hill
Extension at 180 The Spinney, for Mr and Mrs Hayden-Smith

Recommendation: Refusal
Date for Determination: 12th September 2005

Members to visit this site on 3rd October 2005

Site and Proposal

1. The irregular shaped site is situated at the end of a cul-de-sac, and contains a detached two-storey brick dwelling with detached brick garage. The width of the site increases to the rear. The site is surrounded by residential properties, with a public footpath separating the rear gardens of Nos. 179-181 The Spinney from No. 184 The Spinney. The side and rear garden of the site is enclosed by a closed-board fence approximately 1.8m in height, with a section of hedging measuring approximately 3m adjacent the south-western and south-eastern property boundaries.
2. The full application received 18th July 2005 and amended by drawing SF 05 025.1.A proposes the erection of a single storey lean-to side extension on the south east elevation and a two-storey rear extension to the south west. The rear extension measures 4.2m in width, 3.25m in depth, with a ridge height of 6.6m. The proposal is intended to be used as a utility room and lounge room at ground level and bedroom at first floor.

Planning History

3. No relevant planning history

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 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.

Consultation

6. **Bar Hill Parish Council** - In response to original application, recommended the approval of the application. No additional comments are made.

7. No response received to amendment at the time of preparing agenda report. Response to be verbally reported at Committee.

Representations

8. Objection to both original and amended application received from the occupants of the adjacent dwelling, 179 The Spinney on the grounds of loss of privacy to garden from side elevation window.

Planning Comments - Key Issues

9. The key issues in the assessment of this application is whether the design of the extension is appropriate for this location and impacts on the residential amenity of adjacent properties.

Design of Extension

10. No objection is raised by any party to the design of the side or rear extension. I am of the view that the proposal has an acceptable visual impact when viewed from the front elevation (The Spinney) and from the public footpath to the rear.

Impact on Residential Amenity of Adjacent Properties

11. No objection is raised to the single storey side extension.
12. It is noted that the insertion of a first floor window in the existing south-east elevation of the dwelling does not require planning permission.
13. The two-storey rear extension is setback approximately 9.4m from the side property boundary with No. 179, 9.2m from the rear garden of No. 184 and 7.8m from the side property boundary with No. 181. The proposal avoids a loss of privacy to No. 184 by the use of the high-level window at first floor level on the rear elevation of the extension, and a loss of privacy to 181 by the absence of windows at first floor level on the north-west elevation.
14. I am of the view that the proposal by virtue of the position of the first floor bedroom window on the south-east elevation of the proposed extension would result in an undue loss of privacy to the garden of 179 The Spinney. From this proposed bedroom window views would be obtained of the enclosed side garden of No. 179 and the main part of the rear garden to the rear of the dwelling (some 14.5m distant). I am of the view that existing windows in adjacent properties do not substantially overlook this section of the garden.

Recommendation

15. Refuse as amended by Drawing No. SF 05 025.1.A for the following reason:

The proposal, by virtue of the proposed first floor bedroom window in the south-east elevation of the two storey extension, would result in an undue loss of privacy to the side and rear garden of No. 179 The Spinney, contrary to Policy HG12 of the South Cambridgeshire Local Plan 2004, which requires planning applications for alterations and extensions to dwellings not to harm seriously the amenities of neighbours.

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

- Cambridgeshire and Peterborough Local Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning File Ref: S/1415/05/F

Contact Officer: Allison Tindale - Planning Assistant
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1588/05/F - Barton**Installation of Solar Water Heating Collectors, 3 School Lane, for Ms Hubbard and Hulme**

Recommendation: Refusal
Date for Determination: 6th October 2005

Conservation Area**Site and Proposal**

1. 3 School Lane is a rendered cottage within the Barton village framework and Conservation Area. To the west the property's curtilage abuts the car park of The Hoops public house (grade II listed) and when looking to the east of number 3 St Peter's church (grade II* listed) dominates the lane.
2. The full planning application, received on the 11th August 2005 proposes to site two solar water heating collectors on the front roof slope of the dwellinghouse. The two collectors, as a pair, would have a width of 2650mm, a length of 1700mm and would project by 97mm from the existing roof slope.

Planning History

3. None relevant

Planning Policy

4. **Policy P7/6 'Historic Built Environment'** of the Cambridgeshire and Peterborough Structure Plan 2003 states Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.
5. **Policy HG12 'Extensions and Alterations to Dwellings with Frameworks'** sets out requirements for development of dwellings within frameworks having regard to impact upon neighbour amenity and the street scene.
6. **Policy EN28 'Development within the Curtilage or Setting of a Listed Building'** sets out the requirements for development within the curtilage or setting of listed buildings.
7. **Policy EN30 'Development in Conservation Areas'** of the Local Plan 2004 sets out the requirements for development within Conservation Areas.

Consultations

8. **Barton Parish Council** – Recommends approval
9. **Conservation Manager** – Recommends that the application be refused as it is considered to be unacceptable and visually intrusive to locate the collectors on the front elevation of the property. The units will be highly visible in the street scene, particularly given their elevated location. The collectors will adversely impact on the

setting of the adjacent listed building and detract from the character and appearance of the Conservation Area and street scene in general.

10. On previous cases, as a compromise, units have been sited on the rear cross wing of buildings in order to maximise the morning and evening sun. This proposal would be far more visually acceptable.

Representations

11. One letter of objection received from the occupier of 5 School Lane, who opposes the granting of permission for the solar collectors as they represent an unsightly intrusion on the character of the other structures along School Lane.

Planning Comments – Key Issues

12. The main issue to consider in the determination of this application is whether the development would enhance the character and appearance of the Conservation Area and whether it would impact upon the settings of the nearby listed buildings.
13. 3 School Lane has been successfully renovated and extended in a manner that is in keeping with the Barton Conservation Area. Although not listed the property has a certain period charm and contributes positively to the street scene of the lane. The proposed collectors would sit clear of the roofslope and would be visually intrusive in the street scene due to the fact that the property occupies a prominent location in the lane. Moreover the location of the dwelling means that it also contributes to the setting of St Peters Church and The Hoops public house. The addition of what is quite unmistakably a modern form of development is considered to detract from the historic settings of both these buildings.
14. Although the solar collectors are not considered to be acceptable on the front roof slope there may be some scope to site them in a less prominent position. As the Conservation Manager stated the siting of the collectors on the east and west roofslopes would be more visually acceptable, and this is perhaps a better way for the applicant to proceed. Given that there are alternatives I do not consider that the benefits of the scheme outweigh the harm to the Conservation Area or to the setting of Listed Buildings.

Recommendation

15. Refusal

Reasons for Refusal

1. The siting of the proposed solar water heating collectors would be contrary to Policy P7/6 of the Cambridgeshire and Peterborough Structure plan 2003 and Policy EN30 of the South Cambridgeshire Local Plan 2004 as they would neither preserve nor enhance the character and appearance of the Conservation Area. Moreover the prominent location of the collectors on the front roof slope of the property would visually harm the street scene of School Lane, contrary to Policy HG12 of the Local Plan, and detract from the settings of the adjacent listed public house and nearby listed church, contrary to Policy EN28 of the Local Plan.

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/1588/05/F

Contact Officer: Edward Durrant – Planning Assistant
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1630/05/F - Litlington
Erection of 3 Dwellings Including 1 Affordable Dwelling Following Demolition of Existing Factory Building, South View, Church Street - For R K Print - Coat Instruments Ltd

Recommendation: Approval
Date of Determination - 18th October 2005

Conservation Area**Site and Proposal**

1. The 0.03 ha site lies on the south-western edge of the main part of the village overlooking a small village green, and comprises the 2-storey factory building element of the former industrial premises. There are frontages to Church Street to the south-west and a narrow, unmade road to the south-east, to the north-east is Manor View, a modern dwelling, and to the north-west a traditional dwelling linked to the factory buildings and forming part of the former factory complex. The full application as amended by plans franked 15th September 2005 received on the 23rd August 2005 proposes the demolition of the factory buildings and their replacement by 3 two storey terraced dwellings with an "L" shaped footprint giving frontages to Church Street and the village green. Each unit has two bedrooms with 1 parking space per unit. One unit is "affordable". The design, scale and materials take their cue from the Victorian dwelling (South View) adjacent to the site.
2. The density equates to 100 dwellings per ha. A supporting statement accompanies the application. The former business moved to the site in 1966 and extended its buildings with first floor extensions, employing 30 staff. The firm relocated in 1991 to a purpose built site elsewhere in the village. Another company took over the premises and moved out in 2003. The premises has been marketed since without success.
3. The provision of a single affordable dwelling is justified because of the high cost of redeveloping the site and the need for a high quality development in the Conservation Area. The advantages of replacing the existing unattractive factory buildings with a more appropriate development in the Conservation Area are underlined.

Planning History

4. Planning permissions were granted in 1971 and 1980 to extend buildings on the site in connection with use of the site for laboratories. An application for 3 houses was withdrawn earlier this year (ref. S/0951/05/F).

Planning Policy

5. The site is within the village framework and the Conservation Area. The following policies apply:
- a) Cambridgeshire and Peterborough Structure Plan 2003:
Policy P1/2 (Environmental Restrictions on Development), Policy P1/3 (Sustainable Design in Built Development), Policy P2/6 (Rural Economy), Policy P5/3 (Density), Policy P5/4 (Locally Identified Housing Needs, Policy P5/5 (Homes in Rural Areas) and Policy P7/6 (Historic Built Environment).
 - b) South Cambridgeshire Local Plan 2004:
Policy SE5 (Infill Only Villages), Policy SE8 (Village Frameworks), Policy SE9 Village Edges), Policy HG7 Affordable Housing on Sites Within Frameworks), Policy HG10 (Housing Mix and Design), Policy ES1 (Potentially Contaminated Sites), Policy EM8 (Loss of Employment Sites in Villages), Policy EN15 (Sites of Archaeological Importance), Policy EN30 (Development in Conservation Areas), Policy EN32 (Demolition in Conservation Areas) and Policy EN35 (Restrictions on Permitted Development).

Consultation

6. **Litlington Parish Council** welcomes improvements to the east elevation but recommends refusal on the following grounds:
- a. “We believe 3 dwellings to be too many for this size of site. The target density expressed in the Local Plan and the Structure Plan (P5/3) is 30 to 40+ dwellings per hectare with the higher end of this range restricted to areas with good infrastructure. This development works out at about 100 per hectare, which we believe to be excessive in view of the sensitive nature of the location (see below) and the poor infrastructure.
 - b) Local Plan policy SE5 limits the number of new houses on any site in an infill village to 2 (or possibly **slightly** more for brown field sites). We believe this application should be considered in combination with application S/0950/05/F, which is contiguous with the current one. In which case the total number of dwellings would be 4, which is not slightly more but twice as many as 2.
 - c) The car parking provision is inadequate and does not conform to the standards set out in Appendix 7/1 of the Local Plan. This is especially important in Litlington, where there is no viable public transport infrastructure, which makes travel by car the only viable alternative for most people. The lack of adequate parking will force the residents to park between the green and the houses, to the detriment of the village green setting.
 - d) The parking provision does not meet generally accepted road safety standards, in that residents cannot enter and leave in forward gear and, because there are inadequate vision splays. We recall that the previous planning permission for the site prevented access onto Church Street on road safety grounds.

- e) The windows on the west side of the new houses look directly into the window on the side elevation of the neighbouring property (Manor View).

We accept that the existing building is far from pretty, and we are happy in principle for it to be replaced by housing. However, the strength of feeling associated with this site is greater than usual, because of its location, which lies:

- i. At the heart of the conservation area;
- ii. Directly opposite the village green;
- iii. On the Countryside Frontage overlooking the village manor house;
- iv. In an elevated position;
- v. In full view of all travellers approaching from the South (which is most travellers given that we have a one-way system). The village opens out as the road reaches the green and the site forms the backdrop to this open area.

Given the nature of the location, we want to see a development that is very sympathetic - one that enhances the area and accords with a traditional village setting. In particular, we suggest the following enhancements:

1. Reduce the density of housing to no more than 40 per hectare.
 2. Ensure that the car parking and access provision is not between the green and the houses, so as to maintain the village green setting.
 3. Ensure that the path between the houses and the green remains a path, not an access road or car park - again to protect the village green setting.
 4. Ensure that the design detailing (including fenestration, window materials, roof covering, roof pitch, bricks, wall colour, eaves and verge details etc.) conform to traditional local practice.)”
7. **The Local Highway Authority** has asked for more information concerning previous vehicle movements’ from the former factory site. This has been provided and a verbal report will be made.
 8. **The Environment Agency’s** comments will be reported verbally.
 9. **The County Archaeologist comments:**

“The plot lies in the core of the medieval settlement and appears to have been established as a result of encroachment onto a village green or area of common, post AD 1400. Accordingly, the plot has the potential to shed light upon the development, contraction and subsequent expansion of Medieval Litlington, particularly in the period following the population collapse of the mid 14th century. In addition, the Litlington area is known to be particularly rich in sites of Roman date, including a large villa complex and an important cemetery (sadly lost to gravel extraction in the 19th C) and the potential exists for the discovery of further Roman remains in the development area”.
 10. A condition is therefore recommended requiring a programme of archaeological investigation.

The Conservation Manager comments:

11. *“Demolition:*
The section of building scheduled for demolition is of no particular architectural merit, through it does provide a degree of enclosure to the north-west side of the village green.
12. *3 New Dwellings:*
On the previous application my biggest regret was the lost opportunity for a piece of positive architecture to enclose the green. The current application attempts to address this and is much more acceptable than the previous proposal.
13. I have a concern about the awkward relationship between the parking space for Unit 3 and the potential of disturbance for Unit 4, but can see no easy solution. Also, the west gable window to bedroom 1 in Unit 4 could be omitted, thereby avoiding any potential overlooking of the neighbouring dwelling or garden.
14. There are a number of aspects that will need to be clarified in order to ensure a quality development, but I would be happy for these to be controlled via conditions. They include:
 - a) Detailing and finish to the roofs to the bay windows. Given the shallow pitch they will probably need to be in lead, complete with lead rolls etc.
 - b) Detailing of windows - These should be timber, sash windows with margin lights.
 - c) Detailing of French doors - The elevations suggest sliding patio doors which would look totally out of place, and these doors should be side hung, glazed timber doors.
 - d) Boundary treatment.
 - e) Finish to parking areas.
15. *Recommendation*
No objection, subject to adequate conditions to cover the above points”.
16. **The Chief Environmental Health Officer** has no objections subject to standard conditions concerning hours of work and site contamination.

Representations

17. No representations have been received.

Planning Comments - Key Issues

18. The key issues are the loss of an employment site in the village, the density of the proposed housing and its impact on the Conservation Area.
19. The premises were occupied for many years by a local firm who have relocated elsewhere in the village in 1991. Another company subsequently occupied in buildings until 2003. The property has since been advertised for rent without success. The applicants point to the remote village location, small site size, restricted access and parking and proximity to residential curtilage as negative factors. I am satisfied that the documentation provided with the application demonstrates the site has been adequately advertised, and its position close to residential properties could generate undesirable noise problems. Therefore, the redevelopment of the site for residential purposes does not conflict with Local Plan Policy EN8 which seeks to retain employment sites within villages.

20. As a proposed density of 100 dwellings per ha the site would at first glance appear to be overdeveloped, but the existing industrial buildings have a large footprint and the remainder of the site is concrete hardstandings. In order to achieve a road frontage on two sides an "L" shaped footprint is proposed. The scheme includes on-site parking and gardens for each property, and I consider the density appropriate for this site given the scheme proposed. A density of 40 dph, as suggested by the Parish Council, would equate to one dwelling. No affordable housing would be provided.
21. The redevelopment of the site gives the opportunity to enhance the Conservation Area; this is a visually important site facing onto a small village green and adjoining an attractive Victorian Cottage. An application for 3 dwellings submitted earlier this year was withdrawn to enable more thought to be given to the elevational treatment. Following further discussions with the Conservation Manager the scheme now submitted is acceptable subject to conditions and including more information on window and door design.
22. The previous scheme did not include any provision for affordable housing; one of the three units is now proposed to be affordable and this is acceptable both in terms of the accommodation proposed and the percentage of the whole development.
23. The Local Highway Authority's final comments are awaited, but the replacements of an industrial site employing 30 people in its heyday with 3 dwellings should not create any highway difficulties.

Recommendation

24. Approval, as amended by plans franked 15th September 2005 subject to the following conditions.
 1. Standard Condition A – Time limited permission (Reason A);
 2. No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority.
 - c) The materials to be used for the external walls and roofs, including the bay windows.
 - d) Precise details of the windows and doors.
 - e) Boundary Treatment.
 - f) Finish to parking areas.(Reason - To ensure development enhances the character of the Conservation Areas.)
 3. Sc51 – Landscaping (Rc51);
 4. Sc52 – Implementation of landscaping (Rc52);
 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 and re-enacting that order), the following Classes of development more particularly described in the Order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:
 - 1) Part 1, (Development within the curtilage of a dwellinghouse) All Classes.
 - 2) Part 2, (Minor operations) Class A (erection of gates, walls and fences).(Reason - To safeguard the character of the Conservation Area.)

6. During the period of demolition and 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 protect the amenities of neighbouring residential property.)
7. Prior to the development commencing an investigation of the site shall be undertaken to establish the nature and extent of any contamination of the site and any remedial works to deal with contamination. This shall initially consist of a desktop study, which will 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 than 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 should be included. Remedial work should be carried out before development commences. The work shall be carried out in accordance with the approved details. Copies of all reports shall be submitted to and approved in writing by the Local Planning Authority.
(Reason - To ensure the developed site is free from contamination.)
8. The development permitted shall not commence until a binding undertaking prepared in accordance with the requirements of Section 106 of the Town and Country Planning Act 1990 shall have been entered into with the Local Planning Authority, requiring the transfer of the proposed house on plot 4 to a Registered Social Landlord approved in writing by the Local Planning Authority.
(Reason - To ensure the development makes provision for Affordable Housing in accordance with Policies in accordance with Policy P5/4 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy HG7 of the South Cambs Local Plan 2004.)
9. No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains.)
10. The bathroom window in the western elevation shall be permanently glazed with obscured glass.
(Reason - To protect the amenities of the neighbouring residential property.)
11. Any conditions required by the Local Highway Authority and the Environment Agency.

Informatives

(1) The Council's Conservation Manager advises:

1. The bay windows roofs have a shallow pitch and should be in lead, complete with lead rolls.

2. The windows should be timber, sash windows with margin lights.
3. The French doors should not be sliding patio doors which would be out of keeping, but side hung glazed timber doors.
4. Conservations Area Consent is required for the demolition of the existing factory buildings.

(2) **The Council's Chief Environment Health Officer** comments:

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. A guidance document on the procedures for dealing with potential land contamination will be available from the Environmental Health Officer.
3. Before the existing property is demolished, a Demolition Notice will be required from the Environmental Health 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. This should be brought to the attention of the applicant to ensure the protection of the residential environment 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: **P1/2 (Environmental Restrictions on Development), Policy P1/3 (Sustainable Design in Built Development), Policy P2/6 (Rural Economy), Policy P5/3 (Density), Policy P5/4 (Locally Identified Housing Needs, Policy P5/5 (Homes in Rural Areas) and Policy P7/6 (Historic Built Environment).**
 - South Cambridgeshire Local Plan 2004: **Policy SE5 (Infill Only Villages), Policy SE8 (Village Frameworks), Policy SE9 Village Edges), Policy HG7 Affordable Housing on Sites Within Frameworks), Policy HG10 (Housing Mix and Design), Policy ES1 (Potentially Contaminated Sites), Policy EM8 (Loss of Employment Sites in Villages), Policy EN15 (Sites of Archaeological Importance), Policy EN30 (Development in to Conservation Areas), Policy EN32 (Demolition in Conservation Areas) and Policy EN35 (Restrictions on Permitted 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:
 - Density
 - Impact upon setting of adjacent Conservation Area;
 - Highway safety
 - Car parking
 - Impact on amenity of adjoining properties

Background Papers: the following background papers were used in the preparation of this report: Planning Files ref: S/0951/05/F and S/1630/05/F.
South Cambs Local Plan 2003.
Cambridge and Peterborough Structure Plan 2003.

Contact Officer: Bob Morgan - Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005

AUTHOR/S: Director of Development Services

S/6309/05/F - Cambourne
Temporary Haul Road and Excavation of Subsoil for Use Off-Site at Land East of Lake 4, Cambourne, for MCA Developments Ltd

Recommendation: Approval
Date for Determination: 28th October 2005

Site and Proposal

1. The land is an area 40 metres by 200 metres on rising land being used for spoil disposal south of Lake 4, Cambourne. The extension to the permitted haul road runs between Lake 4 and Oakdene and turns south across the spoil disposal area to the application site. The area has already been stripped of topsoil which is stored nearby in accordance with the Cambourne construction code in the Design Guide.
2. The application, received 19th August 2005, proposes to excavate clay subsoil from an area 30 metres by 195 metres. The material would be transported by an approved contractor working for Cambridgeshire County Council to extend the slip roads from the A14 into the Cambridge Science Park. The applicant states that this operation will provide a supply of acceptable material for use within this area of Cambridgeshire and will avoid importing material from elsewhere. The excavation will be filled using spoil derived from the Cambourne development and this will begin as soon as the excavation works are completed. The contractor estimates that the extraction will take a total of approximately 10 weeks depending on the weather conditions.
3. In order to transport the material to the established haul road skirting Great Cambourne, an extension of the haul road over the permitted spoil disposal area would be routed to the south of Oakdene, a residential property set in an extensive garden.
4. The proposed area for extraction has been chosen to coincide with the area where archaeological investigation has already taken place. An area around the quarry would be used to store the topsoil, acting as a buffer to the nearby archaeologically sensitive areas and the structural landscape woodland which has been planted to the south of this application site.
5. The excavation would vary between 2 and 3 metres deep, averaging 2.5 metres. The sides would slope at 1 in 2.5. Part of the site is already fenced to protect the new woodland, and all of it lies within works areas from which the public are excluded by fencing and warning signs.
6. The excavation will begin at the lowest point allowing rainwater to run off to the west, assisted by the digging of shallow grips (ditches) to disperse any water onto the scrubland east of the lake, filtering it into the ground. The water-table has been found to be well below the depth of the proposed excavation and therefore would not be affected; thus no impact on the supply of water to the new trees would result.

7. The export of the projected 20,000 cubic metres of material would be effected in 35-40 loads per day over the ten week period, in accordance with a method statement regarding health and safety, hours of work to comply with the Cambourne construction code, speed limits, avoidance and clearance of spillages, and grading of slopes at the end of the working day.

Planning History

8. **S/1371/92/O** Outline permission for the new settlement of Cambourne granted in 1994, followed by the Master Plan and Design Guide in 1995.
9. **S/6169/02/RM** Reserved matters approval for spoil disposal in the area east of Crow Hill and south and east of Lake 4.
10. **S/6236/04/RM** Reserved matters approval for the temporary haul road south and east of Great Cambourne.
11. **S/6258/04/RM** Alteration in landform involving 36.75 hectares. Refused on the basis of the incongruous landform, lack of flood risk analysis, and impact on archaeology. This was an application for a greater height and extent of spoil disposal than the 2002 approval. An appeal has been submitted, with arguments relating to the lack of capacity for spoil disposal from the projected development of Cambourne, and the preference for retaining the spoil on site.

Planning Policy

12. **Cambourne 1 of the South Cambridgeshire Local Plan 2004 – Development in accordance with Cambourne Masterplan**
13. **Cambourne 2 – Development in accordance with Cambourne Design Guide**
14. **SE7 of the Local Plan – Development in accordance with Cambourne Masterplan and Design Guide**
15. **SE2 of the Local Plan – Development in Rural Growth Settlements**
16. **Cambridgeshire and Peterborough Structure Plan 2003: P1/3 – Sustainable Design in Built Development**

Consultations

17. **Cambourne Parish Council** recommended refusal on the following grounds:
 - “1. Extent of traffic movements additional to the normal construction traffic associated with site construction.
 2. Inadequate provision to safeguard roads. Lorries departing site should have passed through a wheel washing facility to minimise mud being deposited on roads.
 3. Contrary to Master Plan which stated no soil should be removed from site.
 4. Inconsistency between submitted documentation. Drawing No 85cl.55 shows an excavation depth of up to 2m deep but the detail attached to CJ Pryor Contracts Method statement shows an excavation depth totalling 3.3m deep considerably

deeper increasing the volume of soil to be excavated and therefore increasing the number of traffic movements.”

18. **English Nature** – does not believe that the application will have an adverse impact upon wildlife.
19. **County Archaeologist** – comments will be reported verbally.
20. **County Countryside Services** – the public footpath No 2 Bourn must be safeguarded at the haul road crossing.
21. **Landscape Design Officer** – requested assurance regarding protection of the tree belt to the south.

Representations

22. None received

Planning considerations.

23. The principle of exporting spoil is not precluded by the planning permission for Cambourne, or the associated masterplanning documents. It has, however, been avoided up to this point in the interests of sustainability and to reduce the impact of the Cambourne development on the surrounding area.
24. An urgent local need for this material has now been identified for the limited project of the Science Park slip road. It would not be in the interests of environmental sustainability to import the material from a more remote source.
25. The quarry will have capacity to accommodate Cambourne spoil, thus reducing future impact on local landforms by deposit of spoil, which has been controversial for this area of the proposed golf course.
26. The impact of the transport of material on residential amenity, safety and local roads would be marginal in this area which already has planning permission for spoil disposal, and is in daily use as such with operational safeguards in place. The nearest occupied properties are 450 metres from the quarry.
27. The impact on the environment, including drainage, trees, ecology, and archaeology will be minimised by the concentration in this area which has already been investigated, and subsequently protected, for the purposes of works already permitted and commenced.
28. It is therefore concluded that the proposal complies with the Local Plan policies for Cambourne which require development in accordance with the Master Plan and Design Guide, and guided by the issues of sustainability embraced by government guidance.

Recommendation

29. Approve, subject to the following conditions
 1. Standard Condition A – Time limited permission (Reason A).

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - a) Cambridgeshire and Peterborough Structure Plan 2003: **P1/3 – Sustainable Design in Built Development,**
 - b) South Cambridgeshire Local Plan 2004: **Cambourne 1 and Cambourne 2.**

2. The proposal is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise: **the principle of exporting subsoil, local need for the material, increased future capacity for retention of Cambourne construction spoil on site, and impact on local amenity and environment.**

Informative

Comments of County Council regarding Public Footpath No. 2 Bourn.

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/1371/92/O, S/6169/02/RM, S/6236/04/RM, S/6258/04/RM**

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

**S/6286/05/RM - Cambourne
41 Dwellings at Area Gc25, Great Cambourne
for Mca Developments**

**Recommendation: Approval
Date for Determination: 16th May 2005 (Major Development)**

Site and Proposal

1. The site comprises a 2-hectare parcel of land allocated for residential development at the south western end of Great Cambourne. The northern boundary is marked by a greenway, beyond which are further residential sites; to the east is part of site GC18, currently under construction; and to the west and south is an area of dense woodland planting between the Country Park and "golf course" at the southern edge of the village. The site is almost flat, with a very slight slope to the south west.
2. The reserved matters application, received on 14th February 2005, and amended on 22nd August 2005, proposes 41 dwellings and associated works. The layout is now more coherent, following the requirement of the briefing plan by continuing the avenue from the adjacent site to a good visual stop. Two LAPs are now provided and the south western edge has a better courtyard character, including a rural lane style loop road. All matters are included in the application. The mix comprises: 2, two bedroom flats; 7, three bedroom houses; 24, four bedroom house; 8, five bedroom houses. The density is 20.5 dwellings per hectare.

Planning History

3. Outline planning permission was granted for the development of Cambourne in 1994, subject to a Section 106 Agreement. The permission and Agreement required the approval of a Design Guide and Masterplan. These in turn have led to other framework documents agreed between the Council, developers and relevant bodies, against which schemes are considered. These include the Cambourne Highway Design Guide, the Cambourne Play Strategy, the master phasing plan, and the Phase 5 South Briefing Plan.

Planning Policy

4. **Policies Cambourne 1, Cambourne 2 and SE7** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") require development to take place in accordance with the Cambourne Masterplan and Design Guide. **Policy SE2** requires development in Rural Growth Settlements to be sensitive to character and amenity, provide an appropriate mix of dwellings, and achieve 30 dwellings per hectare unless strong design grounds dictate otherwise.
5. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") requires sustainable design in built development.

6. The **Cambourne Phase 5 South Briefing Document** states that the woodland edge character is created by the adjacent dense woodland and rising ground in the country park, and that “development along this western edge should not face out but should emphasise the sense of containment by the use of enclosed courtyard areas. Their arrangement should allow glimpsed views from the main roads, through the courtyards, between buildings, to the woodland beyond. This connection with the woodland could be increased by occasionally bringing woodland planting into the courtyards or other incidental open space within this area. Open spaces along the main vehicular route should be soft and informal with woodland tree species used to create a visual link to the nearby woodlands. Building set back should vary and front gardens should be planted and have picket fences, hedges or occasional low walls to their boundaries.” A view to the top of Crow Hill (the spoil mound in the Country Park) must be retained. Focal points are identified at the end of the east-west avenue running through this and the adjacent sites.

7. The **Cambourne Play Strategy** requires two LAPs (Local Areas for Play) in this area.

Consultations

8. **Cambourne Parish Council** recommended approval to the original plans, subject to restrictions on hours of working and the use of residential roads for construction access. Amended plans: recommend refusal. “The original Masterplan indicated 38 dwellings, this was raised to 39 as originally submitted, the amended plan shows 41 dwellings. This is an unacceptable increase in density.”

9. The **Local Highways Authority** objected to the original layout on the grounds of highway safety, due to straight sections that are too long, confusing junctions, and poorly placed pedestrian crossing points. The amended plans have successfully addressed these concerns. Some very minor changes will be dealt with at adoption stage.

10. The Council’s **Environment Operations Manager** states in relation to the original plans that there is insufficient road access to provide refuse collection for each property; in particular the private drives are too small, the turning head is too small and the walking distance for operatives would be greater than 30m.

11. The Council’s Chief **Environmental Health Officer** recommends a condition restricting hours of work to protect residential amenity.

12. The **Cambridgeshire Fire and Rescue Service** requires confirmation that water supplies are available for fire fighting.

13. The Council’s **Ecology Officer** requires enhancements such as bat and bird boxes, and fence lifting to allow the movement of small mammals.

14. The Council’s **Landscape Design Officer** is concerned that the original plans show tree planting mainly in rear gardens and very little in the public realm, and very little space for planting on the main through route. There is no public open space. There should be a hedge along the whole of the boundary with the greenway. There may be pressure to remove trees from the adjacent woodland in the future due to the proximity of some houses to the tree belt. Amended plans: the planting to the side of plot 32 is impractical as there is insufficient space. Plot 22 has an important boundary with the “golf course” that will need a more involved specification.

15. The **Police Architectural Liaison Officer** is concerned about private pedestrian links from the private drive /courtyards to the edge of the development, which may be used by the public over time and would increase vulnerability of the properties there. Additional security measures for surveillance are recommended. There should be lighting to the parking areas and private drives, although in the case of the latter this may cause confusion as to whether these are public routes to the “golf course”/country park.
16. The **County Archaeologist** confirms that the site has already been evaluated and no further investigation is considered necessary.

Representations

17. None from residents. The applicant has made the following case:
18. “Your letter regarding the original plans refers to “overdevelopment” and to properties being “squeezed in” and an “unacceptably high density”. As a matter of fact this site layout is proposed at an ultra low density by any normal measure. The original planning submission proposed a density of 19 dwellings per hectare and we are currently planning 41 plots over five acres which equates to only 20 dwellings per hectare. This is exactly half the density of sites that we are developing outside of Cambourne and I can report that no other planning offices with jurisdiction over our sites would permit such a profligate and inefficient use of consented residential development land. Indeed, since the publication of the Town and Country Planning (Residential Density) Direction 2005 (Circular 1/05, dated 24th January 2005) “to avoid the profligate use of land” the approval of planning permissions proposing inefficient layouts if less than 30 dwellings per hectare is rendered impossible. 20 dwellings per hectare represents a density of 33% less than the minimum density required by PPG3 yet the Briefing Document to which you refer under the heading “PPG3” states that “Current Government guidance on new housing will apply in all its forms to this phase of Cambourne”. The stance currently adopted in your letter is also at odds with the First Secretary of State’s assertion in his appeal decision letter of 29th June that “the local planning authority has been able to reflect the density set out in PPG3 when granting planning permissions” at Cambourne. Furthermore the “current” density of 20 dwellings per hectare is below even the average density of 24.9 dwellings per hectare envisaged in the original 1995 Masterplan. Although at our previous meeting I agreed to plan some 3-bedroom properties along with many other detailed changes, I did not then agree to provide any two-bedroom properties. On such a low-density scheme to do this would turn this loss-making venture into a financial disaster which I could not get agreement to building. I am confident that the new layout is an appropriate response to the points in your letter.”

Planning Comments – Key Issues

19. The Master Phasing Plan allocates 38 units to this site, and 41 are proposed as a result of negotiations following the submission of this application for 39 dwellings. There is no objection in principle to this number: the application is a reserved matters application so the total for Cambourne is unchanged, and small increases like this have been allowed on other sites where there are good design reasons for doing so. Obviously officers are mindful of the extreme case that there would be so many fewer houses allocated for Upper Cambourne that it could become undeliverable (financially) but also mindful of the requirement of Government advice in PPG3 to provide densities of a minimum of 30 dwellings per hectare (41 units on this site is only 21 units per hectare), and Council’s proposal to add 700 units to the village through the LDF process. Whilst not presuming upon the outcome in any way, it is

clear that the Masterplan is due for review in terms of the allocation of numbers, and indeed work is already underway on this project, for reporting to a future meeting of this committee. Meanwhile Members may rest assured that the overall tally for Cambourne will accord with the outcome of the LDF, if necessary by perhaps reducing the physical size of Upper Cambourne, for example.

20. The scheme has been negotiated to a better standard of design and layout, with greater attention to the enjoyment of the layout of the site by its future residents, particularly in relation to garden sizes and garage positions. In the originally submitted scheme for 39 units, only one was 3-bedroom, and the rest were four and five bedrooms, some also with annexes. The layout was also poor, with most of the houses detached, and little form or character. The amended scheme adds another 2 units, but brings in a greater variety of houses sizes, with more smaller units, albeit only 22% being 3-bed or less. It is considered that this is the best that can be achieved on this site bearing in mind it's medium density requirements.

Recommendation

21. APPROVE reserved matters subject to conditions dealing with issues including landscaping, refuse storage and collection, parking, materials and road surfacing, contractors' compound, construction hours, spoil routes, and ecological enhancement.

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), **Cambourne 1, Cambourne 2 and SE7 (Cambourne)**

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

- Residential amenity
- Highway safety
- Visual impact on the locality

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/6286/05/RM

Contact Officer: Kate Wood – New Village/Special Projects Officer (Cambourne)
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

**S/1520/05/F- Comberton
Replacement Dwelling at 14 Green End, Comberton**

**Recommendation: Approval
Date for Determination: 29th September 2005**

Members will visit this site on 3rd October 2005

Site and Proposal

1. This application, received on 4th August 2005, proposes the erection of a two-storey, 5 bedroom house as a replacement for the existing bungalow.
2. 14 Green End is on a large, 18m x 175m plot, and is one of five bungalows built immediately to the north of the village hall. The existing bungalow is of pre-fabricated construction and clearly in need of significant repair, being fenced off with the windows boarded up.
3. The existing bungalow is sited approximately 22 metres from the site frontage and has a length of approximately 11.8 metres. The footprint of the existing bungalow is 78 square metres. The proposed new dwelling is to be sited 17.8 metres from the frontage and has a length of 12.2 metres and a footprint of approximately 160 square metres. The density remains 3 dwellings per hectare.

Planning History

4. **S/1515/05/O** - Two dwellings and garages following demolition of existing dwelling. This was refused under officer delegated powers (in September 2005).
5. Pre-application discussions were undertaken with the applicants and their agents and some but not all of the officer's recommendations have been taken on board in these revised proposals.

Planning Policy

6. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 requires a high standard of design which responds to the local character of the built environment for all new development.
7. **Policy SE4** of the South Cambridgeshire Local Plan identifies Comberton as a Group Village in which residential development and redevelopment up to a maximum scheme size of 8 dwellings will be permitted 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.
 - d) Residential development would not conflict with any other policy of the Plan, particularly **Policy EM8** (loss of employment sites).
8. **Policy SE9** of the Local Plan states that development on the edges of villages should be sympathetically designed and landscaped to minimise the impact of development on the countryside.
9. **Policy HG10** of the Local Plan states that the design and layout of residential development should be informed by the wider context of the local townscape and landscape.
10. **Policy EN6** of the Local Plan explains that the District Council will make orders and notices to protect trees and hedges where it considers that they contribute to local amenity or have visual or historical significance.
11. **Planning Policy Guidance (PPG) 3**, "Housing", advocates making more efficient use of land, while at the same time ensuring that the quality of the environment is protected. Considerations of design and layout should be informed by the wider context and development should be designed sympathetically and laid out in keeping with the character of the village.

Consultation

12. **Comberton Parish Council** recommends refusal on the following grounds:
- a) The proposed dwelling is too big to be in keeping with the plot compared to other houses on Green End and their plots.
 - b) The proposed dwelling is too big compared to the bungalow it replaces.
 - c) Disapprove of the suggestion of laurel for the hedge.
13. The **Trees and Woodlands Officer** comments that he is concerned about the provision of access in relation to the mature walnut located on the boundary near to the frontage. Construction on site would need to be discussed to minimise root damage. The horse chestnut, located in the middle of the site, should be retained, and provision for this appears satisfactory. A row of 4-5 hornbeam adjacent should also be retained with a minimum of 4.5 metre distance being given between the dwelling footprint and the trees. A Tree Preservation Order relating to the walnut, horse chestnut and hornbeam would be appropriate.
14. A Tree Preservation Order has now been served on the owner of 14 Green End, covering a number of trees which include the walnut, horse chestnut and hornbeam (reference 12/05/SC).
15. **Cambridgeshire Fire and Safety Service** states that from the information given and following a site visit, access for fire appliances may be considered inadequate.

Representations

16. The occupiers of No. 29 Hines Lane submitted comments before the application was validated as follows:

- a) The undeveloped gardens of the houses of Green End are an integral part of Green End.
 - b) Would like to ensure that the proposed replacement dwelling for the existing bungalow is sympathetic to the neighbourhood.
 - c) Would like to preserve the character of Green End.
17. The occupiers of No.16 Green End object on the following grounds:
- a) The proposed development is inconsistent with the character of the surrounding buildings and the existing dwelling.
 - b) The proposed dwelling is on a relatively narrow frontage (19 metres), thus the scale and mass of the proposal is imposing and inconsistent.
 - c) The proposed dwelling would cast a significant sun shadow over the house and garden at number 16 Green End.
 - d) The proposed dwelling would overlook both the side and rear of number 16 Green End.
18. The occupiers of No.18 Green End object on the following grounds:
- a) It is inappropriate to replace a bungalow with a house of the proposed size (should be a bungalow)
 - b) The house is too large and out of character with the immediate surroundings
 - c) The design of the proposed dwelling is inappropriate to the area of Green End
 - d) It is not advisable to plant two ash trees in the front garden; it would be more appropriate to plant one single oak tree
 - e) Laurel would not be appropriate as hedging species (should be mixed species)
19. The occupiers of No.12 Green End object on the following grounds:
- a) The proposed dwelling is extremely large, which is not in keeping with the other houses on Green End
 - b) There would be a loss of privacy to No12 as the upper windows would overlook the garden

Planning Comments - Key Issues

20. The site is located within the village framework where there is a presumption in favour of residential development. It is worth noting that the site is located on an edge of the village and is adjacent to the Green Belt.
21. The proposal therefore needs to be assessed against criteria in Policy P1/3 of the Structure Plan, and Policies SE4, SE9 and HG10 of the Local Plan.

Impact on adjoining properties

22. Adjacent properties are modest in size and design, nearly all with long back gardens resulting in a lower density of development than seen in other villages in South Cambridgeshire.
23. In terms of existing boundaries to the site, there is a fence to the north, whilst to the south there is an existing hedge together with overgrown vegetation (approximately 1.5 metres high). To the rear of the property, which fronts onto the Recreation Ground, there is no formal boundary but overgrown vegetation and a mature tree (approximately 6 metres high). There are at least four large trees located to the rear of the site.

24. Adjacent dwellings have some views into the application site. Number 12 Green End (which lies approximately 1 metre from the application site's boundary fence) has a partial view into the existing rear garden. Number 16 Green End (which lies approximately 2 metres from the application site's boundary) can view the current site through breaks in the existing vegetation.
25. In terms of the proposed new dwelling, provided that a landscaping scheme is agreed, there would not be significant amenity issues arising from this proposal regarding the immediate neighbours.
26. It is considered that the proposed dwelling would not cause overlooking or overshadowing sufficient to refuse the application. With appropriate landscaping, the seclusion and privacy of adjacent dwellings and their gardens will be secured and enhanced.

Character and appearance of the area

27. The site is not within the Conservation Area, nor are there Listed Buildings in the immediate vicinity. The immediate locality is not noted for any particular streetscape value and no other restraint policies apply.
28. The character of the immediate area is of fairly large plots along Green End, with a mix of bungalow and two-storey dwellings in terms of size, design and materials. In this part of Comberton plots remain with undeveloped back gardens, backing onto the Greenbelt.
29. It is not considered that the proposed dwelling would be too large or out of character with the immediate surroundings. There are a mix of dwellings on either side of the appeal site, for example number 12 Green End is a bungalow and number 16 a two-storey dwelling.
30. In conclusion it is considered that the proposed dwelling can be accommodated on the site without being overbearing, without overlooking or overshadowing of existing adjacent properties and reflecting the character and mixed appearance of the area.

Other

31. Comments have been made regarding the landscaping to the site. The Parish Council and neighbours at 18 Green End object to the use of laurel for the hedge.
32. This issue can be addressed via the submission and consideration of a detailed landscape scheme in the normal way.

Recommendation

33. Approve, subject to the following conditions:
 1. Standard Condition A - Time limited permission (Reason A);
 2. Sc5a - Details of materials for external walls and roofs (Rc5a);
 3. Sc51 - Landscaping (Rc51);
 4. Sc52 - Implementation of landscaping (Rc52);
 5. 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;
(RC - To minimise disturbance to adjoining residents);
7. Sc22 - No windows at first floor level in the north elevation of the development (Rc22);
8. Surface water drainage details;
9. Foul water drainage details;
10. Restriction of hours of use of power operated machinery during construction;
11. Protection of trees during construction.

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:**
SE4 (Group Villages)
SE9 (Village Edges)
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:
 - Impact on adjoining properties
 - Character and appearance of the 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 Applications Files S/1520/05/F and S/1515/05/O

Contact Officer: Area Team 3

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1612/05/F - Cottenham
Extension and Conversion of Barn into Dwelling and Erection of Garage at Land R/O
15 Telegraph Street, for Mr and Mrs Ware

Recommendation: Refusal
Date for determination: 13th October 2005

Conservation Area**Site and Proposal**

1. No.15 Telegraph Street, Cottenham forms a detached Victorian dwelling with a 60m deep rear garden that tapers inwards to the rear boundary. The application site faces onto Telegraph Street with a 10 metre wide frontage comprising a double timber gate and the back of a brick cart shed. The garden abuts the backs of dwellings in Corbett Street and the adjacent dwelling No.19 Telegraph Street, to the south east.
2. Approximately halfway down the garden there is a two-storey timber barn with brick plinth and pantile roof. The site includes a number of fruit trees to the rear and other medium sized conifer trees along the shared boundary with No.19. This boundary is marked by the garage and rear extensions of No.19 which enclose their immediate patio area from the proposed site.
3. This application received on 18th August 2005 seeks full planning permission for the conversion and extension of the barn to a 4 bed dwelling. The converted barn would benefit from its own curtilage, the land currently beyond the barn with a new single storey rear extension projecting into this newly defined garden space. The site would be accessed using a proposed shared driveway that would necessitate the removal of an existing cart shed that fronts Telegraph Street. A double length, single width garage would provide parking for No.15 the garden of which would be enclosed with a new brick wall. A shared turning area would be sited to the south west of the newly converted barn.

Planning History

4. **S/0160/85/F** – Extensions and alterations to provide a granny annexe was given planning permission on 13th March 1985

Planning Policy

5. **Policy P1/3 ‘Sustainable Design in Built Development’** of the Cambridgeshire and Peterborough Structure Plan 2003 requires a high standard of design and sustainability for all new development
6. **Policy P7/6 ‘Historic Built Environment’** of the Structure Plan 2003 states Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

7. **Policy P8/1 'Land Use and Transport'** of the Structure Plan 2003 sets out requirements for new development and transport needs.
8. **Policy SE2 - 'List of Rural Growth Settlements'** of the Local Plan 2004 permits residential development within village frameworks subject to a number of criteria
9. **Policy HG10 'Housing Mix and Design'** of the Local Plan 2004 sets out the requirements for design of new developments to consider the wider character and context of the local townscape and landscape.
10. **Policy EN30 'Development in Conservation Areas'** of the Local Plan 2004 sets out the requirements for development within Conservation Areas
11. **Policy HG11 'Backland Development'** of the Local Plan 2004 sets out key considerations for backland development.

Consultation

12. **Cottenham Parish Council** – “Approves this application but does have some concerns regarding the visibility splays onto the road and the width of the entrance to both properties. Concerns also include possible noise nuisance by vehicles accessing the proposed conversion to the occupiers of 15 Telegraph Street.”
13. **Conservation Manager**
Comments will be reported to Members verbally
14. **Ecology Officer**
“Following a brief inspection of the sheds I could not identify any positive signs of roosting bats. A low number of bird nests were present, no further detailed bat surveys are considered necessary” - He recommends approval subject to conditions. He would also wish to see fruit trees to the rear retained.
15. **The Chief Environmental Health Officer**
No objections, subject to condition restricting use of power operated machinery during the period of construction.
16. **Old West Internal Drainage Board**
No comment from a drainage point of view
17. **Trees and Woodlands Officer**
Comments will be reported to Members verbally

Representations

18. One letter received from No.19 Telegraph Street, (neighbouring dwelling to the southeast) noting the following points:
 - a) No objection in principle
 - b) Any boundary trees removed should be replaced with fencing to a suitable height in order to ensure privacy of the garden to No.19 Telegraph Street
 - c) New trees should be put in place

Planning Comments – Key Issues

19. The key issues to consider are the impact to neighbour amenity, specifically the impact from the use of the access and neighbour privacy. In addition Members should consider the impact on the character and appearance of the Conservation Area.
20. Regarding the merits of the Conservation Area, Policy EN30 of the South Cambridgeshire Local Plan 2004 seeks to ensure development either preserves or enhances the character and appearance of the Conservation Area. The Conservation Managers view will be reported verbally to Members and an Officer view conveyed before discussion.
21. Turning to the issue of neighbour amenity the key Policy consideration is Policy HG11. Point 1 of HG11 refers to overbearing, overlooking and overshadowing. Little weight can given to overbearing and overshadowing given the Barn already exists and the massing will remain predominantly unchanged except for a modest single storey rear projection that would be sited behind a boundary fence and set away from those dwellings in Corbett Street. On this basis there is limited grounds to substantiate an objection on overbearing and overshadowing.
22. Members should however give due consideration to the issue of overlooking. As is typical of Barn conversions the scheme proposes a large element of timber framed glazing in place of the existing barn doors on the south west elevation. This glazing would serve the ground floor entrance and the first floor landing and stairs of the conversion. It is considered that this level of glazing would result in both direct and a perceived threat of overlooking to the garden area of No.15, the boundary of which would be sited approximately 5 metres away to the south west.
23. In addition two smaller bedroom windows are proposed at first floor to the southeast gable elevation facing across to the garden of No.19. The boundary between the application site and No.19 is currently screened by tall conifers amongst other medium sized trees. Irrespective of these trees, the new windows serving bedroom 4 would result in overlooking to the rear garden of No.19 and consequent loss to privacy to those residents.
24. Turning to Point 2 of Policy HG11 consideration should be given to the potential noise and disturbance through the use of the access. It is considered that residents of the barn conversion would suffer from noise disturbance caused by No.15 (the existing dwelling) using the shared turning head located adjacent to and beneath the living room and bedroom window of the barn.
25. Point 3 of the same seeks safe highway access. The proposed scheme can achieve pedestrian visibility splays. A condition can be imposed on any planning consent.
26. Advice from the Conservation Manager and Trees and Woodlands Officer has been sought and shall be conveyed to Members.
27. Notwithstanding these expected comments it is recommended that the scheme be refused planning permission on the grounds of loss of privacy to surrounding dwellings and disturbance to the new dwelling.

Recommendation

28. Refuse on the following grounds:

- 1) The proposed barn conversion, by reason of the expanse of glazing to the southwest elevation and the proposed bedroom windows at first floor to the southeast elevation would result in direct overlooking from the new dwelling onto the rear garden area of the existing property, No.15 Telegraph Street and across to the rear garden of the neighbouring property No.19 Telegraph Street. The resultant overlooking is considered to be unacceptable and contrary to Policy HG11 of South Cambridgeshire Local Plan 2004 which states that development to the rear of existing properties will only be permitted where the development would not, amongst others, result in overlooking of existing residential properties.
- 2) The proposed barn conversion would create new parking for the proposed and existing units. Turning has been provided in close proximity to the new living room and 1st floor bedroom window of the conversion allowing vehicles to exit in a forward gear. It is considered that given this turning area is shared by both the existing and new property there is likely to be unreasonable levels of noise created to the detriment of those future residents of the proposed barn conversion. As such it is considered that the proposal is contrary to Policy HG11 of South Cambridgeshire Local Plan 2004, which aims to ensure that development to the rear of existing properties does not result in noise and disturbance through the use of its access.

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

Application file Ref S/0160/85/F and S/1612/05/F
South Cambridgeshire Local Plan 2004
Cambridgeshire and Peterborough Structure Plan 2003

Contact Officer: Matthew Carpen – Planning Assistant
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

**S/1610/05/F - Fulbourn
 Extension to Commercial Building for Sale of Equestrian Requisites and feed Stuffs
 After Demolition of Existing Agricultural Building, Shardeloes Farm, Balsham Road
 for F B B White**

**Recommendation: Refusal
 Date for Determination: 12th October 2005**

Site and Proposal

1. Shardeloes Farm is located 2km south east of Fulbourn Village on the Balsham Road and 770m before the A11. It comprises of a farm complex of buildings including the farm house, shop building, a disused stable block, three small barns; one of which currently houses part of the retail business, beyond which is a large, modern barn used for storage of hay and farm vehicles.
2. This full planning application, received on 17th August 2005, seeks permission for the demolition of an existing 'Romney Hut' located adjacent to the barn currently used for retail. This building would be replaced by an extension to that existing portal framed building to allow an extension of the retail space. This will include a mezzanine floor. The extension would provide an additional 303.8m² retail floorspace on top of the 308.47m² existing. The building would have a similar ridge height of 5.5m.

Planning History

3. Consent was granted for the use of the adjacent barn for the "sale of Equestrian Requisites and Feedstuffs" in 1993. A condition of that consent limited the use to that applied for, not for general retail.
4. In September 2005, consent was granted for a 30.0m x 24.0m (720m²) agricultural building to the north-west of the present range of buildings.

Policy

5. i) Structure Plan 2003:
P1/2 - Environmental Restrictions on Development aims to restrict development in the countryside unless it can be demonstrated to be essential.
P2/6 - Rural Economy supports sensitive small-scale employment opportunities, highlighting farm diversification, through reuse of existing buildings.
P9/2a) seeks to protect the character and openness of the Green Belt.
6. ii) Local Plan 2004:
GB2 and **GB3** seek to protect the Green Belt from inappropriate development. The re-use of buildings is supported, together with strict control over any extensions. To protect the rural nature and openness of the Green Belt, any development should be within or adjoining existing complexes.

TP1 - Planning for more Sustainable Travel. Seeks to reduce need to travel, especially by car.

Consultations

7. **Fulbourn Parish Council** has no objection to the application but requests a condition not allowing change of use.
8. **The Environment Agency** has no objections.

Representations

9. None received.

Planning Comments

10. There is one issue only here, and that relates to the scale of the building proposed, bearing in mind the site is relatively isolated in the open countryside and Green Belt.
11. Policies of the Development Plan supported the reuse of the former barns in 1993 for the sale of equestrian requisites and feedstuffs - hence the consent granted for the present business. Local Plan policies even support extensions provided "strict control is exercised" in order to protect the rural nature and openness of the Green Belt, even though it does lie between two existing buildings. I do not consider that doubling the size of the enterprise, including a mezzanine floor, can be considered as an appropriate "extension" in the Green Belt. Whilst I appreciate that a "Romney Hut" is to be demolished, I feel that a lean-to, continuing down the existing roof slope, would be the maximum that would be permitted. This would enlarge the building by 4.7m x length of building, resulting in an increase in floor-space of 107.4m²/34.8%.

Recommendation

12. Refusal

Whilst policies of the Development Plan support schemes for farm diversification, as with the current retail outlet, the doubling of the floorspace is considered to be "inappropriate" development in the Green Belt and therefore contrary to Policies P1/2 - Environmental Restrictions on Development, P2/6 - Rural Economy and P9/2a - Green Belt of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies GB2 and GB3 of the South Cambridgeshire Local Plan 2004.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/1604/92/F, S/1383/05/F and S/1610/05/F

Contact Officer: Melissa Reynolds – Senior Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

**S/1626/05/O - Fulbourn
 Erection of House, Land Rear of 5 Barretts Yard, (accessed via School Lane)
 for E Kingsley**

**Recommendation: Refusal
 Date for Determination: 18th October 2005**

Conservation Area

Site and Proposal

1. 5 Barretts Yard, a Listed Building, is set back to the rear of other properties on the Pierce Lane/High Street corner. It has a large, irregular shaped garden which, at its southern point, abuts a farmyard which has access off School Lane.
2. To the west are the grounds of Fulbourn Primary School and to the east, the gardens of 'The Six Bells' Public House in the High Street.
3. The outline application, received on 23rd August 2005 proposes the erection of one house on a plot of garden measuring 21.0m x 18.8m but with access via an adjacent housing site (see HISTORY below) fronting School Lane. The actual plot area, excluding the access, has an area of 390m²/0.039ha which equates to a density of 25.6 dph. Means of access is included in this application but all other matters are reserved.

History

4. At the January 2005 Committee (item 3) a scheme for 9 houses on land fronting School Lane was approved subject to the prior signing of a Section 106 Agreement. It is off this development, as and when built, that access will be achieved (ref. S/2093/04/O.)

Policy

5. i) *Structure Plan*
P1/3 - Sustainable Design in Built Development seeks to achieve high standards of design
P5/3 - Density less than 30dph will not be acceptable and, in villages with a good service base/transport accessibility, significantly higher densities should be sought.
P7/6 - Historic Built Environment protects the historic built environment.
6. ii) *Local Plan*
SE2 - Rural Growth Settlements selects Fulbourn as a Rural Growth Settlement. Where development on unallocated sites can be permitted.
EN30 - Development in Conservation Areas requires applications for new development to preserve or enhance such areas.
EN31 - In addition to **EN30**, this policy requires a high standard of design, planting and materials.

EN28 - Development within the Curtilage or Setting of a Listed Building, protects such buildings if, inter alia, the setting of the Listed Building would be damaged.

HG11 - Backland development will only be permitted where it will not be overbearing/overlooking, there will be no noise problem or highway danger and it will not be out of keeping.

Consultations

7. **Fulbourn Parish Council** 'approves' the application
8. The comments of the **Trees and Landscape Officer** are awaited.
9. **The Chief Environmental Health Officer** asks for a condition limiting hours of power operated machinery during the time of building, and informatives on any approval notice concerning bonfires and piled foundations.
10. **The Conservation Manager** recommends refusal, stating:
 - a) Whilst the setting of the Listed Building would not be impacted, the wider setting of the Conservation Area would.
 - b) The Hall Farm development offered significant benefits to the setting of the Conservation Area by removal of unsightly farm buildings, silos and conifers. The somewhat remotely sited house at the rear was felt to be acceptable as it was more closely related to the adjacent school buildings.
 - c) The proposal would extend the development "round the corner" into a green swathe in the heart of the village, a matter which would be aggravated by the inevitable loss of trees and other greenery.

Planning Comments

11. The application raises 5 issues, mainly the suitability of the site for development, the effect on the setting of the adjacent Listed Building and the Conservation Area, effect on trees and other vegetation, loss of amenity and density.
 - i) *Suitability*
12. The adjacent site with consent for 9 houses was of an irregular shape resulting in a somewhat remotely sited house at the western extremity of the site. However it did relate reasonably well to the adjacent school. The site now proposed is to the north of this property and will not relate to any other built development around.
 - ii) *Listed Building/Conservation Area*
13. Whilst the plot is too distant from No 5 Barrett's Yard to effect its setting, the erection of a house and garage would seriously erode and damage the character of the Conservation Area. With the school playing field to the west, which is designated a Protected Village Amenity Area in the Local Plan, and the large garden of "The Six Bells" public house to the east, the site forms part of a large swathe of green space in the centre of the village. A two-storey building, with the inevitable loss of greenery and its replacement with a close-boarded fence, would seriously erode this character.
 - iii) *Trees*
14. An accompanying tree survey shows a dozen trees on site; whilst they are not necessarily mature, collectively they are important to the area and their loss is to be regretted.

There is no space for replacement planting.

iv) *Amenity*

15. Access to the plot will be via a 90° corner in the driveway immediately adjacent to the last property and its rear garden of the Hall Farm development. Such a tight turn, together with the associated vehicle noise, would result in a loss of amenity to any future occupier.
16. In addition, the house would only be 7.0m away from the boundary of the rear garden of this other house, with a likely problem of loss of privacy.

v) *Density*

17. Although the plot would have a density of 25.6 dph. below the suggested 40 dph., it is similar to that of the adjacent plot. As such it is felt to be acceptable in the circumstances

Recommendation

18. Refusal

Although the application site has direct access to a public highway, namely School Lane, it will only ever be developed if the adjacent Hall Farm development is built.

On this premise, the proposed house is unacceptable in that it would:

- i) Relate poorly to the house adjacent, resulting in noise and disturbance from the restricted alignment of the access, being overbearing with probable loss of privacy through overlooking, and being out of keeping with the Character of the area.
- ii) With the loss of trees and other vegetation on site, the new house would seriously erode and damage the character of the Fulbourn Conservation Area.

As such the proposal is contrary to Policies P1/3 and P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and EN30, EN31, and HG11 of the South Cambridgeshire Local Plan 2004.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/2093/04/O and S/1626/05/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/0691/03/RM - Girton
Erection of 150 Dwellings (Including 53 Affordable Dwellings) Land off Wellbrook Way
R/O Thornton Road and Thornton Way for George Wimpey, South Midlands

Recommendation: Approval of details of open space

Update: Public Open Space

1. Reserved matter consent was granted 1st July 2004 (Committee 5th November 2003 item 24) for 150 dwellings on a 3.81 ha (9.4 acre) site which runs to the rear of Thornton Road and Thornton Way with a single access point via Wellbrook Way onto Girton Road near the A14 bridge. The site forms approximately half of a larger 9.5ha (23.5 acre) site. This first phase is positioned furthest away from the access at the south eastern end and includes a wooded area that backs onto Thornton Way properties. Over 50 of the houses have now been built/under construction with approximately 50% of these occupied.
 2. The reserved matter planning consent included the following conditions:
- Condition 9*
3. "No development shall take place until there has been submitted to and approved in writing a habitat Management Plan.

The plan shall include:

- i) Description and evaluation of the features to be managed;
- ii) A description and evaluation of species of local importance (protected and Biodiversity Action Plan species.)
- iii) Current and future ecological constraints on site that may influence management;
- iv) Aims and objectives of management;
- v) Appropriate management options for achieving aims and objectives;
- vi) Preparation of a work schedule (including key annual targets, an annual work plan and the means by which the plan will be rolled forward annually);
- viii) Personnel or body responsible for implementation of the plan;
- ix) Future monitoring measures and contingency actions.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority. (Reason - To promote an improved biodiversity.)"

Condition 13

4. No dwellings shall be occupied until revised plans showing the position and depth of the balancing pond in the south eastern corner of the site have been submitted to and approved by the Local Planning Authority. (Reason - To ensure protection of as many quality trees as possible.)

Condition 14

5. “No more than 50 dwellings shall be occupied until the LAPs (Local Areas for Play) have been laid out in accordance with (No 262-SP-01 Rev k) and that area shall not thereafter be used for any purpose other than as a play area. (Reason - In the interests of amenity and to ensure the provision of a play area to enhance the quality of the development.)”

Condition 15

6. “No dwelling shall be occupied until details of the footpath proposed in the outer north east landscape buffer have been submitted to and approved in writing by the Local Planning Authority. Such details shall include position of trees and hedgerow/shrubs to be retained, details of construction together with details of an extension to the footway to provide appropriate access to the open space in the south eastern corner of the site. The details of the scheme shall be implemented prior to the occupation of the 50th dwelling. (Reason - To ensure the proposed footpath is provided for the future enjoyment of local residents and that its construction does not damage the adjacent hedgerow.)”

Wimpey's Landscape Management Plan

7. Wimpey's consultants, James Blake Associates, submitted a proposed Management Plan August 2004. Over the last year a number of varying layout plans and associated versions of the Management Plan have been submitted and discussed in an attempt to arrive at a plan that meets the requirements of the Parish Council, the Environment Agency, this Council's Trees, Landscape Design and Ecology Officers to minimise the impact on this pleasant wooded area whilst still providing the required balancing pond.

8. The most recent version of this plan dated 7th July 2005 shows a balancing pond with a maximum depth of 2.0m positioned close to the proposed pumping station. The position of the pumping station has been agreed. The positioning of the balancing pond close to the pumping station is considered by officers the most appropriate solution which minimises the visual impact and leaves as much of the wooded area undisturbed. The two functions are otherwise unrelated.

9. **Girton Parish Council** has commented:

“First we are dismayed that the depth of the balancing pond has not been reduced, especially as this will mean that the pond will be waterlogged as the ditch running along the border of the site adjacent of the gardens of Thornton Way has water in it throughout the year. The creation of a standing pond of 2 metres depth is a matter of great concern as a hazard, and it certainly diminishes this open space as an open public amenity as originally planned. We therefore feel our original objections have not been adequately addressed.

10. They are currently looking at the proposed Management Plan for the open spaces at the development.”

The Ecology Officer has commented:

11. “Further to our chat, I can confirm that following consideration of the latest plan I am prepared to accept the proposed layout on the basis of it being the most sensible compromise on the retention of woodland, scrub and grassland habitats. We will need reassurance that the wildflower grassland areas will be properly sown and initially managed in order to create the desired meadow effect. From an ecological point of view the provision of a deeper area that may retain water will diversify the

range of habitats. However, given the fact that the pond is primarily acting as a drainage function I would wish to be able to comment further on the design of the outflow once detail is provided. The outflow pipes should not flush out all aquatic life every time a storm event occurs. The pipes should not contain gullies pots that would trap and kill small animals. The provision of a detailed Management Plan can now commence given the fact that the final layout of the area is settled. The Management Plan is required in fulfilment of the condition and must include all areas of semi-natural habitat.”

12. **The Landscape Design Officer** is happy with the plan but has requested a feature tree be added at the end of the avenue

Planning Comments

13. This plan has been drawn up following meetings with the developers, the Environment Agency, and your officers, and is seen very much as a compromise to accommodate the necessary balancing pond. In order that the pond provides the required attenuating function the 2 metre depth must be well below the outlet to allow an agreed capacity of water retention. Both the Councils Ecology Officer and Trees and Woodlands Officer have indicated their agreement to the plan and to the Management Statement which accompanies it. Whilst the concern of the Parish Council is appreciated and that it would have been preferable not to have had to accommodate a balancing pond within this area it is a necessary requirement of this development and has been shown on the plans from the start of the planning application and was part of the plans considered by the call in Public Inquiry in September 2002. The current plan is considered by officers to be an acceptable compromise. The Ecology Officer is happy with the Management Plan.

Recommendation

14. That the District Council raises no objections to the plan for the open space at the south eastern end of the site but that further negotiations are undertaken to arrive at an acceptable Management Plan.
15. Members authorise breach of condition notices in respect of Conditions 9, 13 and 15 of Planning Consent S/0691/03/RM should more than 50 dwellings be occupied.

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:**
 - **South Cambridgeshire Local Plan 2004:**
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

Background Papers: the following background papers were used in the preparation of this report: Planning file Ref: S/0691/03/RM

Contact Officer: John Pym – Area Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

**S/1573/05/O - Milton
Bungalow at Land adjacent to 31 Willow Crescent
for Mr K Wynn**

**Recommendation: Approval
Date for Determination: 6th October 2005**

Members will visit the site on 3rd October 2005.

Site and Proposal

1. The site, measuring approximately 0.02 hectares, is located adjacent to an existing semi-detached house located on a spur off Willow Crescent that forms a cul-de-sac. There is a shared drive off the cul-de-sac, leading to a double garage that also serves no. 33. The house at 33 Willow Crescent is set forward of the site, to the south-east, and fronts the main part of Willow Crescent.
2. This outline planning application for a bungalow, received on 11th August 2005, as amended by drawing received 9th September 2005 seeks approval of the siting and access only. Plans submitted indicate a modest one bedroomed bungalow with a low ridge height of 3.8 metres on the site. Car parking for two cars between the existing garage and the bungalow are proposed. The existing dwelling will retain the use of the garage, with additional space for one car on the drive in front. The site density would be 50 dwellings per hectare (dph).

Planning History

3. **S/0944/05/O** refused an outline proposal for a house on the same site. The grounds for refusal were that it would have had an unacceptable impact upon the amenities of 33 Willow Crescent, by reason of loss of light, overlooking, loss of privacy and by being overbearing.

Planning Policy

4. **Policy SE3 'Limited Rural Growth Settlements'** of the South Cambridgeshire Local Plan 2004 ("Local Plan") defines Milton as a Limited 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.
5. **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.
6. **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 are found in Appendix 7/1.

7. **Policy P1/3 ‘Sustainable Design in Built Development’** of the Cambridgeshire and Peterborough Structure Plan 2003 states that a high standard of design and sustainability should be adopted for all new forms of development.

Consultations

8. **Milton Parish Council** recommends refusal of the application, supporting resident’s objections, and consider it to be over-development of the site.
9. The **Chief Environmental Health Officer** recommends conditions on hours of construction using power-operated machinery, pile foundations and an informative relating to bonfires.

Representations – Neighbours

10. Four letters objecting to the proposal have been received from occupiers of 23, 27 and 29 Willow Crescent. The material planning objections raised are:
 - a) Over-development - the size of the site is too small for a dwelling.
 - b) Vehicular access and turning on site.
 - c) Over-crowding – the property would overlook neighbouring houses front and back.
 - d) On road parking – there is no on-street car parking. As the road is a single lane carriageway visitors will have to park on the pavement, impacting on pedestrians. Another dwelling would increase this problem. Willow Crescent is a popular walking route to the local school.
 - e) Design – Willow Crescent was built in the 1960s and the houses have low roof pitches. Any new building will be out of keeping with these, as current Building Regulations do not allow this today.
 - f) Increased pressure on existing inadequate drainage and water supplies.
 - g) Storage for wheelie bins.
 - h) Precedent in an otherwise unspoilt crescent e.g. Area between nos. 23 and 25 Willow Crescent.
 - i) Loss of light, privacy and overbearing to no. 33.
 - j) A bungalow requires more ground area – therefore out of keeping with the area.
 - k) Milton has already been developed to bursting point - some space should be retained.
 - l) Projection beyond the front building line.
 - m) What would happen to such a small bungalow when no longer required for its current purpose?
 - n) Unfair as owner of 25 Willow Crescent has a large plot of garden between 23 and 25.
 - o) Building contractors would block the road.
 - p) If the two dwellings were occupied separately it would make that area of Willow Crescent look awful.

Representations – Applicant

11. The applicant has written remarking on representations from neighbours:
 - a) There has never been a problem with drainage; the manhole cover is at the end of the line.
 - b) Wheelie bin storage will be provided.
 - c) Two spaces for a 1-bedroom bungalow is ample and will not infringe on the 3 spaces provided for no. 31.
 - d) No overlooking will result –garage to the front and screened to the back.

- e) There are two other bungalows in Willow Crescent.
- f) Design is in keeping and there is a shortage of retirement bungalows in the village.
- g) Unlikely to put a strain on local facilities.
- h) Bungalow will be tucked away, screened by garages and trees at the front.
- i) Plot measures 25'0" x 86'0" (7.6m x 26.0m) and is large enough for a 1-bedroom bungalow.

Planning Comments – Key Issues

12. A number of issues have been raised in relation to this development. As the application is for outline approval, only matters relating to siting and access are to be determined, with design and landscaping to be reserved.

Siting

13. The proposed siting will accommodate a modest bungalow. Plans submitted with the application indicate a one-bedroom unit with a single living room, bathroom and kitchen. The density is reasonably high at 50 dph, however a modest unit can be located on the site and provide adequate car parking and amenity space, without detriment to the amenities of the neighbouring dwelling and street scene.
14. The bungalow will project forward of the existing dwelling by 3 metres. It will, however, be partially screened by an existing front porch to no. 31 and the existing garages. The siting on a corner plot of a cul-de-sac will not be unduly detrimental to the street scene, as it effectively will be 'tucked away' beyond the side of no. 31. An indicative design has been submitted which will be in keeping with the character of the existing properties.
15. The amenities of no. 31 will not be unduly harmed. The siting of the bungalow will result in a fairly deep building, however it is to be set in from the boundary with no. 31 to provide a side access to the rear garden serving it and the front of it will also be set some 5.5 metres beyond the rear wall of no. 33 and approximately 2.5 metres beyond a rear conservatory to no. 31. On this basis, it is unlikely to be unduly overbearing and being located to the north-west of the house and garden serving no. 33, will not result in significant loss of light. A single ground floor front window will not result in overlooking or loss of privacy, as there is a 1.8 metre high panel fence to the boundary between the two properties.

Access

16. The proposed bungalow will utilise an existing access serving no. 31 Willow Crescent. The layout provides two car parking spaces for both the existing and proposed dwelling utilising hardstanding and garages. There is no planning reason to assume that this proposal will result in increased on-street car parking, particularly as the site and existing dwelling will be well served by the existing arrangement laid out on site.

Other matters

Drainage and bin storage provision can be conditioned and details required prior to development commencing.

17. A one-bedroom bungalow on the site, with appropriate garden and car parking space, as detailed, fully accords with current development control policy. Similar developments on other sites in the area will be considered on their planning merits and no precedent will be set.

Recommendation

18. Approve, as amended by letter dated 8th September 2005 and plan H4321 stamped 9th September 2005, subject to the following conditions:
1. Standard Condition B – Time limited permission (Reason A);
 2. SC1(b) and (d) – Reserved Matters (RC1);
 3. SC5a – Details of materials for external walls and roofs (Rc5aii);
SC5b – Details of surface water drainage (RC5b);
SC5c – Details of foul water drainage (RC5c);
SC5d – Refuse storage accommodation (RC5d);
 4. SC60 – Details of boundary treatment (RC60);
 5. 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.
2. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
3. See attached Environment Agency advice regarding soakaways.

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:** SE3 (Limited 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: **Residential amenity, Street scene, Character of the area, Density/overdevelopment, Highway safety, Bin storage, Drainage**

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/1573/05/O and S/0944/05/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1622/05/F - Wimpole
Two Houses, The Woodyard, Cambridge Road, For Mr and Mrs R J Foster

Recommendation: Refusal
Date for Determination: 13th October 2005

Departure Application**Site and Proposal**

1. The Woodyard, Cambridge Road, Wimpole comprises a 1.8ha of land on the north west side of the A603 (Cambridge Road), to the south west of the built-up area of the village. The site is accessed direct from the A603. The site has been used for the sale of salvaged and reclaimed items such as timber and widows, which have been stored across various parts of the site. There is a storage/workshop building on the site, which also contains areas of water.

To the south west and north west of the site is agricultural land. To the south east of the site, on the opposite side of Cambridge Road, is a line of residential properties.
2. This full application, registered on 18 August 2005 proposes the redevelopment of the site by two dwellings. The scheme includes an area of public open space (approx 0.05ha) in the north east corner of the site, which it is proposed to transfer to Wimpole Parish Council.
3. The two dwellings proposed are located in the north east and south west sections of the site to take advantage of the existing water features. Both dwellings are accessed via the existing entrance, which is shown to be widened to 5.0m in the existing bellmouth.
4. House 1 is located in the south west section of the site and comprises four linked blocks, only one of which is two-storey. It is a five-bedroom dwelling with a maximum ridge height of 8.3m. The floor level is set 1m above existing ground level on raised pile foundations as a precaution against flooding and to preserve wildlife access to the water. It has a floor area of approximately 350m², excluding garaging and decking. Materials proposed are cedar/larch boarding for the walls and cedar/larch shingle for the roof.
5. House 2 is located at the north east end of the site and comprises two linked blocks. It is to be constructed in a similar manner to House 1. It is of a similar height but has a floor area of 390m², excluding garaging and balcony.
6. The density of the development is 0.9 dwellings per hectare
7. A letter submitted in support of the application is attached as Appendix 1. The application is also accompanied by a Wildlife Report, an Archaeological Desk-Based

Assessment and, a draft Section 106 Agreement in respect of the proposed public open space. These documents can be viewed as part of the background papers

Planning History

8. In November 2004 a Certificate of Lawful Existing Use or Development (CLEUD) was issued on part (approx. 0.8ha) of the current application site for the use as a yard for commercial storage and retail sale of salvaged/reclaimed items, namely, timber, windows, window frames and doors (**Ref: S/2615/03/LDC**).
9. Evidence was submitted with the above application demonstrating that the site had been used as described since the 1960's.

Planning Policy

10. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure") restricts development in the countryside to that which is essential in a particular rural location.
11. **Policy SE5** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") identifies Wimpole as an Infill village, where development is restricted to not more than two dwellings within the village framework.
12. **Policy SE8** of The Local Plan states that residential development outside village frameworks will not be permitted.
13. **Policy SE9** of the Local Plan states that development on the edges of villages should be sympathetically designed and landscaped to minimise the impact of development on the countryside.

Consultation

14. **Wimpole Parish Council** recommends approval. "The Parish Council wishes you to know that it supports this application very strongly, despite the fact that it is outside the village envelope. A site of this sort, which has been part of village life for so long, seems an integral part of Wimpole, and the Council would be reluctant to see it become anything other than a residential site.
15. There were houses on it in the distant past, so there is a precedent for residential use of the land. The Council is very keen to safeguard this area of the village from any development which would be detrimental to the rural aspect of the area. There is also a worry that if it is not developed sympathetically, it will become an attractive area for casual use by itinerant people."
16. The **Local Highway Authority** comments that it is unable to object to the application given the previous use of the site and the associated traffic generated by such a use. The access should be improved by increasing the width to a minimum of 5.0m for a minimum distance of 10.0m measured from the channel line of Cambridge Road.
17. The **Environment Agency** requests conditions in respect of foul and surface water drainage, and highlights various informatives to be attached to any approval notice.
18. The **Chief Environmental Health Officer** requests conditions restricting the hours of operation of power driven machinery during the period of construction and requiring an investigation of the site to be undertaken prior to the commencement of any

development to establish the nature and extent of any contamination of the site. An informative should be attached to any consent restricting bonfires or the burning of waste on site during the period of construction.

19. The comments of the **Ecology Officer** and **The National Trust** will be reported at the meeting.

Representations

20. None received.

Planning Comments – Key Issues

21. The site is outside the village framework so the key issue to be considered with this application is whether there is sufficient reason to allow two houses on this site as a departure from the presumption against residential development in the countryside. It is also necessary to consider the design and impact of the proposed dwellings.
22. By definition the site is in the countryside, although it adjoins the village framework to the north east and the framework extends beyond the site to the south west, on the opposite side of the A603. Part of the site benefits from a lawful use as a yard for commercial storage and retail sale of salvaged/reclaimed items, namely, timber, windows, window frames and doors. This use has operated since the 1960's and I am not aware of any concerns that have been received by this Council in respect of that ongoing use. I have sought confirmation on this point from the Chief Environmental Health Officer. The site is well screened from the road, although previously there has been a degree of timber stored in front of the site around the area of the entrance. The lawful use of part of the site is restricted to that described above and although there would be some visual and ecological benefit in principle if the site was redeveloped for residential use, I do not consider any such advantages in this case to be sufficient to outweigh the policy objection to residential development outside the village framework.
23. I note the concern of the Parish Council about possible future use of the site but am of the view that, given the restricted nature of the CLEUD, the Local Planning Authority retains sufficient control over alternative uses.
24. No more than 50% of the site may be considered as brownfield by definition and the applicants' agent points to guidance that supports the re-use of brownfield land. This of itself however does not outweigh the policy objection to residential development in the countryside.
25. The application proposes the transfer of a small area of the site to the Parish Council as public open space. Whilst this is to be welcomed it cannot outweigh the above policy objection.
26. Notwithstanding the objection to the principle of development I consider that if this site were to be developed for residential development it is appropriate to have a low density with dwellings sited to make use of the existing water features. This position is enforced by the fact that Wimpole is identified as an infill village.
27. The two dwellings proposed are large in scale. House 1 is set into the site and the majority of the footprint is single storey. I am of the view that in terms of its design and visual impact that this house is acceptable. I am however concerned about the

scale and location of House 2, which is two-storey throughout and within 7m of the north east boundary of the site. In my view the visual impact of this dwelling on the surrounding countryside would be unacceptable, as it would threaten the retention of existing boundary planting. Any dwelling in this position should be much lower in form.

28. I cannot however support this application in principle.

Recommendation

29. That the application be refused for the following reasons.

1. The proposal is for the erection of two dwellings outside the village framework of Wimpole contrary to the aims of Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy SE8 of the South Cambridgeshire Local Plan, which restrict development in the countryside to, that which is essential in a particular rural location. Although the site can be considered as brownfield land there is insufficient justification in this case for a departure from the above policies.
2. Notwithstanding the above reason, the proposed scale and siting of House 2, close to the north east boundary of the site, is unacceptable as it is out of scale and character with houses in the vicinity and will threaten the retention of existing boundary planting. As a result the proposed dwelling is likely to have an adverse visual impact on the adjoining countryside, contrary to the aims of Policy SE9 of the South Cambridgeshire Local Plan 2004.
3. It is not considered that the existence of a Lawful Use on part of the site warrants allowing the scale of the proposed development contrary to the above-mentioned Development Plan 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 Refs: S/1622/05/F & S/2615/03/LDC

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1539/05/F - Croydon
Riding Arena, Stables and Access, Land Adj. Portelet, High Street, For Mrs Wood

Recommendation: Refusal
Date for Determination: 30th September 2005

Members will visit this site on Monday 3rd October 2005

Site and Proposal

1. This full application, registered on 5th August 2005, proposes the construction of a riding arena, stables and access on land to the west of Portelet, High Street, Croydon, between the dwelling and Croydon Hill.
2. The proposed stables comprise an 'L' shaped timber building with a floor area of 84.24m² containing 5 looseboxes and a tack room. The building is to be located on land immediately to the west of the residential curtilage of Portelet and will be set behind an existing hedge on the site frontage.
3. The proposed outdoor riding arena, measuring 40m x 25m, is located further to the west, 80m to the east of the junction of High Street and Croydon Hill. The arena will be enclosed by a 1.37m high post and rail fence. The land is currently used for the grazing of horses and slopes away from north to south. The drawings state that the existing site is to be levelled.
4. An existing gated field entrance exists to High Street, 50m to the east of the junction with Croydon Hill, this entrance will be used to serve the proposed arena and stables with a new 3m wide access track being created into the site and then running immediately behind the existing frontage hedge for a distance of 160m. No details of the proposed treatment of the surface of the access track are provided.

Planning History

5. There is no relevant planning history

Planning Policy

6. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure") restricts development in the countryside to that which is essential in a particular rural location.
7. **Policy EN1** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") states that the District Council will seek to ensure that the local character and distinctiveness of Landscape Character Areas is respected, retained and wherever possible enhanced. While recognising that landscape is a dynamic concept, the Policy states

that planning permission will not be granted for development which would have an adverse effect on the character and local distinctiveness of these areas.

Consultation

8. **Croydon Parish Council** recommends approval.
9. The **Chief Environmental Health Officer** has no objection.
10. The comments of the **Landscape Design Officer** and the **Environment Agency** will be reported at the meeting.

Representations

11. None received

Planning Comments – Key Issues

12. The key issues to be considered with this application is whether the proposal can be considered as essential in the particular rural location and the visual impact of the proposal on the countryside.
13. Although the provision of the outdoor riding arena cannot be considered as essential development in the countryside such proposals, along with stable buildings, are accepted as appropriate development in a rural location. In my view it is therefore necessary to concentrate on the visual impact of the proposed development.
14. The proposed stable building is located adjacent to the residential curtilage of Portelet and is well screened from High Street by existing boundary planting. It is important to ensure that the proposed siting of the stable building does not prejudice the retention of the planting on the front boundary and the views of the Landscape Design Officer have been sought on this point. If necessary the building can be repositioned further from the boundary.
15. The proposed outdoor riding arena is located within an attractive area of sloping countryside which is particularly open to view from Croydon Road. Although horses are currently kept on the land, in my opinion the formation of an outdoor riding arena, requiring a levelling of the land and additional fencing, will result in an alien feature that will materially detract from the character of the area. In addition I am concerned about the visual impact of the proposed access track.
16. A meeting is to be held with the applicant with a view to looking at whether there are possible alternative locations for the outdoor arena which will be less intrusive. The outcome of those discussions will be reported at the meeting but my recommendation is one of refusal of the application as currently submitted.

Recommendation

17. That the application be refused for the following reason.

The proposed riding arena and driveway is unacceptable as it would represent an alien and prominent feature in this area of attractive countryside, contrary to the aims of Policy EN1 of the South Cambridgeshire Local Plan 2003

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/1539/05/F

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

REPORT TO: Development and Conservation Control Committee 5th October 2005
AUTHOR/S: Director of Development Services

S/1273/05/F - Gamlingay
Erection of Dwelling to Replace Existing Living Accommodation, 4 and 5 Little Heath, Gamlingay for Mr and Mrs R Halpin

Recommendation: Refusal
Date for Determination: 23rd August 2005

Site and Proposal

1. This full application, registered on 28th June 2005, proposes the replacement of two existing mobile homes in Little Heath with a single dwelling and garage. Outline consent was granted in February of this year.
2. The mobile homes are located on the east side of Little Heath and are immediately to the north of a third unit which is covered by the same planning consent (see History below) but does not form part of this application. There is a large Oak tree towards the front of the site.
3. To the north of the site is a chalet bungalow, beyond which are two single storey dwellings. Directly opposite the site and to the rear is agricultural land.
4. The proposed dwelling is a 4-bedroom property with a two-storey central section with a vaulted barrel roof rising to a height of 6.9m. The width of this section is 13m. Attached to the northern end, at an angle to the central section, is pitched roof double garage, with bedroom above. This element has a ridge height of 5.9m. Attached to the southern end, again at an angle to the central section is a pitched roof single storey wing containing a kitchen. This element has a ridge height of 4.4m. The total floor area of the dwelling is approximately 340m². The walls are to be clad in timber or rendered and the vaulted roof will have a standing seam cladding, clad either in copper with pantiles for the pitched roofs or, in zinc coated aluminium and slates.
5. The dwelling is set back from and angled to the road to avoid the mature Oak Tree at the front of the site.

Planning History

6. In February 2005 outline consent was granted for the replacement of the existing temporary accommodation by a dwelling, following a site visit by Members prior to the February Meeting (Item 31) (**Ref: S/2461/04/O**). A condition attached to the consent restricted the dwelling to single storey only, to ensure that its height respected that of the mobile homes and buildings it was to replace in order to minimise its visual impact in the countryside. Members were advised at the February meeting that the imposition of such a condition would not preclude the submission of a full application that attempted to demonstrate that an element of first floor accommodation could be provided without prejudicing the aforementioned objectives and that such an application would be judged on its merits.

Planning Policy

7. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) restricts development in the countryside to that which is essential in a particular rural location.
8. **Policy HG15** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) states that replacement dwellings in the countryside should be in scale and character with the dwelling it is intended to replace and should not materially increase the impact of the site on the surrounding countryside.

Consultation

9. **Gamlingay Parish Council** recommends approval although comments that “some Councillors expressed the view that the proposed property was not in keeping with the surroundings.”
10. The **Trees and Landscapes Officer** has no objection but requests a condition requiring protective fencing for the Oak tree during the period of construction.
11. The **Chief Environmental Health Officer** requests a condition restricting the hours of operation of power driven machinery during the construction period. Informatives should be attached to any consent regarding the use of driven pile foundations and the burning of waste or bonfires on the site during the construction period.

Representations

12. None received.

Applicant’s Representations

13. In a letter accompanying the application the applicant points out that the site area has been kept the same as the outline consent and that the dwelling is a significant distance from the mature Oak tree to ensure its protection. The plans demonstrate that whilst the dwelling has been located to increase passive solar gain it is still sympathetic to the existing properties and building line. Through careful design it has been possible to minimise the impact of the dwelling by utilising an attractive vaulted barrel roof with additional pitched roofs either side.
14. Taking into account the current status of the land with the existing living units the proposed dwelling has been designed to be sympathetic to its surroundings. With reference to policies on sustainable development the “whole life” energy consequences have been considered and it is intended that the structure will be timber framed, the vaulted barrel roof material is to be recyclable and a system of rainwater harvesting may be implemented to reduce the burden on water supplies.
15. Reference is made to a recently erected house in Potton Road, The Heath, which replaced a mobile home. The dwelling proposed with this application is felt to be a much more attractive proposition.

Planning Comments – Key Issues

16. The principle of the erection of a dwelling on this site to replace the two existing living units has been accepted with the granting of outline consent.

The key issue that needs to be considered with this application is whether the proposed dwelling is in character with the area and acceptable in terms of its visual impact in the countryside.

17. The outline consent is restricted to a single storey dwelling to ensure that the height of any new building respects the height of the existing accommodation on the site in order to minimise its visual impact in the countryside. Given the nature of the existing accommodation on the site, two mobile homes and associated outbuildings, it is inevitable that any new dwelling will be larger in scale. There is a chalet bungalow to the north of the site that has a ridge height of 7m and other properties in the area are a mixture of single and two-storey. I am therefore of the view that despite the condition attached to the outline consent it may be possible to design a dwelling with an element of first floor accommodation that would not be out of character nor have an adverse visual impact on the surrounding countryside. I am however of the view that the proposal should be judged against the criteria set out in Policy HG15 of the Local Plan.
18. I am concerned that the proposed dwelling, with four bedrooms at first floor, does not achieve the above objectives and will appear out of scale and character with the area. Whilst the height of the central section does not exceed that of the adjacent chalet bungalow, when taken with the height of the attached wings, the overall mass of the dwelling will in my view be out of character with the area and materially change the impact of the site in the countryside.
19. Whilst the design approach adopted by the applicant does not necessarily reflect the style of properties in the locality I am of the view that such an approach may be acceptable on this site if the mass and scale of the building were to be significantly reduced. These views have been passed onto the applicant.
20. I note the applicant's comments in respect of the sustainable elements of the scheme, which are to be encouraged. However, these considerations do not outweigh the above concerns and in its current form I have to recommend refusal of the application.

Recommendation

21. Refuse for the following reason:

The proposed dwelling in terms of its mass and scale is out of character with the area and will materially increase the impact of the site on the surrounding countryside. The proposal is therefore unacceptable as it is contrary to the aims of Policy HG15 of the South Cambridgeshire Local Plan 2004.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Refs: S/1273/05/F and S/2461/04/O

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APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

TOWN AND COUNTRY PLANNING ACT 1990

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

1. Decisions Notified By The Secretary of State

Ref. No.	Details	Decision and Date
S/1851/04/F	Dudley Developments 139 Cambridge Road Great Shelford 8 dwellings following demolition of existing (Delegated refusal)	Dismissed 22/08/2005
S/0246/04/RM	Cofton Ltd, George Wimpey East Anglia, Kings Oak, Phase 2, Home Farm Longstanton Erection of 200 dwellings and ancillary works (amended at the inquiry to comprise 196 dwellings) (Non-Determination)	Allowed 23/08/2005
E 487	Mr Rahman R/o 23 Church Street Willingham Enforcement against change of use of premises from use class B1c (light industrial) to class A3 (sale of hot food for consumption on or off the premises) and delivery of hot food. (Enforcement)	Dismissed 24/08/2005
S/2239/04/LB	Mrs L R Maddison Lordship Cottage, Fardells Lane Elsworth Change of thatching material on front elevation (Delegated refusal)	Dismissed 31/08/2005
E 490 A	Mr Carter Berry House, 33 High Street Waterbeach Enforcement of removal of fence (Enforcement)	Allowed 08/09/2005

S/1217/04/F	Mr C Crickmore Travellers Rest Caravan Park, Chittering Waterbeach Appeal against condition 3 of permission, limiting opening of the site to 8 months per year. (Officer Recommendation to Approve)	Dismissed 15/09/2005
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2. Summaries of recent decisions of interest

R Poulter – Total demolition of grade I listed barn – Golden Gables, Sanders Lane, Fulbourn – Appeal allowed

1. Listed building consent was refused to demolish the remains of this dilapidated late-mediaeval timber-framed thatched barn. The main issue was whether there was a sufficient case to justify demolition rather than preservation.
2. The barn was used for garaging and domestic storage. These uses ceased following its collapse in February 2004. Two bays of the original six fell. Since the collapse, three engineers reports had been submitted. These were commissioned by the appellant, his insurers and lastly by the Council. In considering the case for demolition, it was necessary to consider three specific issues.
3. The first concerns the condition of the building and the cost of repair and maintenance. This is in relation to its importance and value derived from continued use. The conclusions of the three reports differed. Having examined the building himself, the inspector stated "... I prefer to rely on the findings and conclusions of the engineers commissioned by the Appellant and the Appellant's insurers. I consider that my preference is supported by the Council's Conservation officer, who recommended approval of the application, and by the Cambridgeshire Historic Buildings Trust who have declined to undertake reinstatement of the barns on the grounds of cost". Moreover, English Heritage made no recommendations to oppose demolition.
4. The inspector found the insurer's estimates of the cost of repair of between £200,000 and £300,000 to be more realistic than the Council's figure of £90,000 plus VAT. The appellant had already spent £10,000 on repair and maintenance works since 1989.
5. The second concern was the extent to which adequate efforts had been made to retain the building in use, possibly by securing a compatible alternative use. This includes exploration of the sale of the building. This is inextricably linked to the third matter, which requires consideration of the merits of an alternative use for the site. While the appellant has not considered an alternative use for the barn, it lies only some 2.5 metres from the dwelling on the site. This constraint means that any use not connected with the dwelling would be problematic. The Council had also expressed an informal opinion that an alternative use would not be supported. The barn therefore has no market value and illustrates why the barn has not been marketed. The costs of repair to provide a garage and domestic store would not be viable and in any event the introduction of a substantial amount of new timber would affect the architectural integrity of the building.

6. In concluding that the appeal should be allowed, the inspector acknowledged the "... generous grant of £30,000 the Council is prepared to offer towards repairs to enable the present use of the barn to be revived." This would not be that significant, however, given the total cost of repairs estimated on behalf of the appellant.
7. Conditions were imposed including a requirement for demolition within one year, the making of an archaeological record of the building and the salvaging of reusable elements.

Cofton Ltd, George Wimpey East Anglia and Kings Oak Homes Ltd – Erection of 200 dwellings – Phase 2, Home Farm, Longstanton – Appeal allowed in accordance with revised scheme - Appeal for costs by the appellants dismissed

1. This was an appeal against non-determination of reserved matters. A duplicate scheme had been refused on the grounds of excessive density and an unsatisfactory design and layout. The appeal was determined by way of a public inquiry. The Council was represented by counsel and employed an architect to deal with design issues. The Parish Council were also represented.
2. During the course of the two-day inquiry, the appellants' and the Council's architectural advisors discussed possible amendments to the layout. On the second day of the inquiry, a revised layout for 196 dwellings was tabled. The Council supported this in terms of the design and layout and so this issue was not pursued at the inquiry.
3. The first main issue was whether allowing the appeal would prejudice the implementation of phase 3, bearing in mind the original master plan and a restriction on total numbers imposed by the outline planning permission (OPP). The (OPP) restricts the total number of dwellings to 500. 91 dwellings have already been approved as part of phase 1. The Council had already approved a scheme for 153 dwellings on phase 2. 200 dwellings would exceed the density allowed for phase 1
4. The Council argued that the outline planning permission gave it limited discretion to increase the overall limit of 500 dwellings. The implied density of 24 dwellings per hectare (dph) across the whole site would be significantly lower than the minimum densities advocated by PPG3. This would result in at least 630 dwellings. The Council's main concern was that by allowing 200 dwellings on phase 2, phase 3 could only be developed at 18.5 dph and this would have significant implications for its design and layout. The appellants argued that Phase 2 should be developed on its own merits taking into account the advice on density in PPG3.
5. The inspector found there was nothing within the terms of the OPP that restricts density or the mix of houses on any phase. Neither did the master plan or subsequent development brief. While Phase 2 may be developed at a slightly higher density than phase 1, this would not be discernible on the ground. The original conception of a gradation of density across the site was not supported by the advice in PPG3. While the proposal would conflict with the intention of the development brief, the inspector concluded that " I attach greater weight to efficiency in the use of land as required by PPG3".

6. He also considered that the fall back position of 153 dwellings was not an efficient use of land. In considering what might happen to phase 3, the inspector also found that developing the site at less than 19 dph would also be wasteful. To this end, he suggested that it would be possible to develop the remaining area at PPG 3 densities by using a smaller area of land to accommodate the balance of dwellings available. Alternatively, it would be open to the developers to seek an increase in the total number of dwellings, or a new permission on the remainder of the site. Whatever course of action is taken, this would not justify dismissing this appeal. Neither would it prejudice the implementation of the OPP.
7. On the question of design and layout, a satisfactory sense of place was now created.
8. Other matters were raised during the inquiry. This included the need for affordable housing should numbers exceed 500. While the inspector accepted that a fresh permission for the whole site might require equal distribution of community provision throughout the area to be developed, this was not an issue here. The appellants had submitted evidence to prove Longstanton is a sustainable development, but the inspector did not accept this is necessarily so.
9. The revised application for 196 dwellings was therefore allowed subject to approval of a landscaping scheme and restrictions on doors/gates to car ports in the interests of highway safety.
10. The appellants' application for costs was on the basis that design issues could have been resolved through negotiation well in advance of the inquiry. The Council had argued that the density of phase 2 should be similar to phase 1. It was manifestly unreasonable to object on the basis it marginally exceeded phase 1. Phase 3 would always be at a low density even if 153 dwellings were erected. The Council had not produced substantial evidence to demonstrate harm. The proofs were late. If full costs were not awarded, a partial award should be made.
11. In response, the Council explained that while some of its design objections had been overcome in the weeks leading up to the inquiry, others remained. The Council apologised for the late submission of proofs, but the appellants had still had time to approach the Council and discuss design issues. The appellants had made no proper approach to the Council until the day of the inquiry. There was no evidence that the Council was unwilling to co-operate. The appellants had now conceded every point put by the Council. They had altered their position not once, but twice and the Council's position had remained consistent throughout. Issues of density were one of professional judgement when considering the differences between different schemes.
12. The inspector found that the Council had not been unreasonable, resulting in an unnecessary appeal. It was entitled to be concerned about how phase 3 might be developed. It was reasonable to argue that the density of phase 2 should not exceed phase 1 in the context of the outline application. The Council had supported its position with substantial evidence at the inquiry. There was no evidence that the appellants had attempted to resolve design differences prior to the inquiry. The lateness of proofs had not disadvantaged the appellants or put them to additional expense as a result.

Comment: The main decision may be regarded as disappointing, particularly as the inspector recognised the difficulty it will put the Council in if an application is made to increase the number of dwellings above 500.

However, he acknowledged this may trigger a need for further infrastructure and community provision and that Longstanton is not a very sustainable location. There is also no doubt that going to inquiry resulted in a better scheme as a result of the changes agreed by the architects. An application for phase 3 is currently in abeyance and decisions will need to be made as to how to proceed with what is a low-density scheme and one that the inspector considered would be a potentially wasteful use of resources.

Mr C Crickmore – Appeal against condition restricting use of redeveloped caravan park for total of 8 months a year – Travellers Rest Caravan Park, Ely Road, Chittering – Appeal dismissed

1. Members will recall that the original application was approved, but on the basis that this was for a total of no more than 8 months in any one year. The appellant had requested 11 months. In order that the use could be monitored, the owner/operator was to provide the dates during which the site would be open.
2. The reason for the condition was to ensure that the caravan park is genuinely tourist related and does not become a permanent residential caravan park. While the appeal was dismissed, the inspector did not agree with the purpose of the condition, but found other reasons to oppose a permanent permission.
3. The inspector noted that the Council was concerned with the possibility of an almost continuous residential development on the site. This would run contrary to countryside policies. He found that the proposed condition was badly worded as it did not offer the Council any scope to approve/refuse the dates put forward. If this was for an 11-month season, this could lead to a continuous 22-month season if they were to run back-to-back. The condition therefore lacked precision and did not satisfy the tests set out in government guidance. If necessary, the inspector felt he could substitute another condition that had more clarity. He was also satisfied that a further condition already part of the planning permission that restricts the use to “holiday purposes” only was enforceable.
4. It was noted that the appeal site adjoins the rear gardens of adjoining properties and access to the site from the A10 passes a number of dwellings on School Lane. The inspector was concerned that activities associated with the new caravan site would have some impact on neighbours’ living conditions. In view of the historical permission for the park, he considered that an 8-month season was acceptable. However, a fair balance had to be struck between the legitimate business aspirations of the appellant and the reasonable expectations of neighbours to enjoy the peace and quiet of their properties.
5. The inspector therefore concluded that 8 months was the most that should be allowed. There was no substantial evidence before him that other caravan sites in the area were open for 11 months a year. In any case, the circumstances between various sites may differ.

Comment: This is a case where neither officers, nor members considered the protection of neighbours’ amenities to be a determining factor against the proposal. The inspector’s reasoning means that adjoining residents can still expect some degree of protection, even though this may only be for part of the year.

3. Appeals received

Ref. No.	Details	Date
S/0137/05/F	Graftonbury Properties Ltd Wimbish Manor Estate, Fowlmere Road Shepreth Erection of house and garage (Delegated refusal)	23/08/2005
S/2193/01/F	Mr I Quince Land at Station Road Gamlingay Agricultural Mobile home and access (Officer Recommendation to Approve)	15/09/2005
S/2194/01/F	Mr I Quince Land at Station Road Gamlingay Erection of egg production unit and storage building together with access (Officer Recommendation to Approve)	15/09/2005
S/2518/04/F	Houston Crest Properties (UK) Ltd Land at Landbeach Lakes, Ely Road Landbeach Hotel (Delegated refusal)	14/09/2005

4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 2nd November 2005.

Ref. No.	Details	Date/Time/Venue
S/1109/04/F	Beaugrove Ltd. Crail, High Street Croydon Erection of two houses following demolition of existing house (Hearing)	11/10/2005 Monkfield Room 10:00am
E499	Mr F Cooke Hilltrees, Babraham Road Stapleford Removal of motor vehicles etc (Local Inquiry)	18/10/2005 Swansley Room 10:00am

5. Appeals withdrawn or postponed - None

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

Ref. No.	Details	Date
S/1470/04/F	Mr W Willett Adj Appletree Close, Histon Road Cottenham Use of land as extension to mobile home park (no increase in numbers) incorporating landscape belt (Hearing)	08/11/2005 Confirmed
S/0592/04/F & - S/2062/04/F	R W S Arnold Bennell Farm, West Street (Comberton) Toft Erection of B1 offices (Hearing)	09/11/2005 Confirmed
E502	Mr M Walker 2 Denny End Road Waterbeach Construction of a garage without planning permission (Hearing)	22/11/2005 Confirmed
S/1909/04/O	Mr & Mrs Cole 66 Cambridge Road Great Shelford 3 houses and garages (Hearing)	10/01/2006 Offered/
S/2533/04/O	Mr & Mrs Cole 66 Cambridge Road Great Shelford 2 houses and garages (Hearing)	10/01/2006 Offered/
S/0917/05/O	Mr & Mrs G Cole 66 Cambridge Road Great Shelford 4 dwellings following demolition of existing dwelling (Hearing)	10/01/2006 Offered/
S/6258/04/RM	MCA Developments Land South of Great Cambourne Cambourne Alterations in land form (dispersion of soil from building works.) (Local Inquiry)	09/05/2006 Confirmed

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INDEX OF CURRENT ENFORCEMENT CASES
5th October 2005

Ref No	Location	See Page No for full update	Remarks
18/98	Setchell Drove COTTENHAM	1-3	Case adjourned against defendant to 20 th October at Cambridge Magistrates Court.
34/98	Camside Farm Chesterton Fen Road MILTON	3-7	Proceeding with further prosecution
12/02	The Stables Chesterton Fen Road MILTON	7-8	The defendant appeared at Cambridge Magistrates Court on 5 th September. Fined £500 with cost, of £300. Further prosecution being considered.
17/02	Land at Sandy Park Chesterton Fen Road MILTON	8-9	Currently considering options for dealing with the breach of the Enforcement Notice.
18/02	Rose and Crown Road SWAVESEY	9-11	Currently considering options for dealing with the breach of the Enforcement Notice.
8/03	Land adjacent to Setchell Drove COTTENHAM (B Land)	11-12	Failed to comply with Enforcement Notice which took effect on 11 th June 2005. Interim injunction issued 18 th July. Further hearing scheduled after 3 rd October 2005.
9/03	Land adjacent to Setchell Drove COTTENHAM (G Land)	12-13	Appeal against non-determination of planning permission dismissed on 11 th March 2005. Site now subject to Enforcement Notice E459. Interim injunction issued 18 th July. Further hearing scheduled for after 3 rd October 2005.
10/03	Land at Plot 2 and R/O Plot 3 Setchell Drove COTTENHAM	13-14	Awaiting appeal decision.

Ref No	Location	See Page No for full update	Remarks
15/03	Victoria View Land to rear of Plots 3, 4 and 5 Setchel Drove COTTENHAM	14-15	Awaiting appeal decision.
17/03	65 Wimpole Road BARTON	15-16	Site being monitored by Conservation.
19/03	Land adjacent to Moor Drove Cottenham Road HISTON	16-17	Appeal dismissed. Application being made to appeal to the High Court.
2/04	The Bury Newmarket Road STOW-CUM-QUY	17	Enforcement Notice complied with. Remove from active list.
4/04	65 Eland Way TEVERSHAM	17-18	Enforcement Notice complied with. Remove from active list.
8/04	Berry House 33 High Street WATERBEACH	18	Appeal allowed. Remove from active list.
9/04	Land adjacent to Cow Fen Drove SWAVESEY	18-19	Appeal dismissed. Enforcement Notice takes effect 22 nd October 2005.
10/04	23 Church Street WILLINGHAM	19	Appeal dismissed. Enforcement Notice takes effect 24 th November 2005
11/04	43A High Street LANDBEACH	20	Appeal dismissed. Enforcement Notice takes effect on 30 th September 2005.
12/04	15 Angle End GT WILBRAHAM	20	Appeal allowed. Remove from active list.
13/04	Scholes Road WILLINGHAM	20-21	Enforcement Appeal dismissed. Appeal pending for non- determination of planning application S/2505/04/F.

Ref No	Location	See Page No for full update	Remarks
14/04	25 South Road GREAT ABINGTON	21	Enforcement Notice complied with. Remove from active list.
15/04	Land adjacent 12 The Common WEST WRATTING	21	File submitted to legal for issue of an Enforcement Notice.
16/04	2 Manor Farm Barns and land adjoining Cockhall Lane LITLINGTON	22	File submitted to Legal Office for issue of an Enforcement Notice.
17/04	6 Honey Hill GAMLINGAY	22	Appeal allowed. Remove from active list.
18/04	The Orchard Smithy Fen COTTENHAM	22	Enforcement Notice appealed.
3/05	Land adjacent to Hilltrees Babraham Road STAPLEFORD	23	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	23	Enforcement Notice appealed
5/05	Unit 135 Cambridge Road MILTON	23	Enforcement Notice appealed
6/05	Threeways 2 Denny End Road WATERBEACH	23	Enforcement Notice appealed
7/05	Crown and Punchbowl High Street HORNINGSEA	23-24	Enforcement Notice appealed
8/05	1 Woollards Lane GREAT SHELFORD	24	Enforcement Notice compliance date 30 th June 2005. Awaiting appeal decision against refusal of planning permission. Site being monitored.
9/05	The Warehouse Unit 2 Station Yard FULBOURN	24	Site being monitored

Ref No	Location	See Page No for full update	Remarks
10/05	6A Dale Way SAWSTON	24	File submitted to Legal Office for the issue of an Enforcement Notice.
11/05	Land Adjacent to 112 Old North Road BASSINGBOURN	24	Revised planning application S/1717/05/F submitted.
12/05	17 The Maltings CAMBOURNE	25	File submitted to Legal Office. For the issue of an Enforcement Notice.
13/05	Plots 5, 5a, 6, 10 & 11 Orchard Drive COTTENHAM	25	Enforcement Notice appealed.
14/05	75/77 Hay Street STEEPLE MORDEN	25	Enforcement Notice, Stop Notice and Stop Notice complied with. Remove from active list.
15/05	White House Farm Cambridge Road MELBOURN	25	File submitted to Legal Office for the issue of an Enforcement Notice.
16/05	2 Homers Lane Haverhill Road CASTLE CAMPS	25	File submitted to Legal Office for the issue of an Enforcement Notice.
17/05	Manna Ash House Common Road WESTON COLVILLE	25-26	Enforcement file submitted to Legal office for the issue of an Enforcement Notice.
18/05	Land off Schole Road (known as Cadwin Lane) WILLINGHAM	26	In breach of extant Enforcement Notice. Evidence being obtained.
4/02	86 Boxworth End SWAVESEY	26	As a result of a recent breach of an Enforcement Notice the defendant was fined £1000 with £150 costs at Cambridge Magistrates Court on 14 th July 2005. Site continues to be monitored.
18/99	Vatches Barn Comberton Road BARTON	26-27	As a result of a recent breach of the enforcement notice a further prosecution file has been submitted to Legal.

ENFORCEMENT ACTION

PROGRESS REPORT – 5th October 2005

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p>18/98 B/1/45/20 Mobile Home Site Setchell Drive COTTENHAM</p>	<p>A. Stationing of caravans without planning permission. B. Unauthorised building works. C. Unauthorised Engineering works.</p>	<p>Planning Committee 1st July 1998 - Item 26. 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> <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</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>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> <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 Drive.</p> <p>5.1.2005 Prosecution for plot 7 discontinued due to change of ownership. Prosecution for plot 10 adjourned to 6th January 2005.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p>34/98 B/1/45/72 and S/0133/97/O Camside Farm Chesterton Fen Road MILTON</p>	<p>Without planning permission the stationing of two mobile homes for residential use.</p>	<p>Planning Committee 2nd December 1998 - Item 20</p> <p>Members authorised</p> <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>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> <p>5.10 2005 Case adjourned to 20th October 2005</p> <p>The necessary information and documentation to seek an injunction is currently being processed.</p> <p>Letters of intended actions served upon contraveners, who subsequently submitted a planning application to retain the two mobile homes and also an application for a Lawful Development Certificate alleging lawful use of the two mobile homes as bedroom use only. Injunctive action held pending determination of the above applications.</p> <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>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<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> <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,</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>until the outcome of another case dealing with a human rights point which the defendant's Counsel asserts has a bearing on the Webb's liability. Likely to be several months.</p> <p>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> <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>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<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.</p> <p>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> <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>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<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>6.7.2005 Legal Office requested to proceed with further prosecution.</p> <p>5.10.200 Further evidence being obtained.</p> <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> <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>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p>17/02 S/1452/02/F Land at Chesterton Fen Road MILTON</p>	<p>Without planning permission the stationing of mobile homes/caravans for residential use.</p>	<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 	<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> <p>5.10.2005 Defendant appeared before Cambridge Magistrates Court on 5th September fined £500 with £300 costs.</p> <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.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		<p>Notice be issued a six month compliance period.</p> <p>3. Prosecution in the Magistrates Court if the Enforcement Notice is not complied with and subject to there being no material change in circumstances.</p>	<p>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> <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>5.10.2005 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</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>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</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
	connections, accesses and hardstandings.	Members authorised proceedings in the Magistrates Court against the occupiers of the land.	<p>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> <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>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>6.7.2005 No change</p> <p>5.10.2005 No change</p>
<p>8/03 B/1/45/20 Land between Setchell Drive and Water Lane Smithy Fen COTTENHAM (B Land)</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>Enforcement Notice E461 issued 19th March 2003 to take effect on 30th April 2003. Compliance period 3 months – 30th July 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> <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>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p>9/03 B/1/45/20 Land between Setchell Drive 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.</p> <p>Enforcement Notice E459 issued 19th March to take effect 30th April 2003. Compliance period 3 months – 30th July 2003.</p>	<p>5.1.2005 Awaiting outcome of appeal.</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. Appropriate legal active being taken, in preparation of serving an injunction.</p> <p>5.10.2005 Interim injunction issued 18th July 2005. Further hearing scheduled for after 3rd October.</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.</p> <p>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>5.10.2005 Interim injunction issued 18th July 2005. Further hearing scheduled for after 3rd October. Prosecution file submitted to legal for breach of enforcement notices.</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> <p>7.7.2004 Subject of an appeal by the Council to the High Court against the Planning Inspector's decision.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<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. 5. Cease to use the access used for the purposes of accessing the site for the use of stationing residential caravans. 	<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>5.10.2005 Awaiting appeal decision</p> <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> <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>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p>17/03 B/1/45/8 65 Wimpole Road BARTON</p>	<p>Unauthorised work on listed building</p>	<p>Delegated authority given to prosecute for unauthorised work.</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>5.10.2005 Awaiting appeal decision</p> <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> <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 unauthorised work. Compliance period 3 months from 23rd April 2004. Takes effect 23rd July 2004.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p>19/03 B/1/45/51 & S/2230/03/F Land adjacent to Moor Drive 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>6.10.2004 Prosecution file submitted to Legal Office for breaching Enforcement Notice. 5.1.2005 Update to be given. 6.4.2005 Further evidence being submitted to Legal Office by Conservation for prosecution case. 6.7.2005 No change 5.10.2005 No change</p> <p>7.1.2004 Stop and Enforcement Notices issued 7.4.2004 Enforcement Notices and refusal of planning permission appealed. Public Inquiry arranged for 10th August. 7.7.2004 No change. 6.10.2004 Appeal Inquiry adjourned on 10th August to 14th December 2004. 5.1.2005 No change. 6.4.2005 Appeal hearing adjourned until 14th April 2005. 6.7.2005 Awaiting appeal decision</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>5.10.2005 Appeal dismissed 2nd August 2005. An appeal is being made to the High Court.</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> <p>5.10.2005 Enforcement Notice complied with. Remove from active list.</p>
4/04 S/0453/04/F 65 Eland Way TEVERSHAM	Unauthorised building	Delegated authority given to issue Enforcement Notice to remove unauthorised building. Enforcement Notice E449 issued 16 th July 2004 and took effect on 18 th August 2004. Compliance period 3 months.	<p>7.7.2004 File submitted to Legal Officer for issue of Enforcement Notice.</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>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>6.7.2005 Approval dismissed compliance date 14th October 2005.</p> <p>5.10.2005 Enforcement Notice complied with. Remove from active list.</p>
<p>8/04 B/1/45/33 Bery 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>5.10.2005 Appeal allowed. Remove from active list.</p>
<p>9/04 B/1/45/88 Land adj Cow Fen Drove SWAVESEY</p>	<p>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>	<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. 2. Not to replace any caravan removed from the land. 3. To cease to bring any further 	<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> <p>5.10.2005 Appeal dismissed. Compliance date for 1, 2, 3 and 4 - 22nd July 2005. 5, 6, 7 and 8 - 22nd October 2005</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
10/04 B/1/45/100 S/1477/04/F 23 Church Street WILLINGHAM	Material Change of Use for the supply of hot food. Unauthorised extraction flue.	<p>vehicles not associated with agriculture or items ancillary thereto onto the land.</p> <p>4. Not to replace vehicles not associated with agriculture to be removed from the land.</p> <p>5. Cease the use of the land for the stationing of residential caravans.</p> <p>6. Remove all unauthorized caravans from the land and any associated work.</p> <p>The following to take place on 17th December 2004:</p> <p>7. Cease to use the land for the stationing of vehicles not associated with agriculture and any commercial activity concerning the breeding of dogs.</p> <p>8. Remove from the land any vehicles not connected with agriculture.</p> <p>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.</p> <p>6.4.2005 Enforcement Notice appealed.</p> <p>6.7.2005 No change</p> <p>5.10.2005 Appeal dismissed. Enforcement Notice takes effect 24th November 2005</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> <p>5.10.2005 Appeal dismissed. Compliance date 30th September 2005.</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> <p>5.10.2005 Appeal allowed. Remove from active list.</p>
13/04 B/1/45/100 Land at Scholes Road WILLINGHAM	A. Without planning permission the stationing of two mobile homes for residential use. B. Unauthorised building works. C. Unauthorised engineering works.	Delegated authority given to issue Enforcement Notice and Stop Notice to: 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	<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>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
		before the breach of planning control took place.	<p>5.10.2005 Appeal dismissed. Appeal pending for non-determination of planning application S/2505/04/F.</p>
<p>14/04 B/1/45/36 S/1847/04/F 25 South Road GREAT ABINGTON</p>	<p>Unauthorised siting of a storage container.</p>	<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> <p>5.10.2005 Enforcement Notice complied with. Remove from active list.</p>
<p>15/04 B/1/45/97 S/1585/04/F Land adjacent to 12 The Common WEST WRATTING</p>	<p>Unauthorised extension to Hardstanding.</p>	<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 the unauthorised Hardstanding. 	<p>5.1.2005 Negotiations continuing with the Planning Officer regarding what area of the hardstanding could be considered as permitted development.</p> <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>11.8.2005 File submitted to Legal Office for issue of an Enforcement Notice.</p> <p>5.10.2005 File remains with Legal Office for the issue of an Enforcement Notice.</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<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>5.10.2005 No change.</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>5.10.2005 Appeal allowed. Remove from active list.</p>
<p>18/04 The Orchard Smithy Fen COTTENHAM</p>	<p>Stationing of Caravans without planning permission. Unauthorised engineering works.</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 No change</p> <p>5.10.2005 No change</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
<p>3/05 B/1/45/85 Land adjacent to Hilltrees Babraham Road STAPLEFORD</p>	<p>Unauthorised use of land for the storage of motor vehicles, caravans/mobile homes, container trailers, timber bricks, scrap metal, and other items not associated with agriculture.</p>	<p>Delegated authority given to issue an Enforcement Notice to remove the unauthorised use for storage purposes. Enforcement Notice E489 issued on 23rd February 2005 together with Stop Notice. Stop Notice took effect on 5th March 2005. Enforcement Notice takes effect on 31st March 2005. Compliance period 2 months.</p>	<p>6.4.2005 Enforcement Notice takes effect on 31st March 2005.</p> <p>6.7.2005 Enforcement Notice appealed.</p> <p>5.10.2005 No change.</p>
<p>4/05 B/1/45/9 Poplar Farm Poplar Farm Drive BASSINGBOURN</p>	<p>Unauthorised Material Change of use of land - operating a road making and ground engineering business from the land</p>	<p>Delegated authority given to take enforcement Notice E503 issued 6th April 2005 to take effect on 17th May 2005. Compliance period 2 months</p>	<p>6.7.2005 Enforcement Notice appealed</p> <p>5.10.2005 No change</p>
<p>5/05 Unit 135 Cambridge Road MILTON</p>	<p>Unauthorised use of part of warehouse as a showroom for retail sales</p>	<p>Delegated authority given to take enforcement action. Enforcement Notice E501 issued 6th April 2005 to take effect on 22nd May 2005. Compliance period 2 months</p>	<p>6.7.2005 Enforcement Notice appealed</p> <p>5.10.2005 No change</p>
<p>6/05 S/2490/04/F Threeways 2 Denny Road WATERBEACH</p>	<p>Unauthorised Garage with studio</p>	<p>Development and Conservation Control Committee - 2nd March 2005. Item 11 Members authorised. This issue of an Enforcement Notice to demolish the garage. Enforcement Notice W502 issued 6th April 2005 to take effect 16th May 2005 compliance period 3 months.</p>	<p>6.7.2005 Enforcement Notice appealed</p> <p>5.10.2005 No change</p>
<p>7/05 S/0285/05/F The Crown and Punchbowl</p>	<p>Unauthorised fencing</p>	<p>Development and Conservation Control Committee - 6th April 2005 - Item 22 Members authorised. The issue of an Enforcement Notice</p>	<p>6.7.2005 Enforcement Notice appealed</p>

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
High Street HORNINGSEA		E503 issued 27 th April 2005. Enforcement Notice to take effect 30 th May 2005. Compliance period 3 months.	5.10.2005 No change
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. 5.10.2005 Awaiting outcome of appeal against refusal of planning permission.
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. 5.10.2005 Site being monitored
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. 5.10.2005 No change
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. 5.10.2005 Revised planning application S/1717/05/F submitted.

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
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 5.10.2005 File submitted to Legal Office for issue of Enforcement Notice.
13/05 B/1/45/20 Plots 5,5a, 6, 10 & 11 Orchard Drive COTTENHAM	Stationing of Caravans without permission	Delegated authority given to take enforcement action. Enforcement Notices E506A to E506E inc. issued on 22 nd June 2005 to take effect on 31 st July 2005. Compliance period 3 months.	5.10.2005 Appeal dismissed. Compliance date 30 th September 2005. Enforcement Notices E506A to E506E inc. appealed.
14/05 B/1/45/86 75/77 Hay Street STEEPLE MORDEN	Breach of condition - working hours on site	File raised and submitted to Legal Office for an Enforcement Notice, Stop Notices to be issued. Enforcement Notice E509, Stop Notice E509A and Stop Notice E509B issued 24 th June 2005 to take effect 6pm 24 th June 2005.	5.10.2005 No further complaints received regarding breach of working hours. Remove from active list.
15/05 White House Farm Cambridge Road MELBOURN	Unauthorised erection of wall adjacent to Fowlmere Road	Development and Conservation Control Committee on 3 rd August 2005 - item 19. Members authorised enforcement action to demolish wall adjacent to Fowlmere Road, or to reduce to 1 metre in height.	5.10.2005 File submitted to Legal Office for the issue of an Enforcement Notice
16/05 B/1/45/14 2 Homers Lane Haverhill Road CASTLE CAMPS	Material changes of use of building for residential use	Delegated authority given for the issue of an Enforcement Notice for the use to cease and to remove all associated materials used in connection with the use of the building as a residential dwelling.	5.10.2005 File submitted to Legal Office for the issue of an Enforcement Notice
17/05 B/1/45/94 S/0687/04/F	Unauthorised erection of chimney stack which is not in accordance with	Delegated authority given for the issue of an Enforcement Notice for the chimney stack to be demolished	5.10.2005 File submitted to Legal Office for the issue of an Enforcement Notice

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
Manna Ash House Common Road WESTON COLVILLE	approved plans.	and rebuilt in accordance with the approved plans	
18/05 Land off School Road (known as Cadwin Lane) WILLINGHAM	Unauthorised caravans on land subject of extant enforcement notices E104 issued on 22 nd February 1991 and E104A issued on 10 th June 1991.		5.10.2005 Information being obtained about the occupants of the site. 3 plots currently occupied. Planning application S/1653/05/F and S/1654/05/F received
4/02 86 Boxworth End SWAVESEY	Unauthorised storage of reclaimed materials.	Planning Committee 6 th March 2002 item 4 members authorised enforcement action and prosecution in the Magistrates Court if necessary.	5.10.2005 As a result of complaints received about the condition of the site earlier this year, a prosecution file was submitted to Legal. On 14 th July at Cambridge Magistrates Court the defendant was fined £1000 with costs of £150. The site continues to be monitored.
18/99 B/1/45/8 Vatches Barn Comberton Road BARTON	Without planning permission the material change of use from one of residential to a mixed residential and office use. Vatches Barn is a Listed Building and is within a Conservation Area.	At Planning Committee 3 rd November 1999 Members authorised: (i) Delegated authority to issue an Enforcement Notice to cease using the site in association with office use if the current level of activity continues (ii) A compliance period of three months and (iii) That proceedings in the Magistrates Court be authorised against the owner in the event of failure to comply with the Notice and subject to there being no substantial change in the circumstances.	The owner has indicated that the level of business activity will be reduced, and a site visit to assess the situation will be undertaken in January 2000. If the business activity is not reduced to an acceptable level, an Enforcement Notice will be issued. Monitoring of the site reveals that the use continues and the necessary information is being gathered for the issue of an Enforcement Notice. 5.7.2000 To be the subject of a full agenda report to Planning Committee. 4.10.2000 Enforcement Notice E409 issued 9 th August 2000 takes effect 30 th September 2000. At time of drafting no appeal lodged. 3.1.2001 A Stop Notice issued 25 th September 2000 and took effect 29 th September 2000 to cease to park and store on the land vehicles not associated with the domestic residential use of the property.

CASE NUMBER AND SITE	DETAILS OF CONTRAVENTION	ACTION TAKEN	PRESENT SITUATION
			<p>The monitoring of the site indicates compliance, although there is a problem in determining between vehicles associated with the residential use and the commercial activity taking place. The Enforcement Notice is now the subject of an appeal.</p> <p>2.5.2001 Site inspection took place 9th April 2001, appeal decision awaited.</p> <p>4.7.2001 As verbally reported 2nd May 2001 the appeal against the Enforcement Notice was refused 20th April 2001 the compliance period of three months remained unchanged and takes effect 20th July 2001. Whilst still within the compliance period, a letter dated 12th June 2001 has been sent to the appellant reminding him of the requirements of the Enforcement Notice and that a site visit would take place after 20th July 2001.</p> <p>3.10.2001 Prosecution file for non-compliance with the requirements of the Enforcement Notice to Legal department 30th August 2001. Inspection made 28th August 2001 and available information, tended to suggest the use had ceased. Since that date there is now evidence that it may be continuing/resumed and this information has been forwarded to the Legal Department.</p> <p>2.01.2002 Case adjourned to Monday 14th January 2002.</p> <p>3.04.2002 This matter was heard at Cambridge Magistrates Court 14th January 2002, when the two charges were proved, and the owner fined £2,500 with costs of £876.50p and the Company fined £2,500. Information and observations tend to confirm the unauthorised use has ceased, and I recommend that this item be removed from the active list, with the Enforcement Notice to remain.</p> <p>5.10.2005 As a result of a recent breach of the enforcement notice a further prosecution file has been submitted to Legal.</p>

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

5 October 2005

AUTHOR/S: Finance and Resources Director

Tree Preservation Order – Fulbourn

Recommendation: To make an Order

Purpose

1. To seek the Committee's authority to make and serve a Tree Preservation Order in respect of land at 35 Pierce Lane, Fulbourn..

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. Local planning authorities may make Tree Preservation Orders if it appears to them to be, "expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area." (Town and Country Planning Act 1990, section 198(1)).
4. The Act does not define the word "amenity", nor does it set out the circumstances in which it is the interests of amenity to make a Tree Preservation Order. However, the Secretary of State takes the view that TPOs should be used to protect selected trees and woodlands if their removal would be likely to have a significant impact on the local environment and on the general public's enjoyment of that environment. Local authorities should be able to demonstrate a degree of public benefit before they make a Tree Preservation Order. For example, the tree should be visible from the Highway or some other public place.
5. Local planning authorities should be prepared to explain to landowners why their trees or woodlands have been made the subject of a Tree Preservation Order. Factors, which the LPA might take into account, include:
 - visibility from a public place
 - individual impact of the tree – its size, form, future potential, rarity and so on
 - wider impact of the tree, given its suitability in its particular location and the presence of other trees in the vicinity

6. Even if a Tree Preservation Order is desirable on amenity grounds, it may still not be expedient to make it if, for example, the tree or woodland, is under good arboricultural management. However, it may be expedient to make an Order if, say, it is likely that the tree would be cut down, or otherwise pruned in such a way as to have a significant impact on the amenity of the area.

Considerations

7. The land in question is at 35 Pierce Lane, Fulbourn. A plan of the area is attached at **Appendix 1**.
8. A schedule of trees is attached at **Appendix 2**.
9. The Trees and Landscape Officer considers that the Council should make an Order in this case because it would preserve the Horse Chestnut, thus contributing to the street scene, and to replace a previous tree which was afforded statutory protection.

Options

10. The Development and Conservation Control Committee must determine whether or not to impose a Tree Preservation Order in this instance.

Financial Implications

11. The Council has made budget provision for Tree Preservation Orders.

Legal Implications

12. The landowner is Mr P. James, 35 Pierce Lane, Fulbourn, Cambridgeshire, CB1 5DJ. The District Council would serve an Order and Notice on Mr James and send copies to other "interested parties", including neighbours and utilities.
- 13.. If made, the Order would take effect, provisionally, upon due service of it, and remain in force as such for six months or until confirmed, whichever is the sooner, Following service, those affected would have a period of not fewer than four weeks during which they could object to the Order. Such objections must be in writing and can be made for any reason, including:
 - to challenge the LPA's view that it is expedient in the interests of amenity to make the Order
 - to claim that a tree included in the Order is either dead, dying or dangerous
 - to claim that a tree is causing damage to property
 - to point out errors in, or uncertainties with, the Order
 - to claim procedural irregularities
14. If an objection is received within the stated period, the Council must carry out a site visit. Members must take into account all objections and other representations before deciding whether or not to confirm the Order. The Council can either:
 - confirm the Order, having not received any objections
 - confirm the Order, without modification, having considered objections but rejected them
 - confirm the Order, subject to such modifications it deems expedient
 - decide not to confirm the Order

- 15.. There is no right of appeal to the Secretary of State against the making or confirmation of a Tree Preservation Order. Once the Order has been confirmed though, an aggrieved, interested party may, within six weeks of the date of confirmation, apply to the High Court to have the decision reviewed.

Staffing Implications

16. None.

Risk Management Implications

17. Tree Preservation Orders are the principal means of protecting trees that are valued locally and might be lost as a result of future development. In making an Order, the main risk is one of administration in that any objections to it, which are not withdrawn, trigger a site visit, the consideration of amendment, and additional staff time. A further risk is that, where there is a suspicion that the proper legal process has not been followed, the Authority could be judicially reviewed.
18. The risk from not making a Tree Preservation Order in a particular case is that the tree, group, area or woodland could be damaged to the detriment of the local environment.

Consultations

19. The local Members, Councillor Mrs S Doggett and Councillor NJ Scarr, have been consulted.

Recommendations

20. It is recommended that the Committee authorise officers to make and serve a Tree Preservation Order in respect of one Horse Chestnut tree in the front garden of 35 Pierce Lane, Fulbourn, adjacent to the road frontage and, subject to there being no formal objection, which is not withdrawn and which therefore triggers a site visit, to confirm the Order in due course.

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

- Tree Preservation Orders – A Guide to the Law and Good Practice, Department of the Environment, Transport and the Regions 2000
- Documentation relating to this proposed Tree Preservation Order on a file maintained by the Trees and Landscape Section

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First Schedule

N° on Map

Description

Situation

Individual Trees

(Circled in black on the map)

T1

Horse Chestnut

Located in the front garden of 35 Pierce Lane, Fulbourn, adjacent to the road frontage

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

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