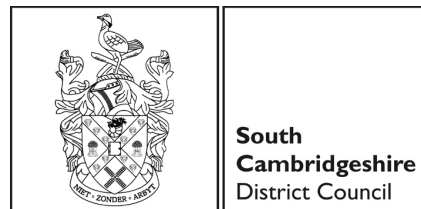


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2 May 2006

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, 10 MAY 2006 at 10.00 a.m.**

Yours faithfully
GJ HARLOCK
Finance and Resources Director

AGENDA

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

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

PAGES

PROCEDURAL ITEMS

1. **APOLOGIES**

2. **MINUTES OF PREVIOUS MEETING**

To authorise the Chairman to sign the Minutes of the meeting held on 5 April 2006 as a correct record. The draft Minutes are available on the Council's website.

PRESENTATION

3. **LOCAL DEVELOPMENT FRAMEWORK**

To receive a short verbal update from the Planning Policy Manager on the LDF, including progress with the public examination.

TRAVELLER ISSUES

4. **ENFORCEMENT PROCEEDINGS ON PRIVATELY-OWNED ORCHARD LAND AT SMITHY FEN, COTTENHAM**

1 - 16

To receive a report to, and the draft Minutes of, the Development and Conservation Control (Advisory) Committee meeting held on 20 April 2006, and to consider accepting the three recommendations

made to the Development and Conservation Control Committee in respect of Orchard land at Smithy Fen, Cottenham, namely that:

1. The Council take no direct action against the landowner;
2. The landowner be encouraged to enforce the possession order against the occupiers of the orchard land, and that the Council work with the owner to agree a suitable way of protecting the land from future incursions; and
3. If the landowner does not pursue a possession order by 31 December 2006, then the Council review its decision not to take direct action against the landowner.

5. MOOR DROVE, HISTON

Section 70(A) Of the Town & Country Planning Act 1990 gives the Local Authority discretion to refuse to determine an application if the Secretary of State has determined it within the last two years or if there is an absence of new significant and relevant considerations. Officers have taken the view that the new Travellers and Gypsy Circular 1/2006 constitutes a new significant relevant consideration. In view of local concerns, Counsel's opinion has been sought, and will be reported to Members in advance of the meeting.

PLANNING APPLICATIONS AND SERVICE OF A NOTICE

6.	S/0570/06/F - TEVERSHAM	17 - 20
7.	S/0546/06/F - TEVERSHAM	21 - 24
8.	S/0442/06/F - STAPLEFORD	25 - 32
9.	S/0356/06/F - GREAT SHELFORD	33 - 40
10.	S/0514/06/F - STOW-CUM-QUY	41 - 44
11.	S/0364/06/F - LITTLE WILBRAHAM	45 - 52
12.	S/0517/06/F - STOW-CUM-QUY	53 - 56
13.	S/0264/06/F - OVER	57 - 62
14.	S/0444/06/F - WILLINGHAM	63 - 68
15.	S/0559/06/O - WILLINGHAM	69 - 74
16.	S/6340/06/RM - CAMBOURNE	75 - 84
17.	S/6339/06/RM - CAMBOURNE	85 - 94
18.	S/6341/06/F - CAXTON	95 - 98
19.	S/6342/06/RM - CAXTON	99 - 102
20.	S/0311/06/F - HIGHFIELDS CALDECOTE	103 - 108
21.	S/0578/06/F - COTTENHAM	109 - 112

22.	S/0562/06/RM - ICKLETON	113 - 124
23.	S/0472/06/F - FULBOURN	125 - 130
24.	S/0371/06/O - HATLEY	131 - 136
25.	S/0554/06/F - HARSTON	137 - 140
26.	S/0485/06/F - HASLINGFIELD	141 - 146
27.	S/0435/06/F - IMPINGTON	147 - 150
28.	S/0618/06/O - LONGSTANTON	151 - 156
29.	S/1846/04/F - LONGSTANTON	157 - 168
30.	S/0593/06/RM - MELBOURN	169 - 174
31.	S/0450/06/F - MELDRETH	175 - 178
32.	S/0455/06/F - MELDRETH	179 - 182
33.	S/0525/06/F - PAPWORTH ST AGNES	183 - 186
34.	S/0486/06/F - SAWSTON	187 - 190
35.	S/0563/06/F - SAWSTON	191 - 194
36.	S/1265/04/F - BOURN To consider whether a Notice should be served under Section 215 of Town and Country Planning Act 1990 requiring land at 103 Caxton Er Bourn to be cleaned up.	195 - 200

APPEALS AND STATISTICS

37.	APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION	201 - 208
38.	PLANNING APPEAL STATISTICS	209 - 212
39.	UNDETERMINED APPLICATIONS OVER 13 WEEKS This item is available in hard copy only.	
40.	PERFORMANCE CRITERIA	213 - 214

INCIDENTAL ITEMS

41.	REVIEW OF OFFICER DELEGATION	215 - 218
42.	RECYCLING FACILITIES IN CAMBOURNE	219 - 222
43.	S/0682/95/O – LONGSTANTON B1050 Bypass for Longstanton and Related Road Works together	223 - 226

with Housing (21ha), Business Park 6.3ha), Extension to Village Recreation Area (2.8ha), Village green Including land for local shop and surgery, Open Space, Landscaping and Related Infrastructure Report on Enforcement Action in relation to provision of Open Space and Landscaping on Phase 2 of the Development.

EXCLUSION OF PRESS AND PUBLIC

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

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

PLEASE NOTE!

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Advisory Committee

20 April 2006

AUTHOR/S: Strategic Officer Group on Traveller Issues

**REPORT ON ENFORCEMENT PROCEEDINGS ON PRIVATELY-OWNED
ORCHARD LAND AT SMITHY FEN COTTENHAM**

Purpose

1. To brief Members on issues and options for the way forward following the expiry of the deadline for compliance with an enforcement notice served on the owner and illegal occupants of the orchard land at Smithy Fen, Cottenham.

Effect on Corporate Objectives

2.	Quality, Accessible Services	Traveller issues have implications for all four corporate objectives, especially 'Quality Village Life'. The Council's policy on Traveller Issues includes a commitment to: "apply planning policy fairly and firmly in relation to Traveller sites" and "uphold the rights of all local residents and Travellers to live peacefully and safely, with mutual respect for the rights of others".
	Village Life	
	Sustainability	
	Partnership	

Background

3. The site lies directly between Plots 1–5, 5a, 6 and 7 Orchard Drive (also known as Kennedy Croft) and an access road known as Pine View (see map at Appendix A). Plots 1-3 are authorised by planning permission granted in July 1995. Plots 4-6 Orchard Drive are unauthorised and an appeal was dismissed in October 1993. Plot 7 was part of the appeals dismissed by the Secretary of State on 11th March 2005.
4. The land was previously an orchard, which has since been subject to the removal of trees and incursion by Travellers who now occupy part of the site as residential caravan plots. The land has been surfaced with hardstandings and access roads and occupied by caravans, vehicles, sheds and containers. Connections for electricity, water and drainage have been made. Access is off Orchard Drive except to the self-contained plot behind 1 Orchard Drive. This is accessed off Water Lane.
5. In December 2004, following further unauthorised incursions onto the land, the Council served enforcement notices against the illegal occupants and the owner of the land, in line with standard practice.

Relevant Planning History

6. By August 2003 part of the orchard had been encroached upon behind Plots 1-3 Orchard Drive and had been removed behind Plots 4, 5 5a, 6 and 7. The 2003 aerial photograph (Appendix B) shows that there were caravans by that time to the rear of all of the plots except for 3 and 7.

7. The Council was aware that the use of the land amounted to trespass of private land. There were remedies open to the landowner to get the trespassers moved off the land by making an application to the County Court. This was not achieved and as the trespass continued to escalate, the Council finally considered it expedient to take formal enforcement action in December 2004.
8. The landowner had not previously taken court action or other steps that led the Council to believe that the breach of planning control could be stopped other than by way of an enforcement notice. Since the issue of the notice, steps have been taken, by the landowner, which led to the grant of an immediate possession order by the County Court on 16th March 2005. Some of the occupants of the land have since moved off, but some still remain.

The Enforcement Notice

9. The enforcement notice served on 22 December 2004 required the use of the land to cease; for the caravans/mobile homes and ancillary development to be removed and the land to be restored to its condition before the breach of control took place. The landowner subsequently appealed the enforcement notice following trespass by others. It was made on the grounds that the steps required were excessive and the time for compliance was too short. The appeal was heard by way of written representations.
10. It was claimed that the notice was invalid because more than one breach of control had been identified and the notice also required the land to be restored to its condition before the change of use had taken place. The fairness of the notice was also questioned as it was served on the landowner, rather than the contravener. The inspector subsequently found nothing wrong in the Council's approach.
11. On 14 December 2005 the Inspector dismissed the appeal and upheld the enforcement notice with variations. The inspector found that to remedy the breach of planning control and the harm to amenity, that all of the unauthorised development should be removed from the site. The landowners concern was of bearing the cost of this alone and within a limited timescale. The inspector acknowledged this fact in concluding "... *I urge the Council to adopt a sympathetic attitude to the appellant's plight and to defray the costs of a situation that was not of her making ... (but) that is as far as I am able to go*". The decision on how to seek compliance remains with the Council. The Council had already conceded that the land need not be returned to an orchard, but to the condition it was in immediately prior to serving the enforcement notice.
12. The period for compliance was also tied in to that for enforcement appeals at Pine View and Victoria View, Smithy Fen, Cottenham. Taking those decisions into account, the inspector confirmed that the use of the land should not be extended beyond three months. This was as the Council had requested. However, the period for removal of drains, septic tanks and other services, accesses, hardstandings and restoration of the land was extended from three to twelve months.
13. The decision therefore means that the unauthorised occupation of the land should have ceased on or before 14th March 2006 and the remedial works completed on or before 14th December 2006. A Council inspection of the orchard land on 15 March showed that the occupiers of plot 1 had left but there remained breaches of the enforcement notice further along the land at plots 2, 5 and 5a Orchard Drive.

The Injunction

14. The Council obtained an interim injunction from the High Court on Thursday 6 April 2006 on what is known as the “Northern” and “Southern” land at Smithy Fen Cottenham (see map at Appendix C). The hatched area on the map within the Southern area is part of the orchard land, which the Council included in its legal proceedings. The injunction requires:
- a. *Subject to the proviso below all the Defendants forthwith be restrained from causing or permitting any caravan, mobile home, day room or shed to be stationed within the Northern and Southern areas*
- Provided that Defendants 4, 6 and 11-15 are permitted to continue to station caravans, mobile homes, sheds and day rooms within the Northern and Southern area (or any replacement caravan, mobile home, shed or day rooms of a similar type) as follows –*
- i. Defendant 11 – occupied plot within Northern area – 1 mobile home*
ii. Defendant 13 – plot 5 in Southern area – 1 mobile home, 1 shed
iii. Defendant 4 – plot 5a in Southern area – 1 mobile home
iv. Defendant 12 – plot 6 in Southern area – 1 touring caravan, 1 mobile home, 1 shed
v. Defendant 14 – plot 10 in Southern area – 1 mobile home, 1 dayroom
vi. Defendant 15 – plot 11 in Southern area – 1 touring caravan, 1 dayroom
vii. Defendant 6 – plot 15 in Southern area – 1 touring caravan, 1 mobile home, 1 dayroom;
- b. *The Defendants be restrained forthwith from occupying any caravan, mobile home, shed or other residential accommodation brought on to the Northern or Southern areas in breach of a. above;*
- c. *The Defendants forthwith be restrained, whether by themselves or their servants or agents, from causing or permitting any material suitable for the use in the creation of hard surfacing or drainage to be brought onto the Northern or Southern areas;*
- d. *The defendants forthwith be restrained, whether by themselves or their servants or agents, from causing or permitting excavations to be made or building operations to be carried out preparatory to or associated with the creation of hard surfacing or drainage on the Northern or Southern areas.*
15. In brief, the injunction prevents any future occupation of the Northern and Southern areas with caravans etc. or hard surfacing. The current occupiers are allowed to continue in occupation subject to further orders, but prevented from bringing on additional caravans etc or hard surfacing. This injunction prevents any further occupation of the orchard land within the hatched area of Appendix C, almost 50% of that owned by the landowner referred to in this report.

Considerations

16. It is accepted that the landowner has not encouraged the trespass to take place. In respect of both the Victoria View and Pine View sites, the Council's case that the scale of development at Smithy Fen is unacceptable has been agreed by the ODPM. The Council continues to try and work with the Travellers on unauthorised sites so that their needs are met and that they comply with our reasonable planning

requirements to limit the scale of the development in the area.

17. It is the Strategic Officer Group's view that enforcement action against the landowner would not be justified. However, this would not be the case in respect of those trespassing on the land. Following Legal Advice the Council has adopted an approach that involves the use of injunctions to achieve its aims. Most of those on the orchard land have plots on adjacent land. While not all this land has the benefit of planning permission (see the accompanying map at Appendix A), there are no immediate human rights issues if they are made to comply with the enforcement notice.
18. Legal advice has previously been reported to Cabinet to the effect that the Council cannot either fund or take action on behalf of an individual in respect of a private interest. The landowner has also now obtained a possession order from the County Court as referred to in paragraph 8 of this report. It would be possible for the landowner to enforce the order on application to the County Court and payment of a one off fee.
19. A further issue is the decision that is awaited from Silber J, in respect of the adjacent Pine View site. The council's application under the injunction was resisted by those enforced against on the basis that they should be granted temporary permission while the Council is producing its Development Plan Document in respect of Travellers' needs (i.e. as allowed for in Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites). If our arguments are not accepted, it would be a factor for the Council in determining the approach in respect of those that are in breach on the orchard land.

Options

20. The Council has the following options:
 - a. Enforce the notice against all the occupiers of the Orchard land and consider direct action against the unauthorised development on the land;
 - b. Continue and enforce the interim injunctive action against future occupiers of the orchard land;
 - c. Consider injunctive action to remove the current occupiers of the Orchard land;
 - d. Take no action but recommend the landowner seek legal advice on enforcing the possession order.

Financial Implications

21. There are significant costs involved with both direct action and a strategy in respect of injunctions. Although no figures have been sought for this site, experience elsewhere suggests that these costs will be considerable. As an example the cost to the Council of gaining the injunction for the Northern and Southern area is approximately £15,000. The cost for the landowner to enforce the possession order is £95.00.

Legal Implications

22. The Council has powers pursuant to section 187b of the Town and Country Planning Act 1990 to seek injunctions from the courts to restrain breaches of planning control. It is a powerful tool in a local authority's armour as it enables the Council to seek an injunction against anticipated as well actual breaches of planning control. However, it should be noted that, although the provisions enable such applications to be made to

the grant of an injunction, it is entirely at the courts' discretion. That discretion is exercised taking into account all the factors relevant to the application (including human rights issues) and in accordance with the principle of proportionality. Previous legal advice has stated that the Council cannot offer specific legal advice or support to the landowner or any other private individual.

Staffing Implications

23. Significant amounts of officer time have been spent on this case, and further time would be required to carry forward any action, other than advising the landowner to pursue the possession order.

Risk Management Implications

24. There is a risk that if the Council takes no action, the unauthorised breaches of control on the orchard land could remain. In addition there has been considerable press coverage, some of it unfavourable towards the Council, on the basis that the landowner is not receiving the support deserved.

Consultations

25. The Strategic Officer Group has been party to all the discussions and preparations of this report.

Equal Opportunities Implications

26. In line with duties under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000, the Council operates a Race Equality Scheme (RES) in order to eliminate unlawful discrimination and to promote race equality and good race relations. The 2005 – 2008 Scheme identifies planning enforcement & appeals and corporate co-ordination of the Council's approach to Traveller Issues amongst the most relevant services through which the Council can fulfill its general statutory duty. The RES gives priority to actions relating to Travellers as the biggest ethnic minority in South Cambridgeshire (estimated to be around 1.7% of the district's population).
27. Having been contacted by the landowner of the orchard land, the Commission for Racial Equality (CRE) got in touch with the Council earlier this month about this particular case. This has provided the opportunity for officers to clarify to the CRE that the Council:
 - is well aware of its statutory responsibilities to promote race equality and good race relations;
 - is making sure that planning control requirements are applied fairly and consistently to everyone;
 - has made all district councillors aware of a CRE briefing about Gypsy and Irish Travellers that the Commission for Racial Equality published last month as part of an information pack published in the run-up to the May 2006 local government elections;
 - has made significant progress over the last year in working towards a realistic and mutually acceptable solution to Traveller issues in the district;

- continues to invite the CRE to provide constructive suggestions and examples of good practice that would help the Council to address the specific circumstances that South Cambs faces.

Conclusions/Summary

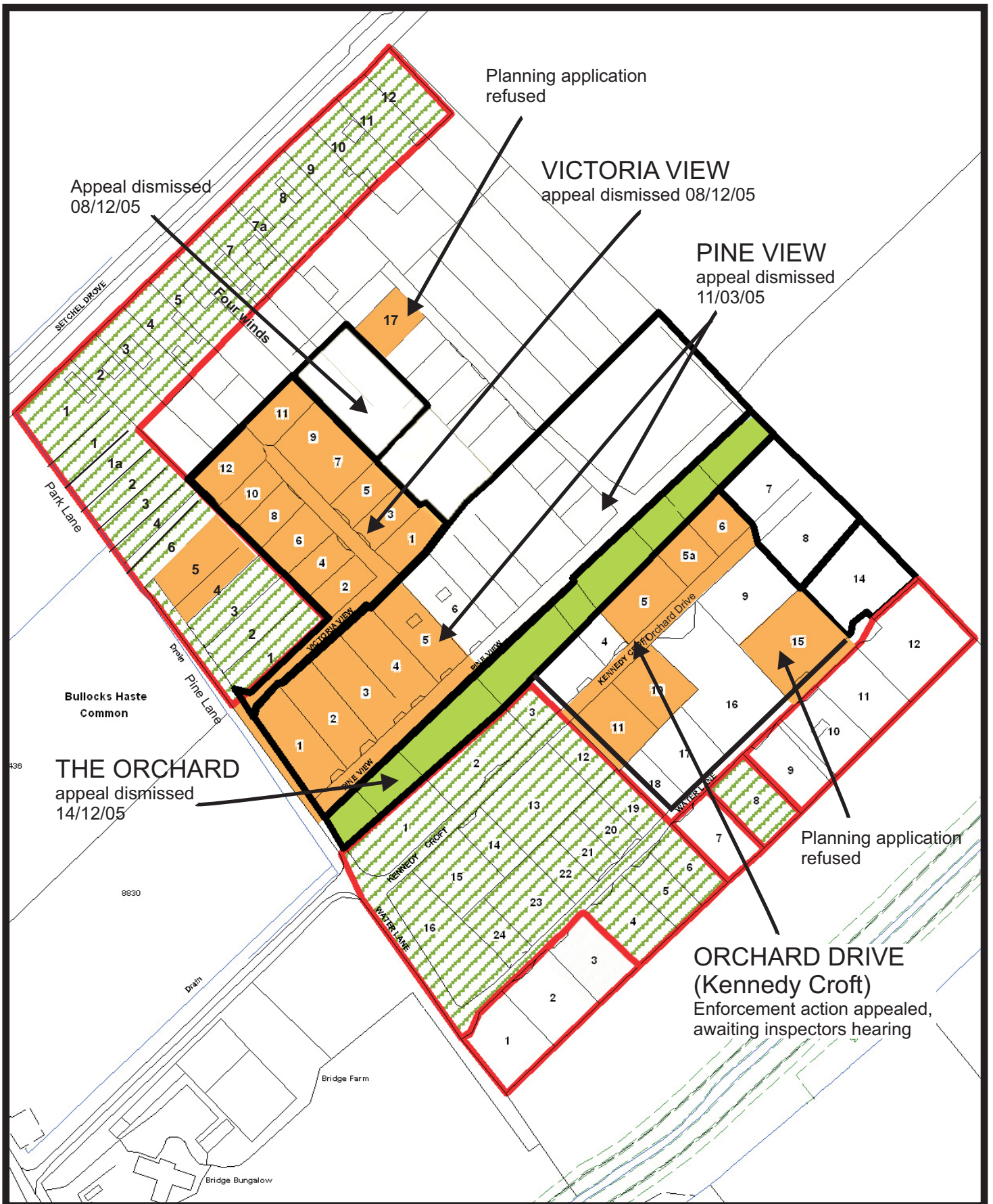
28. Negotiations with the landowner are not straightforward. Perceptions of the Council's actions are deemed unreasonable. However the landowner is apparently willing to co-operate with the Council.
29. As the Council has been successful in its application for an injunction on the Northern and Southern areas of Smithy Fen, we are now able to control further occupation of part of the orchard land (Hatched area on map at Appendix C). If the landowner enforced the possession order and the illegal occupiers were removed by the County Court Bailiffs, the Council could then prevent the hatched area from being re-occupied by way of the injunction granted on 6 April 2006.
30. The Inspector has urged the Council to adopt a sympathetic attitude to the appellant's plight and to defray the costs of a situation that was not of her making. This certainly would be the case if the approach adopted does not involve action against her, and this would be the case if we direct any action against the occupiers of her land






Recommendations

31. That the Council take no direct action against the Landowner.
32. That the landowner is encouraged to enforce the possession order against the occupiers of the orchard land, and the Council work with the owner to agree on a suitable way of protecting the land from future incursions.

Background Papers: Planning appeal APP/W0530/C/04/2001008
Circular 1/2006
Application to the High Court claim number HQ05X02057

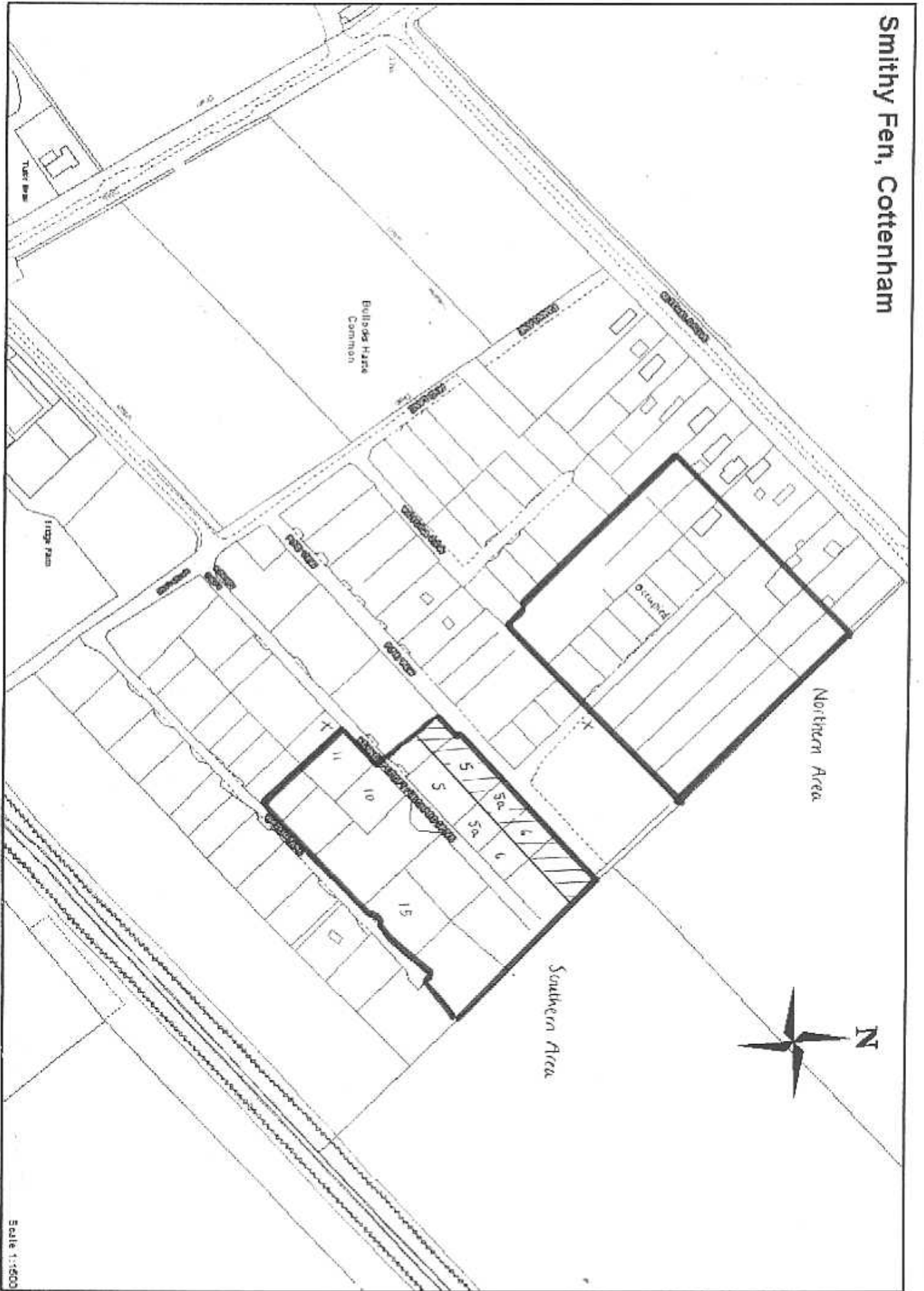
Contact Officer: Strategic Officer Group on Traveller Issues.
Telephone: (01954) 713297



- | | | | |
|--|----------------|---|-------------------------------|
|  | APPROVED PLOTS |  | APPROVED PLOTS (EMPTY) |
|  | THE ORCHARD |  | UNAUTHORISED PLOTS (empty) |
| | |  | UNAUTHORISED PLOTS (occupied) |

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Smithy Fen, Cottenham



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Development and Conservation Control (Advisory) Committee held on Thursday, 20 April 2006 at 1.00 p.m.

PRESENT: Councillor Dr DR Bard – Chairman
Councillor Mrs DP Roberts – Vice-Chairman

Councillors: SGM Kindersley Mrs DSK Spink MBE
NIC Wright

Councillors MJ Mason, EJ Pateman, Dr SEK van de Ven and TJ Wotherspoon were in attendance, by invitation.

Apologies for absence were received from Councillor SM Edwards and Dr JPR Orme.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors SM Edwards and Dr JPR Orme.

2. DECLARATIONS OF INTEREST

None.

3. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 14 June 2005 were agreed as a correct record, subject to the inclusion of the following comments made by Councillor SM Edwards, which the Advisory Committee members acknowledged as forming part of the Council's existing policy:

Advice for Development and Conservation Control Committee – Next Steps (Minute 9)

“Councillor SM Edwards advocated the use of a two-pronged approach in respect of breaches of enforcement notices: proceeding down the route of injunctions while also prosecuting for breach of enforcement notice under the Town and Country Planning Act. Continuous prosecution for each day a party found guilty of remaining in breach could result in steadily increasing fines.”

Members noted that prosecution for breach of enforcement notice was existing Council policy. Legal advice was that fines might not reach high enough levels to encourage the party in breach to vacate the area.

4. DISTRICT-WIDE PROHIBITIVE INJUNCTION

The Advisory Committee received Counsel's advice that it was unlikely to be successful with an application for a district-wide injunction prohibiting travellers from setting up an unauthorised site anywhere in South Cambridgeshire. Counsel had suggested that pre-emptive injunctions be sought against identified “hot spots”, but there would be difficulties involved in demonstrating to a judge the criteria for a “hot spot” and how the Council could prove that “persons unknown” had been made aware of the existence of the injunctions.

Members commented that:

- The Council could be accused of discrimination if it identified particular areas as “hot spots”;

- “Hot spots” could change;
- Parish Councils might not have the financial resources to cover legal costs of applying for their parish to be designated as a “hot spot”;
- Only the District Council, as Local Planning Authority, had the legal power to seek injunctions;
- There was an apparent conflict as the government’s recent circular on Gypsy and Traveller sites made allowance temporary consent for unauthorised sites on a “without prejudice” basis, yet the District Council had been advised that a district-wide injunction would be seen as prejudging planning merits of any unauthorised sites.

The Advisory Committee **AGREED** to invite Counsel to address their next meeting and to request officers to prepare a further report detailing the likely time and costs involved in applying for injunctive action relating to specific locations.

5. EXCLUSION OF PUBLIC

Following legal advice, the Advisory Committee, with three votes in favour and one abstention, **RESOLVED** that the press and public not be excluded from the meeting during consideration of the following item, but reserved the right to move into private session if necessary.

Councillor Mrs DP Roberts regretted that the advice had not been given in time to allow the press and public to attend the meeting and asked that in future such advice be given before agenda publication.

6. COTTENHAM: ENFORCEMENT PROCEEDINGS ON PRIVATELY-OWNED LAND AT SMITHY FEN

The Advisory Committee’s attention was drawn to maps and aerial photographs of the land at Smithy Fen and Members were advised of the legal circumstances of the various areas. Officers’ view was that the Council should not take direct action against the landowner, but, whilst Members acknowledged the personal circumstances of the landowner, they were also aware of race relations legislation which required the Council to treat the landowner and adjacent residents equally. It was clarified that racial equality was not a consideration as it had been proven in court that the property belonged to the landowner.

Members noted that the landowner had received a possession order from the Court and was now in a position to apply for possession proceedings, which would be undertaken at the Court’s expense until the land was cleared. This, in addition to the Council’s enforcement action, presented a two-pronged approach to clearing the illegal encampments and it was noted that possession proceedings could progress far more quickly than enforcement action. Members also remarked upon the difference in costs between approximately £15,000 of taxpayers’ money for injunctive action, versus a cost to the landowner of £95 for enforcement of the possession order. The Council would not be seen to be doing all it could to resolve the situation unless it encouraged the landowner to make use of the possession order.

On the proposal of Councillor SGM Kindersley, seconded by Councillor NIC Wright, the Advisory Committee **AGREED** that an additional recommendation be made to the Development and Conservation Control Committee: “if the landowner does not pursue a possession order by 31 December 2006, then the Council review its decision not to take direct action against the landowner”.

Members considered that land ownership came with certain responsibilities, including securing the boundaries of that land, and queried whether the Council could assist with securing the boundaries to prevent future encroachment. Legal advice was that this was inappropriate, but it was noted that Basildon District Council had done so without challenge.

On the proposal of Councillor Mrs DP Roberts, seconded by Councillor Dr DR Bard, the Advisory Committee **RESOLVED** that the press and public be excluded from the meeting during the next part of the discussion on the grounds that it was likely to disclose exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Members received an update relating to specific sites and an estimate of the likely timescale before the next steps in the legal process could be taken. The meeting then returned to open session.

The Advisory Committee **RECOMMEND TO THE DEVELOPMENT AND CONSERVATION CONTROL COMMITTEE** that:

- (a) The Council take no direct action against the landowner;
- (b) The landowner be encouraged to enforce the possession order against the occupiers of the orchard land, and the Council work with the owner to agree a suitable way of protecting the land from future incursions; and
- (c) If the landowner does not pursue a possession order by 31 December 2006, then the Council review its decision not to take direct action against the landowner.

The Meeting ended at 2.15 p.m.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006

AUTHOR/S: Director of Development Services

S/0570/06/F - Teversham
Erection of house following demolition of existing annexe at 7 Church Road
for Dr I J Hunt

Recommendation: Delegated Approval

Date for Determination: 18th May 2006

Adjacent Conservation Area

Site and Proposal

1. The site measuring 0.12ha comprises a detached post-war dwelling, attached annexe, front and rear gardens. It is located between two commercial properties; Teversham Motors to the southeast (a petrol filling station and MOT centre/garage) and Borley Brothers to the northwest (a commercial site). Teversham Motors forms the site boundary with a 1.5 storey building. There are no openings in the western elevation which adjoins the site. The boundary to the Borley Brothers site is marked by conifers and shrubs which provide good screening for the residential property. To the rear is a residential property (7 Thulborn Close). The site lies opposite The Green and is adjacent to the Conservation Area, which begins at The Green. The site rises from the road towards the rear boundary and has an in-out drive to the front, the left hand access being shared with the adjacent garage.
2. This full planning application, received 23rd March 2006, seeks permission to demolish the existing single storey annexe and to erect a two-storey detached house in its place. The gross density equates to 17 dph.

Planning History

3. **C/0284/62** - Erection of outbuilding to accommodate cafe and post office service.
4. **S/0935/86/F** - Extension to house and shop.
5. **S/1470/01/F** - This extant planning permission gave permission to extend the shop to include a first floor. It was of an almost identical design to the house now proposed. The application also included a first floor rear extension and a detached double garage to the front of the house.
6. **S/1005/04/F** – This application gave permission for the change of use of the former shop to residential accommodation and is to be used and occupied in association with the house. It has been implemented.

Planning Policy

7. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan, 2003 states that a high standard of design and sustainability for all new development will be required which provides a sense of place which responds well to the local character

of the built environment, is integrated with adjoining landscapes and pays attention to the detail of forms, massing, textures, colours and landscaping.

8. **Policy SE5** of the South Cambridgeshire Local Plan, 2004 (Local Plan) classifies Teversham as an infill only village. Residential developments of one or two dwellings will be permitted where an existing residential curtilage is to be sub-divided and where the site in its present form is not an essential part of village character, and where the development is sympathetic to historic interests, character and amenities of the locality.
9. **Policy HG10** of the Local Plan 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.
10. **Appendix 11/1** to the Local Plan sets out the approach that will be taken in relation to, and standards for, residential development that is affected by noise from industrial and commercial activities.

Consultations

11. **Teversham Parish Council** comments are awaited and will be reported verbally to the Committee.
12. **Chief Environmental Health Officer** recommends conditions in order to protect neighbours from the effects of development and an informative relating to bonfires.

Representations

13. Teversham Motors raise the following concerns:
 - a. The dwelling will result in being a higher risk for, for example, insurance through no fault of its own;
 - b. The site does not have, nor does it require, a vapour recovery system. The petrol station could interfere with the quality of living in the new dwelling;
 - c. Large articulated tankers visiting the site could disturb residents;
 - d. MOT testing could lead to interference with the quality of living in the proposed dwelling from soot, smell and noise pollution;
 - e. They are not ideal neighbours due to the nature of their work; and
 - f. The boundary has been drawn inaccurately on one of the plans – it is straight.

Planning Comments – Key Issues

14. There is no settlement policy objection in principle to a dwelling on the site. The key issue in relation to this planning application is the amenities of future occupants. The application is similar in design to the approved extension for the shop and will not detract from the adjacent Conservation Area. The dwelling has adequate parking and access is existing. Traffic movements will be less than the former post-office use.

Residential amenities of future occupants

15. In light of comments received from that neighbouring garage and the planning history, further comments have been sought from the Chief Environmental Health Officer. These will be reported verbally to the Committee. The proposed layout does

include windows that serve habitable rooms facing the garage boundary. The garden potentially may suffer noise and pollution. These aspects of the design should be addressed prior to a decision being reached. A noise attenuation scheme may well be required by condition.

Recommendation

16. Subject to the additional comments of the Chief Environmental Health Officer this application is recommended to be **APPROVED** 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(ii));
3. Sc5d – Refuse storage accommodation (RC5d)
4. Sc51 – Landscaping (Rc51);
5. Sc52 – Implementation of landscaping (Rc52);
6. Sc60 – Details of boundary treatment (Rc60);
7. Restriction of hours of use of power operated machinery during construction;

+ any additional conditions required by the Chief Environmental Health Officer.

Informatives

1. See attached Environment Agency advice note regarding surface water drainage.
2. Should pile driven foundations be proposed, then before works commence, a statement of the method for construction of these shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
3. 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);

South Cambridgeshire Local Plan 2004:

SE5 (Infill Villages), HG10 (Housing Mix and Design) and Appendix 11/1 (Noise from Industrial, Commercial or Recreational Activities Affecting Residential 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 amenities (noise and pollution) and impact upon the working operations of an adjoining business.

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/0570/06/F, S/1470/01/F and S/1005/04/F.

Contact Officer: Melissa Reynolds – Area Planning Officer
Telephone: (01954) 713237

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006

AUTHOR/S: Director of Development Services

S/0546/06/F - Teversham

**Conversion of existing Dwelling into two Dwellings and addition of porch/bin store,
2 Thetford Terrace For Shaw Maintenance**

Recommendation: Approval

Date for Determination: 15th May 2006

Site and Proposal

1. The application site is a mid terrace property nos.1, 2, 3, 4, 5 and 6 inclusive. The surrounding properties have also been converted into separate flats.
2. The application, dated 4th March 2006, proposes to separate the dwelling into 2 self-contained one bedroom flats with a front porch, and bin/cycle storage and two allocated parking spaces, one to the hard standing at the front and one in a parking bay at the rear.

Planning History

3. S/2010/05/F – Planning permission for conversion of existing dwelling “2 Thetford Terrace” into 2 dwellings. Application was refused on grounds of inadequate bin and cycle storage with consequent visual harm.

Planning Policy

4. **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
5. **Policy HG12** of the **South Cambridgeshire Local Plan adopted 2004** states that planning permission for the extension and alteration of dwellings will not be permitted where:
 - a) The design and use of materials would not be in keeping with the local characteristics;
 - b) The proposal would harm seriously the amenities of neighbours through undue loss of light or privacy, being unduly overbearing in terms of mass, or would adversely affect the surrounding properties by virtue of its design, layout, location or materials;
 - c) There would be an unacceptable loss of off street parking or garden space within the curtilage;
 - d) There would be an unacceptable visual impact upon the street scene
6. **Policy SE4** of the **South Cambridgeshire Local Plan adopted 2004** states that residential development and re-development up to a maximum scheme of 8 dwellings will be permitted within the village frameworks of Group Villages 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 not 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;
7. **Appendix 7/1** of the **South Cambridgeshire Local Plan adopted 2004** states car parking standards are necessary to ensure that new developments provide adequate off street car parking to accommodate the needs they generate and to protect the surrounding areas and development. Maximum standards are recommended.
8. **Appendix 7/2** of the **South Cambridgeshire Local Plan adopted 2004** states Cycle parking standards are necessary to ensure that new developments provided adequate secure cycling parking.

Consultations

9. **Teversham Parish Council** – Recommends refusal with the following comments:
- a. This is yet another retrospective application for Thetford Terrace since the porch at No.2 is already built.
 - b. The re-development of Thetford Terrace is being carried out in a piecemeal fashion – There is no clear plan for the development because the owner's practice of applying retrospective permission for this building work.
 - c. The building work is shoddy – For instance the paved area at the front of the house is already cracking and will not support the weight of vehicles. There are no dropped kerbs and cars will be parked close to living room windows.
 - d. There will be parking congestion in the area since there is only one visitor space for 10 dwellings.
 - e. The development damages the appearance and character of the neighbourhood. The loss of family size houses is a particular regret.
 - f. There is no provision for affordable housing – The developer will create 5 new dwellings – Should not a proportion of these be affordable housing?
10. **Cambridge City Council** has not commented.

Representations

11. None received.

Planning Comments – Key Issues

12. This application follows pre-application advice based on the previously refused application S/2010/05/F. This advice was based on officer recommendation in relation to other approved applications for dwellings within the terrace.
13. The conversion of the dwelling into two separate properties would involve one flat being accessed at the front and the other at the rear. The site would accommodate adequate parking with the provision of a space at the front on the hard surfaced area and an allocated car-parking bay at the rear. The front porch would comfortably accommodate cycling parking as well as bin storage and is sympathetic in design and proportions to the front elevation and would be in-keeping within the street scene. The rear enclosed garden would accommodate bin and cycle storage for the second flat.

14. The proposal would include a shared amenity area at the rear of the site for the use of nos.1 to 5 with a shared access path to the rear flats. There would be provision for a visitor space among the car parking bays with a security light on a 3m high pole. The development would not be insensitive to the character of the street and would not result in any significant harm to the amenities of the neighbouring properties.
15. Several of the Parish Council's comments are unrelated to the planning application and are not considered material planning concerns in respect of this application. In relation to the car parking on site, the proposal does meet with the requirements set out by the parking standards. I consider that the reasons for refusal in the previous application have also been addressed.

Recommendation

16. Approve subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any further application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
 2. The external materials of construction for the building works hereby permitted shall be identical to those used for the existing building unless otherwise agreed in writing with the local planning authority.
(Reason – To safeguard the appearance of the terrace.)
 3. The development shall not be occupied until space has been laid out within the site (in accordance with plan dated 20th March 2006, attached hereto) for the parking of one vehicle for each unit, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
(Reason – To ensure adequate space is provided and thereafter maintained on site for the parking of vehicles.)
 4. The development shall not be occupied until the amenity space and bin and cycles storage for No.2 and No.2a has been laid out in accordance with the approved plans.
(Reason – To ensure that the development provides the required amenity space, that the means of enclosure is appropriate to the surrounding area and that adequate refuse and cycle storage is provided.)

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** (Development in Group Villages),
 - **HG12** (Extensions to dwellings within frameworks)

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Parking
 - 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/0546/06/F.

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

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

S/0442/06/F – Stapleford
17 Houses, 8 Flats and Change of Use of Agricultural Land for New Football Pitch at Hill Farm, Gog Magog Way for Granta Housing

Recommendation: Refusal
Date for determination: 5th June 2006 (Major Application)

Members will visit the site on Monday 8th May 2006.

Site and Proposal

1. The site is made up of two adjoining rectangular blocks of land totalling approximately 1.5 hectares. A U-shaped group of brick, boarding and blockwork asbestos roof farm buildings with an existing farm access to the west stand in the west corner of the site with a render and asbestos sheeting roof farm building to the north. The remainder of the site is cultivated or uncultivated land. The rear of one of the existing farm buildings sits along the western part of the Gog Magog Way frontage. A hedge runs along the eastern half of the site's Gog Magog Way frontage. The site falls to the north but the land then rises beyond the site to the north. Two-storey red brick and concrete interlocking tile roof dwellings fronting Gog Magog Way lie to the south of the site (Nos. 63-75 odd). The rear boundaries of these properties are marked by low fencing with some planting.
2. This full application, registered on the 6th March 2006 and amended by plans date stamped the 11th and 18th April 2006, proposes 8 no. 1-bedroom flats, 13no. 2-bedroom houses and 4no. 3-bedroom houses on the westernmost of the two rectangular blocks of land that make up the application site. All the buildings are two-storey. The flats on the Gog Magog Way frontage being 9.3m high and the houses, grouped around a new access road off Gog Magog Way and a new crescent shaped road, being 9m high. All the units would have 5m high eaves and 40 degree gable ended pitched roofs. A central area of green space is proposed. A football pitch is proposed on the easternmost of the two rectangular blocks of land that make up the application site with vehicular access provided via the new access road and pedestrian access by a path between the flats and No.63 Gog Magog Way. A total of 37 parking spaces would be provided for the flats and houses. No dedicated parking spaces would be provided for the football pitch. Players and spectators would be expected to park on the existing recreation ground on the opposite side of Gog Magog Way. Perimeter planting is proposed around the residential development. The density of the residential part of the proposal equates to approximately 40 dwellings to the hectare. The application is accompanied by a Flood Risk Assessment and Biodiversity & Site Assessment.

Planning History

3. Planning permission was granted in 2002 for change of use of the existing agricultural buildings on the site to office and storage use (Classes B1 and B8) under reference **S/1835/02/F**.

Planning Policy

4. Structure Plan 2003 **Policy P1/3** relates to sustainable design in built development and requires a high standard of design for all new development which responds to the local character of the built environment.
5. Local Plan 2004 **Policy GB2** states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated. It also states that development is 'inappropriate' unless it comprises, amongst others, uses of land which preserve the openness of the Green Belt and affordable housing in accordance with Policy HG8 where no suitable sites are available outside the Green Belt. It also requires any development considered appropriate in the Green Belt to be located and designed so that it does not have an adverse effect on the rural character and openness of the Green Belt.
6. Local Plan 2004 **Policy HG8** states that, as an exception to the normal operation of the policies of the Local Plan, planning permission may be granted for schemes of 100% affordable housing designed to meet identified local housing needs on sites within or adjoining villages. The policy states that the following criteria will all have to be met:-
 - (1) the development proposal includes secure arrangements for ensuring that all the dwellings within the scheme provide affordable housing in perpetuity for those in 'housing need' as defined in policy HG7.
 - (2) the number, size, design, mix and tenure of the dwellings are all confined to, and appropriate to, the strict extent of the identified local need.
 - (3) the site of the proposal is well related to the built-up area of the settlement and the scale of the scheme is appropriate to the size and character of the village.
 - (4) the development does not damage the character of the village or the rural landscape.

It also states that development under this policy must also: be limited to units of types and sizes required to provide accommodation for those revealed to be in 'housing need' by an up-to-date survey; be occupied only by qualifying persons, subject to cascade provisions; and be secured in perpetuity as to the above provisions (or any agreed departure from them) by planning obligation under Section 106 of the Town and Country Planning Act 1990 or an alternative form of equally effective provision.
7. 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.
8. Local Plan 2004 **Policy RT1** states that, in considering applications for the development of recreation facilities, the District Council will have regard to the need for such facilities and the benefits which might accrue. The District Council will resist any proposals which would:
 - (1) result in the irreversible loss of the best and most versatile agricultural land (grades 1, 2 and 3a);
 - (2) not be in close proximity to and not be well related with an established settlement and its built-up area;

- (3) result in buildings and other structures not directly related to the proposed use;
 - (4) by reason of its scale, form, design and materials of the proposal, together with any associated development such as clubhouses, pavilions, and other buildings and structures would create an intrusive feature in the landscape or surrounding area;
 - (5) result in the loss of ecological, wildlife and archaeological interests;
 - (6) generate significant motorised traffic movements;
 - (7) have inadequate provision for parking and manoeuvring of cars and service vehicles to the District Council's standards;
 - (8) not provide appropriate provision for screening and to minimise the visual intrusion into neighbouring development and the countryside;
 - (9) not undertake adequate measures for the screened storage and safe disposal of refuse.
9. Local Plan 2004 **Policy EN3** states that, in those cases where new development is permitted in the countryside, the Council will require that (a) the scale, design and layout of the scheme (b) the materials used within it, and (c) the landscaping works are all appropriate to the particular 'Landscape Character Area' (the East Anglian Chalk Landscape Area in this instance), and reinforce local distinctiveness wherever possible.
10. Local Plan 2004 **Policy EN13** states that the District Council will not grant planning permission for development which could adversely affect, either directly or indirectly, the habitats of animal and plant species which are protected by law unless the need for the development clearly outweighs the importance of conserving that habitat and the advice of English Nature is to the effect that permission may be granted. Where development is permitted which may have an effect on these species, the District Council will impose conditions, where appropriate, and seek to use its powers to enter into planning agreements to: facilitate the survival of individual members of the species; reduce disturbance to a minimum; and provide adequate alternative habitats to sustain at least the current levels of population.

Consultations

11. **Stapleford Parish Council** recommends refusal on the grounds that:
- (i) A traffic management scheme should be included;
 - (ii) Guarantee needed that the housing will continue to be affordable;
 - (iii) A scheme needed to ensure occupation by local people;
 - (iv) Undesirable to have blocks of flats in front of scheme, overbearing in size and position."
12. **Housing Special Projects Officer** states that the proposed mix is generally in accordance with the identified local need as set out in the results of the September 2005 Stapleford Housing Needs Survey. However, she states that the Needs Survey only shows a need for 5 1-bedroom flats within the next two years and a need for a further 5 within the next 2-5 years. As there is also a need for 2-bedroom flats and 2-bedroom flats also give occupiers greater flexibility as their circumstances change, she considers the proportion of 1-bedroom flats proposed to be excessive.
13. **Chief Environmental Health Officer** recommends conditions and informatives to be attached to any permission relating to site contamination investigation and a remediation strategy if necessary, times when power operated machinery shall not be operated during the demolition and construction periods except in accordance with

agreed noise restrictions, driven pile foundations, and 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 the need for a Demolition Notice.

14. **Ecology Officer** welcomes that fact that the application is supported by an ecological assessment and particularly that it has considered the South Cambs Biodiversity Checklist. However, he states that the initial assessment was conducted in November 2005 and whilst the report recommends that further investigations be made in Spring for the protected common lizard, no such further assessment appears to have been completed. He also states that the application fails to provide any form of biodiversity enhancement yet acknowledges that various species will be impacted. He therefore has a holding objection to the proposal.
15. **Local Highway Authority** states that, in order to provide adequate visibility to the west of the junction onto Gog Magog Way, an uninterrupted view across the verge on the opposite side/inside of the bend is required and the 3 existing trees within this area MUST be removed and this areas thereafter maintained clear of planting. It also queries where the additional cars generated by the proposed pitch would park.
16. **Environment Agency** states that the District Council is required to respond on behalf of the Agency in respect of flood risk and surface water drainage related issues in this instance but, nonetheless, makes advisory comments in relation to surface and foul water drainage.
17. **County Archaeology** states that its records indicate that the site lies in an area of some archaeological potential – there are several earthworks, some at least of medieval date, in and around Hill Farm and it is possible that additional, as yet unknown archaeological features may survive on the site which could be severely damaged or destroyed by the proposed development. It therefore recommends a condition requiring a programme of archaeological investigation to be carried out is attached to any permission.
18. **Sport England** supports the principle of the new football pitch. It recommends that a condition requiring a survey to confirm whether the ground conditions (drainage capacity and topography) would provide any constraints to ensuring that a good quality playing surface can be developed and detailing any necessary mitigation measures is attached to any permission. It confirms that the dimensions and orientation of the pitch accord with its guidance. It does however object on the basis that the necessary two team changing facility is not proposed and on the basis of lack of dedicated parking for up to 25 cars for the pitch which it states is likely to result in residential amenity conflicts as users will park on the roads.
19. **Cultural Services Manager, Landscape Design Officer, General Works Manager, Cambs Fire & Rescue Service and Police Architectural Liaison Officer** were consulted but had not commented at the time this report was compiled.

Representations

20. Objections have been received from the occupiers of 10, 41, 63, 73, Meadowcroft Barn and Green Hedges Barn, Gog Magog Way; 13, 15, 36, 62 and Middlefield House, Haverhill Road; and 7 Dukes Meadow on the following grounds:
 - a. The development is too large for this Green Belt area, out of character with the surrounding rural area, would have a significant adverse effect on the rural

- character, openness and landscape of the Green Belt and would significantly affect the look and environment of this part of the village;
- b. Low-cost housing does not justify the loss of this land;
 - c. Change of views from park and Green Hedges Barn;
 - d. Gog Magog Way is narrow with a sharp bend and is inadequate to cater for the additional traffic that would be generated;
 - e. There are existing parking problems in the area where the entrance is proposed;
 - f. Use of the proposed sports pitch would shatter the peace and tranquillity currently enjoyed by the elderly residents of 11-15 odd Haverhill Road;
 - g. The orientation of the pitch with the goal backing onto properties in Gog Magog Way increases nuisance to residents;
 - h. The design and height of the houses and their arrangement in an urban cul-de-sac is inappropriate and does not accord with the Council's Design Guide;
 - i. The flats are wholly insensitive in mass and scale and would be overbearing to the occupiers of 63 Gog Magog Way;
 - j. Overlooking of properties in Gog Magog Way;
 - k. Submitted scheme does not reflect motions of the Parish Council;
 - l. Inadequate consultation by Granta Housing Society;
 - m. Proposed type and mix of units does not reflect the Needs Survey and does not indicate tenure and ownership arrangements to ensure the affordable housing is secured in perpetuity;
 - n. Proposal over caters for the existing needs of the village;
 - o. Affordable housing should be distributed in smaller groups allowing for proper integration within the village;
 - p. The football pitch is inappropriately sited with no additional parking (requiring children to cross Gog Magog Way from the recreation ground), parking or changing rooms;
 - q. How long will the football pitch remain a football pitch as there is currently no agreement with the Parish Council?;
 - r. The boundary of the site should be a continuation of the rear boundary of properties in Gog Magog Way;
 - s. The site is not adjoining the boundaries of the village and the proposal does not comply with Exceptions Sites Policy;
 - t. There are other potential sites for affordable housing within the village;
 - u. The application should be put in the context of the new housing allocations to the south of Cambridge including the Southern Fringe development;
 - v. Distance to local services and amenities;
 - w. The LDF Recreation Study does not justify the proposed football pitch;
 - x. Government policy suggests that the houses will not be affordable in perpetuity;
 - y. Dangers to players if balls are kicked on Haverhill Road;
 - z. Loss of wildlife habitats;
 - aa. Additional pollution;
 - bb. Disturbance and potential dangers to children visiting the recreation ground during construction period;
 - cc. Additional pressure on local schools; and
 - dd. What are the proposed plans for the stretch of land between the proposed football pitch and Haverhill Road, this land not being suitable for modern farming methods? Is further development planned?
21. The occupier of 21 Gog Magog Way welcomes the plans as they will offer a glimmer of hope for young people.
22. A petition in support of affordable housing at Hill Farm, signed by 74 people, has been received.

Planning Comments – Key Issues

23. The main issues in relation to this application are:
- a. Whether this countryside and Green Belt site is an appropriate location for affordable housing and whether the scale of affordable housing proposed is acceptable;
 - b. Whether the layout and impact of the development is appropriate and preserves the rural character and openness of the countryside and Green Belt;
 - c. Whether the proposed mix of dwellings meets the identified local need;
 - d. Impact on neighbours;
 - e. Highway and parking matters;
 - f. Ecological matters; and
 - g. Whether this is an appropriate location for the proposed football pitch.
24. Although the site is not within or adjoining the village framework, it is well-related to the existing settlement and I consider that some form of affordable housing on the site would be acceptable to meet identified local need. However, it is my view, and a view I conveyed to the agent before the application was submitted, that the residential development should not extend any further to the northeast than the rear boundaries of Nos. 63-75 odd Gog Magog Way. Existing development/gardens fronting this part of Gog Magog Way and Haverhill Road are distinctive and regular in the extent to which they extend back from the road. Due to the extent to which the proposed residential development intrudes into the Green Belt and the height of the buildings (ranging from 9-9.3m high – considerably higher than Nos. 63-75 odd Gog Magog Way), the proposed development would have an unacceptable adverse affect on the rural character and openness of the Green Belt.
25. IF the scale of the development and its impact on the countryside and Green Belt was considered to be acceptable, I consider that the proposed layout around a crescent with flats on the frontage would be appropriate
26. The proposed mix is generally in accordance with the identified local need as set out in the results of the September 2005 Stapleford Housing Needs Survey. However, whilst 8no. 1-bedroom flats are proposed, the Needs Survey only shows a need for 5 1-bedroom flats within the next two years and a need for a further 5 within the next 2-5 years. As there is also a need for 2-bedroom flats and as 2-bedroom flats also give occupiers greater flexibility as their circumstances changed, I consider the proportion of 1-bedroom flats to be excessive.
27. There would be some overlooking of No.63 Gog Magog Way from the small, first floor living room window in the southeast elevation of the flats building and from the first floor living room window in the northeast elevation of the flats building. However, given the small size and distance between the window in the southeast elevation and No.63's side boundary (17m) and the oblique view from the window in the northeast elevation, I do not consider this to constitute serious harm.
28. The Local Highway Authority confirms that the layout of the residential development is acceptable provided the 3 existing trees within the public highway on the opposite side/inside of the bend are removed in order to allow an uninterrupted view across the verge and thereby adequate vehicle-to-vehicle visibility.
29. A site to the west of the existing recreation ground/on the other side of Gog Magog Way from the site is allocated as an extension to the existing recreation ground in the Local Plan. However, it is understood that the College that owns it is not prepared to

make the land available for this purpose. A new football pitch is therefore to be generally welcomed and would be of benefit to local residents. However, the proposed site is not wholly acceptable. The absence of any additional parking or changing facilities and its orientation, whereby one of the goals would be directly behind and close to properties fronting Gog Magog Way, is of concern. An alternative location for a pitch as part of a scaled-down residential scheme, including parking and changing facilities should be explored.

30. In the absence of the results of a springtime survey of the site for the protected common lizard, I am not satisfied that the development would not adversely affect the habitat of protected species. I consider that a scheme of biodiversity enhancement could be secured by condition if the scheme was considered to be acceptable in all other respects.
31. The Parish Council has expressed concern as to the need for a guarantee that the housing will continue to be affordable and to ensure occupation by local people. If Members were minded to approve the application, a S.106 Agreement would ensure that they are 'affordable' in perpetuity and 'cascade provisions' would ensure that the units would be available for qualifying persons in Stapleford first.
32. It is with reluctance that I am recommending this application for refusal but consider the scheme to be unacceptable for the reasons set out above.

Recommendation

33. Refusal (as amended by drawing no. 04/960/PL.02 Rev.A date stamped 11.4.06 and drawing no. 04/960/PL.01 Rev.A date stamped 18.4.06)
 1. Due to the extent to which the proposed residential development intrudes in a northeasterly direction into the countryside and Green Belt and the height of the flats and houses, the proposed development would have an adverse affect on the rural character and openness of the landscape and Green Belt. The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy GB2 which requires any development considered appropriate in the Green Belt to be located and designed so that it does not have an adverse affect on the rural character and openness of the Green Belt, and Policies GB2(5) and HG8(4) which state that affordable housing as an exception to the normal operation of the policies of the plans must not damage the rural landscape.
 2. Whilst the proposed mix of dwellings is generally considered to meet the identified local need, the proposed inclusion of 8no. 1-bedroom flats and no 2-bedroom flats does not meet the identified local need. The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policies GB2(5) and HG8(2) which state that affordable housing as an exception to the normal operation of the policies of the plans must strictly meet the identified local need.
 3. In the absence of the results of a springtime survey of the site for the protected common lizard, the Local Planning Authority has not been satisfied that the development would not adversely affect the habitat of a protected species. The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy EN13 which states that the District Council will not grant planning permission for development which could adversely affect, either directly or indirectly, the habitats of animal species which are protected by law unless the need for the development clearly outweighs the importance of conserving that habitat.

4. Due to the absence of any additional dedicated parking or changing facilities and its orientation, whereby one of the goals would be directly behind and close to properties fronting Gog Magog Way, the proposed football pitch would result in an unacceptable level of disturbance and inconvenience to local residents and would not provide the necessary facilities for users. The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy RT1 which states that the District Council will resist any recreation proposals which would have inadequate provision for parking and manoeuvring of cars.

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/0442/06/F and S/1835/02/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

**S/0356/06/F – Great Shelford
Replacement Dwelling at 2 Woodlands Close for Mr J Price**

**Recommendation: Approval
Date for determination: 20th April 2006**

Site and Proposal

1. The site extends to approximately 0.4 hectares/1 acre and is currently occupied by a two-storey brick, render and interlocking tile dwelling with a large flat roof single storey extension on its west side, corrugated sheeting lean-to on the east side and a timber dormer element to the rear and its garden. The dwelling that used to stand on the adjacent site to the west, 1 Woodlands Close, has been demolished and work on a replacement dwelling has commenced. The west/1 Woodlands Close boundary is marked by 1.8m high fencing and a 2.5m high beech hedge. The east/3 Woodlands Close boundary is marked by 1.8m high fencing, 5m high approximately conifers alongside the existing house at No.2 and a 2m high hedge extending to the south. There is a mature oak tree within No.2's front garden and a mature maple tree close to the boundary with the application site within the garden of No.3 Woodlands Close.
2. This full application, registered on the 23rd February 2006, proposes the erection of a 2½-storey house following the demolition of the existing dwelling. The proposed dwelling is 8.5m to ridge, has a 23m frontage which would fill 79% of the site frontage, has a 12m long ridge parallel to Woodlands Close and has a total depth of 54m including the proposed front garaging projection and swimming pool element to the rear. Gaps of 2.3m and 3.7m would be left between the proposed dwelling and the boundaries with Nos. 1 and 3 Woodlands Close respectively. The proposed dwelling would have 6 bedrooms with further accommodation including an office, games room, swimming pool, gym and cinema. The density equates to 2½ dwellings to the hectare. Following the refusal of the previous application (S/2300/05/F) but prior to the submission of this application, the results of a bat survey of the existing dwelling were submitted. This survey confirmed that, although no bats were found at the time of the survey, there was evidence of Pipistrelle and Serotine bats within the roofspace suggesting that both species are using the building, roosting on top of the west gable wall and probably also between the roof tiles and felt lining. Bat mitigation and compensation measures were also proposed.

Planning History

3. Permission for an extension to the dwelling was granted in 1983 (**S/1622/83/F**).
4. An application for extensions to the house was withdrawn in August 2004 (**S/1306/04/F**).
5. Planning permission for extensions to the house was granted following a Committee site visit in November 2004 under reference **S/1746/04/F**.

6. Planning permission for a replacement dwelling was refused in January 2006 under reference **S/2300/05/F** for the following reasons:

1. "By virtue of the large proportion of the plot width that would be filled by the proposed dwelling, the depth of the dwelling and the length of the proposed forward projecting garaging and office element, the proposed development would be out of keeping with and would detract from the low density, spacious, rural character of development in Woodlands Close and Woodlands Road.

The proposal is therefore contrary to: Cambridgeshire & Peterborough Structure Plan 2003 Policy P1/3, which requires a high standard of design for all new development which responds to the local character of the built environment; South Cambridgeshire Local Plan 2004 Policy SE2, which states that residential development will only be permitted on unallocated land within Great Shelford where the development would 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 landscape; and the aims of South Cambridgeshire Local Plan 2004 Paragraph 39.25 which seeks to protect the low density character of housing in Woodlands Road and Woodlands Close.

2. The proposed development would also result in serious overlooking of No.3 Woodlands Close's rear garden, particularly from the Master Bedroom window in the east elevation of the dwelling, and would be unduly overbearing when viewed from the rear garden and garden room of the approved replacement dwelling at No.1 Woodlands Close.

The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy SE2 which states that residential development will only be permitted on unallocated land within Great Shelford where the development would be sensitive to the amenities of neighbours.

3. The site is being used as a bat roost and, in the absence of a report outlining how the development might commence with a minimum impact on the bat population, it has not been demonstrated to the satisfaction of the Local Planning Authority that the development would not adversely affect the known bat population.

The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy EN13 which states that the District Council will not grant planning permission for development which could adversely affect the habitats of animal species which are protected by law unless the need for the development clearly outweighs the importance of conserving that habitat.

4. Due to its proximity to the mature maple tree within the garden of No.3 Woodlands Close, the development would compromise that important tree.

The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy EN5 which states that the District Council will require trees to be retained wherever possible in proposals for new development."

7. Planning permission for a replacement dwelling at No.1 Woodlands Road has been granted under references **S/1334/05/F** and **S/0136/06/F**.

Planning Policy

8. Structure Plan 2003 **Policy P1/3** relates to sustainable design in built development and requires a high standard of design for all new development which responds to the local character of the built environment.
9. 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.
10. Local Plan 2004 **Policy HG10** states that the design and layout of residential schemes should be informed by the wider character and context of the local townscape and landscape. It states that schemes should also achieve high quality design and distinctiveness, avoiding inflexible standards and promoting energy efficiency.
11. Local Plan 2004 **Policy EN5** states that the District Council will require trees to be retained wherever possible in proposals for new development
12. Local Plan 2004 **Policy EN13** states that the District Council will not grant planning permission for development which could adversely affect, either directly or indirectly, the habitats of animal which are protected by law unless the need for the development clearly outweighs the importance of conserving that habitat and the advice of English Nature is to the effect that permission may be granted. Where development is permitted which may have an effect on these species, the District Council will impose conditions, where appropriate, and seek to use its powers to enter into planning agreements to: facilitate the survival of individual members of the species; reduce disturbance to a minimum; and provide adequate alternative habitats to sustain at least the current levels of population.
13. Local Plan 2004 **Policy ES8** states that the District Council will seek, by means of appropriate planning conditions, to minimise the impact of noise from railways on noise-sensitive development. The District Council's Adopted Standards for Protection Against Railway Noise and Vibration are set out in **Appendix 11/3** of the Local Plan.
14. Local Plan 2004 **Paragraph 39.25** seeks to protect the low density character of housing in Woodlands Road and Woodlands Close.
15. The Great Shelford Village Design Statement, adopted by the District Council as Supplementary Planning Guidance in February 2004, provides guidance for development in the village.

Consultations

16. **Great Shelford Parish Council** recommends refusal stating “Only very small changes have been made to the plans which were refused (S/2300/05/F) and therefore the original objections still apply”.

In relation to application S/2300/05/F the Parish stated that “There is an existing planning approval for a large extension to the existing house, which was granted even though the Parish Council and the planning officer recommended refusal. The new house has a ground floor area almost double that of the approved enlarged house and as such constitutes over development of the site. The scale of the new house will be out of keeping with existing properties in Woodlands Close and Woodlands Road and is therefore contrary to policy HG10 of the Local Plan and advice contained within the Village Design Statement that development should reflect the scale of the village settlement. We also believe that the design is not sympathetic to details of the local character as recommended in the Village Design Statement.”

17. **Chief Environmental Health Officer** recommends that conditions relating to the times when power operated machinery shall not be operated during the demolition and construction periods except in accordance with agreed noise restrictions and driven pile foundations are attached to any approval. He also recommends that informatives are attached to any approval stating that there shall be no bonfires or burning of waste on site during demolition and construction except with his Department’s prior permission and, before the existing property is demolished, a Demolition Notice will be required. He also states that he has no record of any complaints from the occupiers in respect of adverse noise from trains on the nearby railway line but recommends that a condition requiring a scheme for protecting the occupiers from noise from the railway is attached to any permission.
18. **Trees & Landscape Officer** states that the footprint relates to the line of the existing dwelling and he has no objections subject to a condition to protect the oak tree in the front garden during the construction period.
19. Following receipt of the bat survey, the **Ecology Officer** raises no objections subject to the imposition of a condition requiring details of measures for bat mitigation and conservation to be submitted, approved and implemented.

Representations

20. Objections have been received from the owners/occupiers of 4, 5, 7, 9 and 18 Woodlands Road and 1 Woodlands Close on the following grounds:
- a. Loss of a good quality family house that currently enhances the aesthetic attraction of the area and forms part of a harmonious environment of similar and compatible properties;
 - b. The proposed dwelling is too large in relation to the plot, substantially filling the available width of the plot and extending in depth more than 55 metres, and would create a massive intrusion within one of the most attractive residential areas in the District and immediately damaging the spacious feel and rural character that make Woodlands Close and Woodlands Road so special;
 - c. Proposed dwelling is more appropriate in scale to a large country estate than to a narrow private road where the inevitable increase in traffic would undoubtedly cause congestion;
 - d. Impact on occupiers of approved dwelling at No.1 Woodlands Close including loss of light to and overshadowing of approved conservatory;

- e. Loss of privacy to occupiers of No.3 Woodlands Close;
- f. Extending into the flood plain;
- g. Possible business use of proposed offices and precedent for further commercial development;
- h. Concern about survival of certain mature trees; and
- i. The changes do not overcome the reasons to refuse the previous application.

Planning Comments – Key Issues

21. The main issues in relation to this application are the affect of the development on:
- a. The character and appearance of the area
 - b. The amenity of neighbours;
 - c. Bats; and
 - d. Trees.
22. By easing the dwelling a further 1.5 metres from the boundary and mature maple tree within the garden of No.3 Woodlands Close and having undertaken a bat survey and by proposing a bat mitigation and conservation scheme, this application satisfactorily addresses the third and fourth reasons application S/2300/05/F was refused, namely the impact on bats and the maple tree.
23. By deleting the previously proposed first floor windows in the east elevation and by easing the swimming pool element further from the west boundary, I also consider that this scheme would not unduly affect the amenity of neighbours and satisfactorily addresses the second reason application S/2300/05/F was refused, namely impact on neighbours. The proposed dwelling would still affect morning light to and outlook from the approved garden room to the rear of the approved replacement dwelling at No.1 Woodlands Close but I do not consider the impact to be so harmful as to warrant refusal.
24. The frontage of the proposed dwelling and the ridge length is one metre less than the scheme refused under reference S/2300/05/F and, together with clarification of the plot width, now fills 79% of the plot width compared to 86% at the time of application S/2300/05/F. The depth of the proposed front projection has also been reduced by 2.6m compared to the previously refused scheme to 5.5m two-storey plus 3m single storey. The proposed dwelling would undoubtedly have a greater impact on the low density, spacious, rural character of development in Woodlands Close and Woodlands Road than the existing dwelling. However, the approved extension to No.2 (S/1746/04/F) would result in an 8.1m high dwelling with a 20m long ridge, the two-storey part of which would fill 79% of the site width and the whole of which would fill 98% of the plot width. It would also have a two-storey element projecting 5.5m to the front. The most recent approved replacement dwelling at No.1 (S/0136/06/F) measures 9.5m high, has a 20m long ridge and would fill 83% of the plot width. In view of the extant permissions at Nos. 1 and 2, I consider that it would be difficult to demonstrate that the dwelling now proposed was unacceptable in terms of its impact on the character of the area. Existing and proposed planting along the site frontage would also reduce the impact of the dwelling on the area. The proposed dwelling is considerably deeper than existing surrounding dwellings but I do not consider that this would result in demonstrable harm to the character of the area.
25. One of the objectors refers to the development extending into the flood plain. The proposed dwelling is wholly within the Environment Agency's lowest risk flood zone.

Recommendation

26. Approval

1. Standard Time Condition A – Time limited permission (RCA);
2. SC5a and f – Details of materials for external walls, roofs and hard landscaped areas (RC To ensure the satisfactory appearance of the development);
3. SC5 (a scheme to protect the occupiers of the hereby permitted dwelling from railway noise) (RC to protect the occupiers of the hereby permitted dwelling from railway noise; to accord with the requirement of South Cambridgeshire Local Plan 2004 Policy ES8);
4. During demolition and construction, ... SC26 – Use of power operated machinery during demolition and construction periods (RC26);
5. Before any development commences, a scheme to protect the existing trees on site, and the oak tree in the front garden of No.2 Woodlands Close and the maple tree in the garden of No.3 Woodlands Close in particular, during the demolition and construction periods shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and maintained during the course of the development operations (RC56);
6. SC51 Agreement of landscaping scheme (RC51);
7. SC52 Implementation of landscaping scheme (RC52);
8. No further windows or openings of any kind shall be inserted at first or second floor levels in the dwelling hereby permitted unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf (RC22);
9. SC21 (Part 1, Classes A, B and E) – Removal of permitted development rights (RC To protect the character of the area and the amenity of neighbours)
10. No development shall take place until full details of measures for bat mitigation and conservation have been submitted to and approved in writing by the Local Planning Authority. These measures shall include:
 - (a) Inspection of existing buildings on site within one month prior to their demolition or alteration to determine presence or absence of roosting or hibernating bats;
 - (b) No building containing bats shall be demolished or altered until the bats have been safely excluded using such measures as have been previously submitted to and approved in writing by the Council;
 - (c) Provision prior to demolition or alteration of existing buildings and the commencement of development of a new bat roost / hibernacula constructed to a design and in a location previously approved in writing by the Council; and
 - (d) A statement outlining the advice taken by the applicant from a professional ecologist experienced in working with bats.The works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority
(RC To ensure the development does not adversely affect bats; to accord with the requirement of South Cambridgeshire Local Plan 2004 Policy EN13);

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 (Residential Development in Rural Growth Settlements), HG10 (Housing Mix and Design), EN5 (Retention of Trees), EN13 (Protected Species) and ES8 (Noise from Railways)
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 the character and appearance of the area, amenity of neighbours, trees and flood risk.

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.

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
- Great Shelford Village Design Statement 2004
- Planning file Refs: S/1622/83/F, S/1306/04/F, S/1746/04/F, S/1334/05/F, S/2300/05/F, S/0136/06/F and S/0356/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006

AUTHOR/S: Director of Development Services

**S/0514/06/F – Stow-cum-Quy
Erection of vehicle repair and MOT service building
at Autocare, A1303 Service Station, Newmarket Road
for E & S Cirenza**

**Recommendation: Refusal
Date for Determination: 11th May 2006**

Departure Application**Site and Proposal**

1. The site, measuring 0.1 hectares is within a complex of commercial buildings on a former service station site. The existing building on the site is a one and a half storey industrial building constructed of concrete with a corrugated metal roof. A temporary building has been erected to the rear of the unit, which serves as an office. The District boundary runs along the northern boundary of the site, cutting through the building on its north-eastern corner. The adjacent buildings to the east fall within East Cambridgeshire District. It is sited adjacent to a modern building, which is in use as a garage for commercial vehicles. To the east of this is a single storey office building. To the west of the site is a compound, used for storing small trailers and vans. The site is within the Green Belt and is in open countryside. It is clearly visible from the surrounding roads, including the A14 and Wilbraham Road.
2. This full planning application, received on 16th March 2006, seeks permission for a building to the rear of the existing unit. It will measure 14.0m by 15.0m and will have a first floor office. In addition a 10.0m by 5.0m single storey wing will provide office, enclosed parking and a store. The existing building will be clad to match. The overall height will be 6.5m.

Planning History

3. The building's origin is unclear from the planning history, however it is located within the larger site that was formerly a service station and roadside café. It is likely that the building was associated with this. In 1985 the Council received an application for change of use to vehicle repair workshop (ref. **S/85/1986/F**).

Planning Policy

4. **Policies GB2** of the South Cambridgeshire Local Plan, 2004 (Local Plan) and **P9/2a** Cambridge and Peterborough Structure Plan, 2003 (Structure Plan) set out the purpose of the Green Belt and define what is considered to be 'appropriate' development within the Green Belt.

5. **Policy P1/2** of the Structure Plan sets out environmental restrictions on development. In particular, 'Development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location'.
6. **Policy P1/3** of the Structure Plan requires a high standard of design and sustainability for all new development including minimising the need to travel and reducing car dependency; providing a sense of place; and making efficient use of energy and resources.
7. **Policy P2/6** of the Structure Plan provides for 'sensitive small-scale employment development in rural areas' where it contributes to one or more of the objectives of this policy, including amongst others, farm or rural diversification; re-use of existing buildings; helping to maintain or renew the vitality of rural areas.
8. **Policy P8/1** of the Structure Plan and **Policy TP1** of the Local Plan seek to ensure that new development has sustainable links between land use and transport and to provide appropriate access to the public highway. Where it is not possible for small-scale development under **Policy P2/6** to be located in a highly accessible area or where it can be made highly accessible by public transport the remaining requirements should so far as possible be met. These requirements include:
 - a. reducing the need to travel, particularly by car;
 - b. provides travel choice;
 - c. provides for the needs of pedestrians, cyclists and public transport users; and
 - d. provides appropriate access to the public highway network without compromising safety.
9. **Policy EM7** of the Local Plan allows for the expansion of existing firms within village frameworks or on suitable brown field sites next to, or very close to, the village frameworks if the firm or business has been based in the Cambridge Area for a minimum of two years prior to the date of any application for development.
10. **Appendix 7/1** of the Local Plan sets out the car parking standards that the Authority will seek for new developments, while **Appendix 7/2** sets out the requirements for cycle parking provision.
11. Policies **CS5** of the Local Plan and **P6/3** of the Structure Plan limit development that will increase risk of flooding unless it can be mitigated against.

Consultations

12. **Stow-cum-Quy Parish Council** recommends approval.
13. The **Environment Agency** has advised that the site falls within flood zone 1 (low risk). It has recommended conditions to address provision for pollution control.
14. **Chief Environmental Health Officer** has no concerns regarding noise and environmental pollution.
15. **East Cambridgeshire District Council** has not commented.

Representations

16. No representations have been received.

Planning Comments – Key Issues

17. The key issue in assessing these proposals is the location within the Green Belt in an area of otherwise open countryside. Other issues include employment and flood risk.

Green Belt

18. The site is located within the Green Belt. The development proposed is by definition 'inappropriate'. The proposals have not been justified as a departure from Green Belt policy in terms of any 'very special circumstances'. The building proposed is a significant structure and although to the rear of an existing building, it will be clearly visible from public viewpoints on the A14 and Wilbraham Road. The site is already conspicuous within the countryside and the scale of development proposed will be harmful to the openness, character and appearance of the surrounding countryside.

Other issues

19. The site is an employment site, and will provide opportunities for semi-skilled and skilled employment, although the application does not indicate an increase in employment as a result of the proposal. However, expansion of firms outside of the village framework or on sites that are not well related to village is not supported. This application does not propose small-scale development, is not within or well related to the village and has not been demonstrated as being essential to the particular rural location. The development would be detrimental to the visual amenity of the surrounding countryside. In my opinion these issues do not outweigh the benefit in terms of employment opportunities.

Recommendation

20. The application is recommended for **REFUSAL** on the following grounds:
1. The proposed building is located within the Green Belt where development is by definition 'inappropriate'. The site is set within an open rural landscape. The building proposed will be harmful to the openness of the Green Belt and, due to its size, height, materials and siting, will detract from the appearance of the surrounding countryside. The proposals are contrary to policies GB2 of the South Cambridgeshire Local Plan, adopted 2004 and P9/2a of the Cambridgeshire and Peterborough Structure Plan, 2003. No very special circumstances have been put forward to justify an exception to these policies.
 2. The development proposed is not essential to the rural location and will introduce unnecessary development within the countryside. Moreover it is not sustainable in terms of minimising the need to travel or providing a sense of place that responds to the surrounding landscape and as such is contrary to policies P1/2 and P1/3 of the Cambridgeshire and Peterborough Structure Plan, 2003.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/0514/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

S/0364/06/F – Little Wilbraham
Conversion and Extensions to Buildings to Provide Enhanced Veterinary Facilities at
Station Farm, London Road (in the Parish of Little Wilbraham)
For Mr R and Mrs C White

Recommendation: Refusal
Date for Determination: 20th April 2006

Members are to visit the site on Monday, 8th May 2006.

Departure Application**Site and Proposal**

1. The site, measuring 0.3 hectares, is located off the A1304 (London Road), 150 metres south-west of the village framework within the countryside. It is physically separated from the village by open fields. The Cambridge-Newmarket railway line runs parallel to the north-western boundary of the site, beyond which the embankment to the A11 trunk runs north-south to the west of the site.
2. The site comprises a complex of former farm buildings, including a barn that has recently been converted and extended to provide accommodation for the current owners specialist veterinary practice. To the south-west of this barn is a disused brick stable block with a mono-pitch corrugated sheet roof. Between the main building and these stables the owners have erected dog enclosures behind the stables, and have to the south-west, further timber dog housing with individual enclosures erected. To the east of the barn is a timber cart shed. This is in poor repair, but is used for storage by the owners.
3. The owners occupy the former farmhouse and own a paddock north of the barn and field between the site and village.
4. This full planning application, received 23rd February 2006, seeks permission to further extend the converted barn to provide additional consulting rooms, operating areas and dog and cat wards. A covered link will join the main building to the stable block, which it is proposed to convert and extend to provide further consultation rooms, two rooms for medical procedures and further housing for cats and dogs. In addition, it is proposed to refurbish and extend the cart store to provide laboratories, staff facilities and office space. The application is accompanied by a detailed planning statement, which is attached at Appendix 1.

Planning History

5. In 2001 planning permission was granted for the extension and conversion of the barn into a specialist small animal operating centre (ref. **S/1973/01/F**).

The extensions replaced a storage area that was at the north-east end of the barn, which was demolished as part of the proposals. At this time a link to the stable block was discouraged by Officers, as noted in the agent's letter that accompanied the application on grounds that "the essential corridor link would be more obtrusive than a small purpose-built extension behind the existing barn". At this time it was the owners' intention to manage the facility as they would be living at the farmhouse. They planned to employ two additional staff.

6. Planning permission was subsequently granted for a temporary siting of a log-cabin style building, north-east of the main building (ref. **S/0212/05/F**). This was to house additional medical facilities while planning permission was sought for the conversion of the stables. It is conditioned that this building be removed on or before 31st December 2006.

Planning Policy

7. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan, adopted 2003 (Structure Plan) sets out environmental restrictions on development. In particular, 'Development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location'.
8. **Policy P1/3** of the Structure Plan requires a high standard of design and sustainability for all new development including:
 - 1) minimising the need to travel and reducing car dependency;
 - 2) providing a sense of place; and
 - 3) making efficient use of energy and resources.
9. **Policy P2/6** of the Structure Plan provides for 'sensitive small-scale employment development in rural areas' where it contributes to one or more of the objectives of this policy, including amongst others, farm or rural diversification; re-use of existing buildings; helping to maintain or renew the vitality of rural areas.
10. **Policy P8/1** of the Structure Plan and **Policy TP1** of the South Cambridgeshire and Peterborough Local Plan 2004 (Local Plans) seek to ensure that new development has sustainable links between land use and transport. Where it is not possible for small-scale development under **Policy P2/6** to be located in a highly accessible area or where it can be made highly accessible by public transport the remaining requirements should so far as possible be met. These requirements include:
 - 1) reducing the need to travel, particularly by car;
 - 2) provides travel choice;
 - 3) provides for the needs of pedestrians, cyclists and public transport users; and
 - 4) provides appropriate access to the public highway network without compromising safety.
11. **Policy EM4** of the Local Plan, allows for the development of new research establishments and the expansion of existing research establishments if it can be demonstrated that:
 - (a) such development is intended to provide accommodation for organisations whose primary purpose is to research or investigate ideas, theories and concepts and/or to design and develop instruments processes or products, up to and including production for testing, but excluding manufacture; and

- (b) that the organisations are required in the national interest to be located close to existing major establishments in related fields (such as the universities, the teaching hospital or private research establishments) in order to share staff, equipment or data, or to undertake joint collaborative working for the purposes specified in (a) above.

This policy includes provision for development that conflicts with other policies and requires development permitted under this policy to be regulated through conditions or planning obligation to restrict future occupation and use of the premises for the purposes specified.

12. **Policy EM7** of the Local Plan allow for the expansion of existing firms within village frameworks or on suitable brown field sites next to, or very close to, the village frameworks if the firm or business has been based in the Cambridge Area for a minimum of two years prior to the date of any application for development.
13. **Policy EM10** of the Local Plan makes provision for the change of use and conversion of rural buildings to employment use subject to a number of requirements:
- 1) the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction;
 - 2) conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality;
 - 3) the form, bulk and general design of the buildings both before and after conversion are in keeping with their surroundings;
 - 4) the buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside;
 - 5) safe and satisfactory vehicular access can be provided together with adequate space within the curtilage to accommodate ancillary requirements such as car parking and lorry manoeuvring without significant detriment to the setting of the building and the landscape within which it is located, and
 - 6) the scale and frequency of traffic generated by the proposal can be accommodated on the road system without undue adverse effects.

Consultations

14. **Little Wilbraham Parish Council** has no comments but recommends approval.
15. The Council's **Ecologist** has no objection to the current proposal having found no obvious signs of a bat roost, although some bat droppings were evident. A number of bird nests were found. A large beech tree near to the cart shed is an important ecological feature and he would not wish to see it lost, as a result of the development, therefore he supports the idea of moving the cart shed away from it. Although the tree may be hollow it had a lot of healthy growth in its crown. He suggests a condition to require remedial tree surgery if the Trees and Landscape Officer is concerned about the safety of tree. The applicants are happy to provide alternative swallow nest sites and bat boxes. Conditions would be required to control damage to nesting birds and to ensure an agreed scheme of ecological enhancement.
16. The **Environment Agency** notes that the site falls within a Zone 1 (low) flood risk area. It has no objection to the proposed development but makes comments which could be added as informatives.

17. The **Council's Trees and Landscape Officer** comments that "the beech tree located adjacent to the existing cart shed is hollow in the basal area and therefore structurally unsound. I therefore have no objection to the works in this location. The ash tree that is situated adjacent to the existing barn and dog run requires a root protection area of 8 metres. The proposals indicates 7m clearance. I would accept this subject to suitable foundation construction being undertaken".
18. The Council's **Building Control Officer** notes, in relation to the proposed conversion and refurbishment of the cart shed: "I have only walked past the barn when visiting other areas on the site, towards the end of last year. From memory the barn appeared in reasonable condition although a full structural survey would be required before conversion".

Representations

19. One letter of support has been received from local residents living at 4 The Paddocks, Six Mile Bottom. They have visited the site and seen the standard of care offered to its patients. They have neighbours who work as clinical and ancillary staff; a further neighbour had a pet treated there and praised the service received. They go on to mention that while on holiday two couples had used the centre and spoke very highly of it. The centre offers a regional and national referral service, is a centre for student and postgraduate training and employs local people in this quite remote rural area. They consider it to be the largest employer in the village.
20. Cambridgeshire County Councillor G J Heathcock has written in support of the proposals, stressing 'the considerable value to animal lovers and owners in and around Cambridge – that this whole venture has in seeking to give absolutely first class care to small animals'. He notes, having used the service for one of his own young cats, that excellent care is provided and should be extended to provide an even wider clinical service to a larger area – 'something that is vital as is the education of our future vets'. He notes the Council's and some local residents' concerns but the centre blends into its surroundings, and the pioneering work provided should be allowed to continue.
21. 53 letters of support have been submitted from veterinary practices; of which 8 are based in Cambridgeshire, 26 within the Eastern Region and 19 nationally. These letters raise in their comments:
 - a) The referral service provided is an invaluable asset to practices and clients.
 - b) The addition of further specialist diagnostic and medical facilities is welcomed.
 - c) The educational courses provided are of huge benefit, high quality, include evening classes that allow staff to attend outside of work hours, and reach, soon to be mandatory, CPD quotas, and are free of charge.
 - d) The level of expertise is not available within local practice.
 - e) Provides options for advanced and complex treatment otherwise not available at local practices.
 - f) Beneficial postgraduate training.
 - g) Dick White Referrals, is known for its excellence and enjoys a national and international reputation.
 - h) It compliments rather than competes with the Animal Health Trust.
 - i) East of access to specialist care.
 - j) Veterinary practices form an important part of local small businesses and provide an essential service to the community.

- k) There is a need for this service to adapt its facilities to enable essential developments in order to keep up with growing areas of expertise.
- l) Such a facility must add greatly to the overall impression created by the local area and has impressed many clients.
- m) The design is in keeping with the buildings surroundings.
- n) The proposed extensions will blend with existing buildings.
- o) The service needs to expand to be able to accommodate the additional workload and attract high calibre staff.
- p) Dick White has earned a reputation for clinical excellence second to none in the country.
- q) Ease of access from the A11 without adding to congestion in towns or cities.
- r) Creation of local employment.
- s) Investigations and procedures will be able to be undertaken in one location, preventing further stress to patients and clients.
- t) The extension will provide educational facilities.
- u) The existing service is over-stretched within the current building.
- v) The centre avoids the need for clients to travel further a field to London and Hertfordshire.
- w) The site can be developed further without greatly impacting upon immediate neighbours or the landscape due to its location adjacent to the A11 and railway line.
- x) The Veterinary School in Cambridge, because it is primarily a teaching facility, struggles to cope well as a referral centre, with waiting times much longer than clients would wish.
- y) Since the clinic at Six Mile Bottom has opened in July 2003, waiting times have extended from 3 working days to 7-10 working days. Provision of new facilities would reduce this.
- z) The service is an asset to South Cambridgeshire.
- aa) CPD is offered by Dick White Referrals and third-party organisations who are simply renting the facilities.
- bb) The abundance of cases referred was beyond anybody's expectations.
- cc) Dr White consults at Cambridge University.
- dd) Due to the specialist nature of Dr White's activities, the practice will never build up to anything like the level of veterinary general practice, so there will be no risk of expansions causing increased traffic congestion or other nuisance.
- ee) Clients using the facility will use local pubs and guesthouses and restaurants.
- ff) As the service only deals with referrals that take more time, traffic generation is less than that for general practice.
- gg) They provide an essential 24 hour emergency service for all general veterinary practices in the south-east of England.

Planning Comments – Key Issues

22. It is clear from the level of support received that the service provided by this practice is highly valued, and in demand. However, there remains several key planning issues including impact on trees, wildlife, surrounding countryside and local employment.

Trees

23. The loss of the beech tree will be a result of the proposed conversion of the cart shed. The long-term health of this tree has been questioned and as such its retention cannot be insisted upon. Further comment from the Trees and Landscape Officer, in response to the Ecologist's recommendations, have been requested and will be reported verbally to the Committee.

24. The ash tree can be protected through conditions, as recommended by the Trees and Landscape Officer.

Wildlife

25. Conditions can be placed, if permitted, requiring provision of bird and bat boxes.

Conversion of Cart Shed

26. There is some doubt about the capability of this structure to be converted without major or complete reconstruction. Insufficient information has been provided with the application to enable Officers to make such an assessment.

Conversion of the Stable Block

27. While in principle there is no objection to conversion of the stables, the application proposes to extend the roof to cover proposed dog and cat areas and to provide roof lights to medical areas. These additions add to the overall bulk of the proposals and are not required to achieve an 'enhanced design' or to 'integrate the scheme with its surroundings' as suggested in paragraph 5.49 of the supporting text to policy EM10.

Extensions

28. The application proposes a number of extensions, these total an additional 277 m² of floor space. This represents, including existing extensions undertaken when the building was converted, a 112% increase in footprint. Additional volume is also added through the extension of the roof to the existing stable block. The amount of extensions proposed are not small-scale, and as such cannot be justified under Policy EM10.

Employment in the Countryside

29. While it is acknowledged that the business generating from this site provides an excellent and valuable service it is necessary to consider whether this development is essential to this particular rural location. It is evident from representations that this business provides an important local, regional and national service, however, it is not restricted to operating from this particular location. It was the owner's choice to locate in this area.
30. It is noted that a significant element of the business' activities now include teaching. This is not however, the primary purpose of the business, and as such it cannot be argued that the development proposed is required for research or in order to enable educational links with the university. It is clear from both the application and representations received that this is not the case.
31. The site is not a 'brown field' site, having formerly been a farmyard. It is not well related to the village framework, being separated by fields and set back from the road. Expansion of this Company on this site would therefore be contrary to policy EM7 of the Local Plan.

Departure

32. Having given careful consideration to the application proposals, it is concluded that there are no grounds within the adopted policy framework to permit the expansion of this firm on this site. The site is within the countryside and is prominent within the area, with public views of it from surrounding roads, railways and the village

recreation ground. The extensions proposed will add significantly to the floor area, footprint and bulk of the existing buildings on this site with subsequent harm to the rural location.

33. No provision has been included within the application for additional car parking, despite the proposed increase in areas available for consulting rooms and the level of teaching activities indicated as being undertaken. The site suffers from inadequate car parking at times.
34. The extensions will encroach onto areas that you have been reserved for soft landscaping. The lack of additional replacement landscaping combined with the significant increase in the built area and bulk of the buildings on site will be detrimental to the visual amenities of the surrounding area, and is not sustainable in terms of its location.

Recommendation

35. In light of the above considerations the application is recommended for refusal.

Reasons:

- 1) The proposed extensions and conversions will add significantly to the bulk and footprint of buildings on the site to the detriment of the visual amenity of the countryside. They are not essential to the rural location. Insufficient information has been provided regarding the capability of, in particular, the cart shed, to be converted without major or complete reconstruction. The proposals are contrary to policies P1/2, P1/3, P2/6 of the Cambridgeshire and Peterborough Structure Plan 2003, and policies EM7 and EM10 of the South Cambridgeshire Local Plan 2004.
- 2) The business operating from this site predominantly concentrates on providing specialist veterinary care for small animals. It also undertakes teaching activities for students and veterinary practitioners; however, it is clear from the application that this is not its primary function. The proposed development cannot be justified as being related primarily to research and as such is not supported by policy EM4 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/0364/06/F, S/0212/05/F, S/1973/01/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006

AUTHOR/S: Director of Development Services

S/0517/06/F – Stow-cum-Quy
Extension to house two anechoic Chambers at Far Field House, Albert Road
for Garrows Farm Ltd and Antenova Ltd

Recommendation: Refusal
Date for Determination: 11th May 2006

Departure Application**Site and Proposal**

1. This site measuring 0.6 hectares is part of a former farm complex. The building is a former barn that has recently been converted and is in use as an office. The site is accessed from Albert Road. The building is reasonably prominent within the surrounding countryside, being sited on an elevated point within the landscape. It is visible from Albert Road and the A1303 Newmarket Road, although field hedges to Albert Road and other buildings at The Bury provide an element of screening. The site is outside of the village framework, separated by agricultural land and is within the Green Belt.
2. This full planning application, received on 16th March 2006, proposes to add a 1.5 storey high wing to the barn to house specialist testing equipment required by the business currently occupying the building. The extension will measure 26.0m x 8.5m and will be 9.5m to the ridge. The extension has been designed to reflect the existing structure. A letter detailing the need for the proposals is attached at Appendix 1 and accompanied the application.

Planning History

3. The barn was converted following the grant of planning permission in December 1998 under application ref. **S/1112/98/F**. This application included access, parking and associated works.
4. A subsequent planning application in 2003 (ref. **S/0419/03/F**) approved the conversion of a cycle shed into engineering workshops for the business.

Planning Policy

5. **Policies GB2** of the South Cambridgeshire Local Plan, 2004 (Local Plan) and **P9/2a** Cambridge and Peterborough Structure Plan, 2004 (Structure Plan) set out the purpose of the Green Belt and define what is considered to be 'appropriate' development within the Green Belt.
6. **Policy P1/2** of the Structure Plan sets out environmental restrictions on development. In particular, 'Development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location'.

7. **Policy P1/3** of the Structure Plan requires a high standard of design and sustainability for all new development including minimising the need to travel and reducing car dependency; providing a sense of place; and making efficient use of energy and resources.
8. **Policy P2/6** of the Structure Plan provides for 'sensitive small-scale employment development in rural areas' where it contributes to one or more of the objectives of this policy, including amongst others, farm or rural diversification; re-use of existing buildings; helping to maintain or renew the vitality of rural areas.
9. Where it is not possible for small-scale development under **Policy P2/6** to be located in a highly accessible area or where it can be made highly accessible by public transport the remaining requirements should so far as possible be met. These requirements include:
 - a. reducing the need to travel, particularly by car;
 - b. provides travel choice;
 - c. provides for the needs of pedestrians, cyclists and public transport users; and
 - d. provides appropriate access to the public highway network without compromising safety.
10. **Policy EM4** of the Local Plan, allows for the development of new research establishments and the expansion of existing research establishments if it can be demonstrated that:
 - a. such development is intended to provide accommodation for organisations whose primary purpose is to research or investigate ideas, theories and concepts and/or to design and develop instruments processes or products, up to and including production for testing, but excluding manufacture; and
 - b. that the organisations are required in the national interest to be located close to existing major establishments in related fields (such as the universities, the teaching hospital or private research establishments) in order to share staff, equipment or data, or to undertake joint collaborative working for the purposes specified in (a) above.
11. This policy includes provision for development that conflicts with other policies and requires development permitted under this policy to be regulated through conditions or planning obligation to restrict future occupation and use of the premises for the purposes specified.
12. **Policy EM7** of the Local Plan allow for the expansion of existing firms within village frameworks or on suitable brown field sites next to, or very close to, the village frameworks if the firm or business has been based in the Cambridge Area for a minimum of two years prior to the date of any application for development.
13. **Policy EM10** of the Local Plan makes provision for the change of use and conversion of rural buildings, including any future extensions to employment use subject to a number of requirements:
 - a. the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction;

- b. conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality;
- c. the form, bulk and general design of the buildings both before and after conversion are in keeping with their surroundings;
- d. the buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside;
- e. safe and satisfactory vehicular access can be provided together with adequate space within the curtilage to accommodate ancillary requirements such as car parking and lorry manoeuvring without significant detriment to the setting of the building and the landscape within which it is located, and
- f. the scale and frequency of traffic generated by the proposal can be accommodated on the road system without undue adverse impacts.

Extensions under this policy are limited to those that are necessary to achieve an enhanced design or integrate the scheme with its surroundings.

14. **Policies TP1** 'Planning for More Sustainable Travel' of the Local Plan and **P8/1** 'Sustainable Development – Links Between Land Use and Transport' of the Structure Plan require new developments to promote more sustainable transport choices and to provide appropriate access to the public highway. **Appendix 7/1** of the Local Plan sets out the car parking standards that the Authority will seek for new developments, while **Appendix 7/2** sets out the requirements for cycle parking provision.

Consultations

15. **Stow-cum-Quy Parish Council** has recommended approval.
16. **Swaffam Internal Drainage Board** has no comment from a drainage point of view.
17. The **Local Highways Authority** comments that, as the extension is not associated with any increase in staff numbers, it will not increase traffic generation to the site. No objection from a highway point of view has been raised.

Representations

18. No representations have been received.

Planning Comments – Key Issues

19. The issues in assessing this application are the Green Belt, employment in the countryside and, whether the occupiers are primarily involved in research or are required to be located in close proximity to the University.

Green Belt

20. The site is located within the Green Belt. The development proposed is by definition 'inappropriate'. The applicants suggest that the retention of the firm on this site and the associated local employment constitute 'very special circumstances' that justify an exception to Green Belt policy. In the letter supporting the application it is argued that the firm employs highly skilled staff for its research; technology advances have led to the requirement for improved facilities and the existing facilities are not adequate for the level of accuracy now required; the chambers cannot be physically accommodated within the existing structure; the site is ideal for the purpose being relatively remote and does not suffer noise, vibration or electromagnetic interference. They do not suggest that other sites have been considered but do comment that it may be difficult to reproduce these conditions elsewhere.

21. While it is clear that remaining on the existing site will be convenient for the Company they have not adequately demonstrated that they could not be located elsewhere. The proposals have not been sufficiently justified as a departure from Green Belt policy in terms of any 'very special circumstances'. The building proposed is a significant structure and, will be visible from public viewpoints on the A1303 and Albert Road. The scale of the proposals in terms of the size and bulk will increase the prominence of the building within the surrounding countryside and will be harmful to the openness, character and appearance of the Green Belt.

Employment

22. The main activities of this Company are testing equipment and as such can be considered as 'research'. The proposals accord with part (a) of policy EM4 of the Local Plan. The main issue in relation to employment is the failure to identify a 'national interest' that requires the business to be located on this site or indeed that it has any links to the major establishments referred to in part (b) of policy EM4. There is no evidence of need that outweighs the harm that would be caused to the Green Belt and surrounding countryside. It should also be noted that the applicants do not benefit from planning permission to operate a research business from the site.

Recommendation

23. The application is recommended for **REFUSAL** on the following grounds:
1. The proposed building is located within the Green Belt where development is by definition 'inappropriate'. The site is set within an open rural landscape. The building proposed will be harmful to the openness of the Green Belt and, due to its size, height, and siting, will detract from the appearance of the surrounding countryside. The proposals are contrary to policies GB2 of the South Cambridgeshire Local Plan, adopted 2004, and P9/2a of the Cambridgeshire and Peterborough Structure Plan, 2003. No very special circumstances have been put forward to justify an exception to these policies.
 2. The development proposed is not essential to the rural location and will introduce unnecessary development within the countryside, it is not sustainable in terms of minimising the need to travel or providing a sense of place that responds to the surrounding landscape and as such is contrary to policies P1/2 and P1/3 of the Cambridgeshire and Peterborough Structure Plan, 2003.
 3. No evidence of need in the national interest has been put forward that would justify departing from adopted policies referred to above and as such the proposals are contrary to policy EM4, EM7 and EM10 of the South Cambridgeshire Local Plan, 2004.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning files Ref. S/1112/98/F, S/0517/06/F and S/0419/03/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

10th May 2006

AUTHOR/S: Director of Development Services

**S/0264/06/F- Over
Erection of House and Bungalow in the Parking Area at Queens Close
for The Papworth Trust**

**Recommendation: Approval
Date for Determination: 15th May 2006**

Site and Proposal

1. The 0.1 hectare application site lies at the western end of the village of Over and within the village framework boundary, and is covered by no other specific Local Plan designations. The application site abuts a Protected Village Amenity Area, which is located immediately to the north.
2. The application site itself currently comprises a car park in the north eastern corner of Queens Close, a residential cul-de-sac. There are no formal parking spaces laid out within this estate.
3. The application, dated 30th January 2006 and amended by letter dated 15th March 2006 and drawing QCO-PL-01A, proposes the erection of one four-bedroom house and one three-bedroom bungalow, together with a revised parking layout for the occupants of the flats in Queens Close. The density equates to 20 dwellings per hectare gross or 27.5 dph net of the relocated parking bays.
4. The Papworth Trust (applicants) is a registered charity which helps and supports disabled people to become more independent so that they can live life to the full. As well as being a registered charity, the Papworth Trust is a Registered Social Landlord (Housing Association) which specialises in the provision of wheelchair accessible housing. The Trust provides accessible properties for individuals with a disability or families with a disabled child or adult.

Planning History

5. **C/70/723-** Outline planning permission granted for residential development at Queens Close, Over. This application was approved with conditions on 5th November 1970.
6. **C/72/102-** Erection of 6 houses and 16 flats at Queens Close, Over. This application was approved with conditions on 13th September 1972.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003:

7. Structure Plan **Policy P1/3** explains that a high standard of design and sustainability will be required for all new development which should create a compact form of development through the promotion of higher densities, has managed access for the private car and other motor vehicles and responds to the local character of the built

environment. Proposals should also create a sense of place which pays attention to the detail of forms, massing, textures, colours and landscaping.

8. **Policy P5/2** notes that between 1999 and 2016 at least 50% of new dwellings will either be located on previously developed land or will utilise existing buildings.
9. **Policy P5/4** states that Local Plans should make provision to meet locally assessed needs for housing suitable for the elderly and those with mobility problems.

South Cambridgeshire Local Plan 2004:

10. Local Plan **Policy SE3** states that within Limited Rural Growth Settlements, residential development and redevelopment up to a maximum scheme size of 30 dwellings will be permitted on unallocated land within village frameworks, 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
 - (d) Residential development would not conflict with another policy of the Plan
11. **Policy SE8** notes that there will be a general presumption in favour of residential development within village frameworks. Residential development outside these frameworks will not be permitted.
12. **Policy HG10** explains that residential developments will be required to contain a mix of units providing accommodation in a range of types, sizes and affordability, making the best use of the site and promoting a sense of community which reflects local needs. The design and layout of schemes should be informed by the wider character and context of the local townscape and landscape.

Local Development Framework Submission Draft 2006:

13. **Policy ST/6** states that Over has been selected as a Group Village. Residential development up to a maximum scheme size of 8 dwellings will be permitted within village frameworks.

Consultations

14. **Over Parish Council** – “The Parish Council has no objections to the proposed dwellings but would like to see the footpath onto Turn Lane made less intimidatory (maybe wider or flared at the junction with Turn Lane, and also some provision for street lighting along the path). The Parish Council has no recommendation.
15. **Chief Environmental Health Officer** - There would be no significant impacts in relation to noise or environmental pollution from the Environmental Health standpoint in relation to the application proposals.
16. **Local Highways Authority** - Queens Close is not maintained by Cambridgeshire County Council as public highway, therefore has no comment to make on the scheme.

Representations

17. The occupiers of numbers 3, 13 (owners), 17, 18 and 20, Queens Close object to the application proposals, and raise the following matters:
- (a) When purchasing the existing flats in Queens Close, were told that there would be access to a car parking facility;
 - (b) Access cannot be gained to the site, as the Council does not own the land between the first corner of Queens Close and the T-junction;
 - (c) Are concerns why all of the residents of Queens Close have not been contacted about the proposals;
 - (d) Not sure where existing tenants are going to park;
 - (e) Danger to children playing in Queens Close;
 - (f) Issues of storage of spoils, top soil and materials for building;
 - (g) Issues over restrictions on working hours and parking of contractor's vehicles;
 - (h) Would like confirmation over the connection between the Papworth Trust and Over;
 - (i) A reduction in the number of parking spaces provided in Queens Close will result in parking congestion in nearby roads and on grassed areas;
 - (j) Concerns over the new right of way between Queens Close to Turnpike Lane (anti-social behaviour);
 - (k) The idea of one car parking space per flat is unworkable as many families have two cars each;
 - (l) The loss of landscaped areas in front of the flats will be an eyesore, and a loss of amenity for children;
 - (m) Parking bays are located directly in front of some of the flats, overlooking lounge/bedroom. This will infringe privacy, and there will be a glare of headlights beaming through front windows. There will also be noise nuisance with cars parked closer to the flats, and increased pollution;
 - (n) By increasing the number of dwellings in The Close, yet decreasing the amount of available car parking, there will be an increased amount of traffic in a much smaller place;
 - (o) The proposals would result in a loss of value to the existing flats.

Planning Comments – Key Issues

Re-use of Site

18. The application site is currently an unmarked car park, used by the existing residents of the flats in Queens Close. However, this parking area is under-used, as has been explained in a letter dated 24th October 2005 from the Neighbourhood Manager at South Cambridgeshire District Council. It is noted that residents have advised the Council that the area is too far away from their homes to use for car parking. Consequently, many park on the grassed area outside their flats. It is stated that better use of the land could be made, if resident's parking needs are met with any proposals for the site.

Design and Layout

19. Contact has been made with the agent to discuss the layout of the proposed scheme, in particular the proposed new parking areas for existing residents in Queens Close. It was agreed that amendments would be made to the scheme, which addressed a number of concerns raised by existing occupiers. Amendments to the application were validated on 11 April 2006. The revisions include the repositioning of the proposed new parking spaces away from the frontage of a number of flats, which has re-designed the footpath serving flats 7-10. It is proposed that low timber fencing be used to provide some 'defensive' separation from flats 11-14. The footpath accessing onto Turn Lane has been widened, with a street lighting column being added.
20. I support the design of the application proposals, since the new dwelling and bungalow have been designed for particular occupiers by the Papworth Trust and are pleasing and well proportioned in appearance.
21. There are a variety of dwellings in the vicinity of the application site, which include flats, detached dwellings and semi-detached houses. Thus the application proposals do respect the character and appearance of the site and its vicinity.

Neighbour concerns

22. In relation to concerns raised by the current occupiers of the flats in the vicinity of the application site, the agent states that the right to park a single vehicle in an unallocated space as given in the 'Right to Buy' sales transactions of some of the flats in Queens Close will be unaffected by the application proposals. Private residents will still retain a right to park, and in all cases the application proposals will result in parking being available in much closer proximity to the flats than is the current case. The current problem regarding parking provision in Queens Close, with its segregated parking with poor surveillance from individual flats, which has encouraged residents to park on the grass areas closer to their dwellings, will be addressed by the application proposals.
23. The agent notes in a letter dated 15th March 2006, that there has been ongoing issues with the poor positioning of the current parking area for some years, and that the District Council's Housing Directorate has considered parking arrangements in Queens Close similar to the application proposals to address this problem.

Bicycle and car parking provision

24. There has been some discussion with the applicant's agent regarding external bicycle storage provision in Queens Close. The agent has stated that he believes the preferred solution by residents would be to 'park' the cycles in the covered entrance foyers within the flats, or to store bicycles in their rear gardens. Whilst bicycle parking provision could be included within the application scheme, the agent believes that it would not actually be used, and that in any case the applicants would have made no costing provision for such additional features in their bid for funding from the Housing Corporation.
25. In relation to car parking, the application proposals include parking for 20 vehicles. In terms of car parking standards adopted by the Council, there are currently 16 flats in Queens Close, which should result in a maximum of 24 spaces being provided. It is considered that 20 spaces provided for in the application proposals is an appropriate amount.

Conclusions

26. On the basis of the above, I recommend that this application be approved. Concerns over the car parking for existing residents has been addressed with revised plans, and the design of the scheme is considered to be acceptable.

Recommendation

27. Approve, subject to conditions:-
1. Standard Condition A – Time limited permission (Reason A);
 2. Sc5a – Details 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. Sc5f – Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (Reason – To minimise disturbance to adjoining residents);

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),
P5/2 (Reusing Previously Developed Land and Buildings)
P5/4 (Meeting Locally Identified Housing Needs)
 - **South Cambridgeshire Local Plan 2004:**
SE3 (Limited Rural Growth Settlements),
SE8 (Village Frameworks)
HG10 (Housing Mix and Design)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity and car parking issues
 - 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
- South Cambridgeshire LDF Submission Documents 2006
- Planning Application File ref.: S/0264/06/F

Contact Officer: Area Team 3

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

S/0444/06/F - Willingham
Erection of 4 Dwellings and Garages following Demolition of Existing Dwelling and Barn, 32 Schole Road, for Mr M R Scurll and Miss J M Scurll

Recommendation: Approval
Date for determination: 1st May 2006

Site and Proposal

1. The application relates to an existing 2-storey Victorian cottage located close to the eastern edge of the village. Schole Road has a loose stone surface for much of its length, except in the vicinity of the junction with Rampton End. It is not provided with any pedestrian footway or street lighting. The road is also a formal bridleway, and has a width of between 5.0m and 5.5m. There are a number of modern dwellings on the south side of the road, each with extensive rear gardens. The site is adjoined to the west by a bungalow at No.28 and to the east by a house at No.36.
2. This full application, dated 24th February 2006, proposes the demolition of the existing dwelling and its single-storey outbuilding, and the erection of one replacement dwelling and three additional dwellings and garages. The houses are laid out as two pairs of semi-detached 2½-storey units, each with three bedrooms, separated by a central driveway. This leads to a rear parking court and garage block providing space for nine cars. The existing hedgerow on the frontage is to be retained, except to provide access.
3. The proposed dwellings have ridge heights of 8.5m. This is higher than adjoining dwellings, No. 28 being 5.6m and No. 36 being 7.6m. The existing house on the site has a ridge height of 7.6m.
4. The site has an area of 0.1ha. The development represents a density of 40 dwellings per hectare.

Planning History

5. Outline planning permission for the erection of two detached houses on the site following demolition of the existing was granted last year (**S/1275/04/O**).
6. In two recent appeal decisions on other sites, Inspectors have assessed the suitability of Schole Road to accept further traffic. At the eastern end of the road an appeal was dismissed in July 2005 for the provision of 4 mobile homes (**S/0856/05/F**). The Inspector concluded that the development was not likely to prejudice highway safety. He found the road not to be well suited to increased vehicle usage, but it was fairly wide, and its poor condition was likely to mean that vehicle speeds would be likely to be relatively low. An appeal decision in April of this year allowed the siting of two caravans, and the erection of a utility block and mobile chalet for a disabled person, on land also at the eastern end of the road

(S/2505/04/F). The Inspector concluded that the marginal increase in the use of Schole Road arising from the development would be likely to increase the rate of deterioration of the road surface. Nevertheless, 'it would not give rise to unacceptable parking, highway access or service provision problems or detract from the safe, convenient or enjoyable use of a public right of way to any measurable extent'. He noted that the road was lightly trafficked, fairly wide and that vehicle speeds would be low.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003

7. **Policy P1/1** (Approach to Development) – development sites involving the use of previously developed land and buildings within existing settlements should be afforded the highest priority.
8. **Policy P1/3** (Sustainable Design in Built Development) of the Cambridgeshire and Peterborough Structure Plan 2003 requires compact forms of development through the promotion of higher densities that responds to the local character of the built environment.
9. **Policy 8/1** (Sustainable Transport – Links between Land Use and Transport) – LPA's should ensure that new development provides appropriate access from the highway network that does not compromise safety.

South Cambridgeshire Local Plan 2004.

10. In the village inset plan, the site is shown to be inside the village framework boundary.
11. **Policy SE2** (Rural Growth Settlements) – residential development will be permitted provided that the retention of the site is not essential to the character of the village, the development would be sensitive to the character of the village and the amenity of neighbours; and the village has the necessary infrastructure capacity. Development should achieve a minimum density of 30 dwellings per hectare unless there are strong design grounds for not doing so.
12. **Policy SE8** (Village Frameworks) of the Local Plan states that there will be a general presumption in favour of residential development within the frameworks of villages.
13. **Policy SE9** (Village Edges) development on the edge of villages should be sympathetically designed and landscaped to minimise the impact of development on the countryside.
14. **Policy HG10** (Housing Mix and Design) requires residential developments to have a mix of units making the best use of the site. The design and layout of schemes should be informed by the wider character and context of the local townscape.
15. **CS10** (Education) where planning permission is granted for schemes of 4 or more dwellings, financial contributions will be sought towards the provision of local educational accommodation.

Consultations

16. **Willingham Parish Council** – recommends refusal, stating that to ‘access is onto a poorly maintained road. It is also unclear from the drawings as whether the site is wholly within the village envelope’.
17. **Chief Environmental Health Officer** – no objection. He recommends two informatives regarding bonfires and demolition notice.
18. **County Chief Financial Planning Officer** – has requested a financial contribution in respect of three dwellings towards additional educational and community facilities in the Parish and Cottenham Secondary School, which serves Willingham.
19. **Old West Internal Drainage Board** – no objection to the use of soakaways.

Representations

20. None received.

Planning Comments

Traffic and Access

21. The proposed development, if implemented, will lead to increased use of Schole Road by vehicular traffic, which is likely to be in the order of 20 movements a day in respect of three additional dwellings net. Planning consent for one additional dwelling has been granted already. In commenting on the use of Schole Road in respect of other sites, both the Highway Authority and two Inspectors have acknowledged the poor state on the road surface, but have all concluded that this is not in itself justification for a refusal of planning permission. In view of this, I do believe that the current proposal is unacceptable in highway safety terms.

Appearance and Residential Amenity

22. The proposed dwellings are taller than adjoining dwellings. In this locality, with limited development on the northern side of the road, the sense of spaciousness will be preserved and in my opinion, the variation in roof heights and bulk of building will not appear incongruous.
23. The proposed dwelling adjacent to No.28 is sited within 1.0m of the side boundary at its nearest point. The development will not block light to any habitable room or private garden area and will not be overbearing when viewed from that property. I consider that the proposal complies with Policy SE2, including minimum density provisions.

Educational Requirements

24. Notwithstanding the comments of the County Chief Financial Planning Officer, the proposal does not fall within the terms of Policy CS10 as the net increase of three dwellings is below the appropriate threshold. I do not consider that a financial contribution should be sought in this case.

Recommendation

25. Approval, subject to the following conditions:
1. Standard Condition A (time limit) (Reason A);
 2. Sc5 a (external materials for walls and roofs) (Rcai);
 3. SC51 (landscaping);
 4. Sc52 – Implementation of landscaping (Rc52);
 5. Sc60 – Details of boundary treatment (Rc60);
 6. Sc26 - Restriction of hours of use of power operated machinery during the period of construction(Rc26);
 7. Before the use is commenced, the access from the existing highway shall be laid out and constructed to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority. (Reason – In the interests of highway safety);
 8. The permanent spaces to be reserved on the site for parking shall be provided before the use commences and thereafter maintained. (Reason – In the interests of highway safety);
 9. Before development or demolition commences details shall be submitted to and approved by the Local Planning Authority of means to secure the protection of the surface of Schole Road from damage by heavy vehicles coming to the site during the demolition and construction period. The scheme shall be carried out prior to the commencement of demolition and/or construction. (Reason – In the interests of highway safety).

Informatives

Before the existing buildings are demolished, a Demolition Notice will be required from the Council's Environmental Health Section, in order to establish the means by which the demolition will take place including the removal of any asbestos present, the removal of waste, minimisation of dust, capping of drains, and establishing hours of working operation, so as to ensure the protection of the residential environment of the area.

During construction there shall be no bonfires or burning of waste on the site except with the prior permission of the District Council's 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: Policy P1/1** (Approach to Development); **Policy P1/3** (Sustainable Design in Built Development); **Policy 8/1** (Sustainable Transport – Links between Land Use and Transport).
 - **South Cambridgeshire Local Plan 2004: Policy SE2** (Rural Growth Settlements); **Policy SE8** (Village Frameworks); **Policy SE9** (Village Edges); **Policy HG10** (Housing Mix and Design); and **CS10** (Education).

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- Residential amenity including noise disturbance and overlooking issues
 - Highway safety
 - Visual impact on the locality

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/0444/06/F, S/1275/04/O, S/0856/05/F, S/2505/04/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee10th May 2006**AUTHOR/S:** Director of Development Services

S/0559/06/O - WILLINGHAM**Proposed Residential Development at Land Rear of 2 Short Lane and Adjacent
23 Long Lane For Mr RJ and Mrs JL Laffling****Recommendation: Approval
Date for Determination: 16th May 2006****Site and Proposal**

1. This application, received on 21st March 2006, proposes the erection of five dwellings on a 0.15 hectare site to the rear of 2 Short Lane at a density of 33/ha. The application is in outline form, with only the proposed access being determined at this time. The siting, design of the dwellings and landscaping are to be agreed at a later date.
2. The proposals are for the removal of old and dilapidated greenhouses on the site and the erection of two three-bed semi detached dwellings (93 sq m each), and three four-bed detached dwellings (112 sq m each). The density equates to 33.3 dph.
3. Long Lane is characterised by a mixture of bungalows and two-storey dwellings along the lane frontage, many having long rear gardens, with greenhouses and other outbuildings located to the rear.
4. The site is currently overgrown garden land, and was previously in horticultural use. The site lies within the village settlement limit, and contains no specific Local Plan designations.

Planning History

5. **S/0824/80/O**- Planning permission was refused for residential development on the site by Decision Notice dated 12th July 1982. The three reasons for refusal stated the following:
 1. The access to the site is inadequate other than to serve a small development of no more than three dwellings, which if built would result in a piecemeal development poorly related to the existing development surrounding the site.
 2. The application, if approved, would set a precedent for the development of other restricted sites within Willingham served by inadequate accesses.
 3. There is sufficient land with planning permission in Willingham to satisfy the short-term needs of the village.
6. **S/0338/84/O**- Planning permission was refused for storage and offices on the site by Decision Notice dated 11th April 1984. The two reasons for refusal stated the following:

1. The introduction of a commercial use of the scale proposed would be detrimental to the amenities of the surrounding residential properties by reason of general disturbance and the increased traffic generated.
 2. The proposed access to the site is inadequate and below the standard required by reason of its restricted width and visibility.
7. **S/2007/05/O** - Residential development on the application site. This application was refused by decision notice dated 9th January 2006. This decision notice contained three reasons for refusal:
1. Inadequate information has been submitted to demonstrate that vehicle to vehicle visibility splays to a private access road (if serving in excess of one dwelling) can be achieved within the application site area. A frontage survey is required indicating the proposed splays in their entirety so that the extent of effect of the splays on land edged blue can be established. The applicant has not demonstrated that adequate visibility splays can be achieved within the application site.
 2. Inadequate information has been submitted to demonstrate how foul and particularly surface water drainage from the site will be undertaken, and whether contaminated land is present on any part of the site.
 3. Given the location of the application site, its configuration and relationships to adjacent dwellings insufficient information has been submitted on the number, size and scale of dwellings to be accommodated on the site. Development of the site with fewer than five dwellings would, in the opinion of the Local Planning Authority, represent inefficient use of the land contrary to Policy SE2 of the South Cambridgeshire Local Plan 2004.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003

8. **Policy P1/3** explains that a high standard of design and sustainability for all new development will be required which creates a compact form of development through the promotion of higher densities, and provides a sense of place which responds to the local character of the built environment and pays attention to the detail of form, massing, textures, colours and landscaping.

South Cambridgeshire Local Plan 2004

9. **Policy SE2** states that Willingham is designated as a Rural Growth Settlement, and residential development and redevelopment will be permitted on unallocated land within village frameworks provided that:
 1. The retention of the site in its present form is not essential to the character of the village;
 2. The development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours;
 3. The village has the necessary infrastructure capacity;
 4. Residential development would not conflict with another policy of the Plan.

10. **Policy SE8** notes that there will be a general presumption in favour of residential development within village frameworks. Residential development outside these frameworks will not be permitted.
11. **Policy HG10** explains that residential developments will be required to contain a mix of units providing accommodation in a range of types, sizes and affordability, making the best use of the site and promoting a sense of community which reflects local needs. The design and layout of schemes should be informed by the wider character and context of the local townscape and landscape.
12. **Policy HG11** relates to criteria to be considered in the consideration of applications for backland development.

South Cambridgeshire LDF Submission Documents

13. **Policy ST/5** states that Willingham has been selected as a Minor Rural Centre. Residential development up to a maximum scheme size of 25 dwellings will be permitted within village frameworks.
14. **Policy DP/3** states that all development proposals must provide appropriate access from the highway network, and have car parking kept to a minimum (as far as is compatible with its location and maximum car parking standards).

Consultation

15. **Willingham Parish Council** - Recommends refusal of the application on the grounds of overdevelopment of the site; lack of adequate detail; concern over the visibility splay on to Long Lane (as it is used as a pedestrian school route and as the proposed houses fronting Long Lane are sited close to number 23, which would make it difficult for vehicles exiting from the proposed development to see pedestrians approaching from the south). Members also wished to draw attention to two old cooking apple trees on the property, probably part of an orchard formerly on the site. It is suggested that it be checked whether these trees are an old Willingham variety before any permission was granted leading to their removal.
16. **Local Highways Authority** - Notes that a common turning area should be provided at the end of the private drive. Such a facility should be provided prior to the occupation of any of the dwellings and thereafter maintained. It is noted that the application site area edged red satisfactorily includes such adjacent land or number 2 over which the visibility splay crosses. Unfortunately the layout plan gives no indication of how the visibility splay is to be provided ie the plan identifies a close boarded fence within the splay but is this to be removed, lowered, set back behind the splay?
17. **Old West Internal Drainage Board** - It is stated in the application that surface water will be disposed of via soakaways. Providing that this method of surface water disposal is used to accommodate all the run-off from the site, the Board's surface water receiving system will not be affected by this proposal. If any other method of surface water disposal is used in connection with the proposal, the Board must be re-consulted.
18. **Chief Environmental Health Officer** - Concerned that problems of noise could arise from the development during the period of construction and suggests a condition to minimise the effects.

19. **Cambridgeshire Fire and Rescue** - Is of the opinion that additional water supplies for firefighting are not required.
20. **County Financial Planning Officer** - Contributions are required of £2,750 per dwelling. Therefore, in the case of this application contributions are required of £13,750. This will help provide facilities at the village school, the secondary school at Cottenham and various community facilities and amenities.
21. **Environment Agency** - No objections.
22. **County Archaeology Officer** - The application site lies within an area of archaeological potential, and excavations carried out nearby in 1997 revealed features ranging from pre-historic to medieval in date, and it is possible that additional (as yet unknown) archaeological features may survive on the site that could be damaged or destroyed by the proposed development. It is therefore recommended that the site is subject to a programme of archaeological investigation to confirm the presence or absence, date, character and significance of any archaeological deposits that may be present. This programme of work can be secured through the inclusion of a negative condition in any planning consent.

Representations

23. The current owners/occupiers of numbers 8 and 10 Short Lane state that, under Local Plan Policy HG11, proposed development should be in keeping with the intrinsic character of the surrounding village. It is therefore proposed that any development is kept solely lane facing, and not developed to the rear. This would keep it with the pattern and character of development in the vicinity of the application site.

Planning Comments – Key Issues

Principle of residential development on the site

24. There are no policy objections relating to the development of the application site for residential dwellings. As this application is in outline form only, with just the means of access to be determined at this time, design, siting and landscaping of the site will be agreed at a later date.

Density of development

25. The application proposes the erection of five dwellings on the site. Two (to the front of the site) are to be semi-detached, whilst the remaining three are to be detached. It is considered that in order to comply with Policy SE2 of the Local Plan, which states that development should achieve a minimum density of 30 dwellings per hectare, five dwellings are required on the site.

Visibility splays and access to the site

26. Long Lane is a one-way street running from north to south. The application drawings therefore indicate the visibility splay of 2.4m x 70.0m to the north of the site. No serious concerns have been raised in relation to the visibility splay by the County Highways Authority, although clarification has been sought from the applicant's agents as to the fence situated within the visibility splay.
27. The application proposals provide an appropriate means of access in relation to distances of the access itself and the length of the road to serve the new dwellings. It

is suggested by the County Highways Authority that a condition be attached to ensure there is a common turning area provided at the end of the private drive, and for this to be provided prior to the occupation of the dwellings.

Neighbour amenity

28. The application site currently has an existing hedge (approximately 2 metres high) along its northern boundary with the rear gardens of dwellings located down Short Lane. Along the southern boundary there is an existing wooden fence (approximately 2 metres high), whilst along the eastern boundary of the site there is an approximately 2 metre high panel fencing with sporadic hedging and vegetation. A number of concerns have been raised regarding neighbour amenity of the existing dwellings located in the vicinity of the application site, especially in relation to number 23 Long Lane.
29. Number 23 has two first floor windows located in its northern elevation which are both obscurely glazed. There is also a kitchen window, small obscurely glazed window and side door to the dwelling on the ground floor. There is an existing wooden fence between number 23 and the application site. In the eastern elevation of number 23 Long Lane there is a bedroom window at first floor level, and a further one located on the first floor of the southern elevation of the dwelling's side extension. There are existing patio doors to the rear of number 23.
30. There is an existing fence and landscaping between the application site and properties located down Short Lane. It is therefore considered that, with appropriate design of the new dwellings to be considered at reserved matters stage, no significant amenity issues will arise.

Site contamination

31. In a letter dated 11th April 2006 from the applicant's agents, it was confirmed that the application site has been in the ownership of the applicant for 20 years and used as a market garden during that time. The green-houses were used to grow salad products. There has been no contamination of the site during the applicant's ownership.

Conclusions

32. On the basis of the above, I recommend that this application be approved, subject to conditions.

Recommendation

Approve, subject to:

1. Standard Condition A – Time limited permission (Reason A);
2. Sc5a – Details of materials for external walls and roofs (Rc5a1i);
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 (Reason – To minimise disturbance to adjoining residents);
7. Before the dwellings, hereby permitted, are occupied a common turning area shall be provided at the end of the private drive and shall thereafter be maintained.

8. Surface water drainage details;
9. Foul water drainage details;
10. Restriction of hours of use of power operated machinery during the period of construction.
11. 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 remains).

Informatives

1. 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 CIRA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
2. An acceptable method of foul drainage disposal would be connection to the public foul sewer.

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), **SE8** (Village Frameworks) and **HG10** (Housing Mix and Design)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity
 - Highway safety
 - Visual impact on the locality and density of development

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

- South Cambridgeshire Local Plan 2004
- South Cambridgeshire LDF Submission Documents – January 2006
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Reference: S/0559/06/O, S/0824/80/O, S/0338/84/O and S/2007/05/O.

Contact Officer: Area Team 3

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

S/6340/06/RM – CAMBOURNE
26 Dwellings and Associated Works at Part of Site GC12, Great Cambourne, for
George Wimpey-East Anglia Ltd

Recommendation: Delegated approval / refusal (Major Application)
Date for Determination: 20th June 2006

Site and Proposal

1. This 1.108ha (2.74 acres) site comprises the eastern part of parcel GC12, being developed by the applicant as Phase 2 of that parcel. The site lies on the eastern side of Great Cambourne, facing onto the golf course, and is access via a single estate road, Willow Lane. To the north is parcel GC15, currently under construction for affordable housing (15 shared equity units), to the west is the remainder of GC12 (phase 1), almost complete. To the south west is a greenway, beyond which further development parcels are under construction.
2. The application, received on 21st March 2006 and subsequently amended, proposes 26 dwellings on this part of the site, a density of 28/ha. In terms of mix, all but two (flats over garages) would have 4 or more bedrooms. However, in the context of the whole GC12 parcel, the overall mix (as amended during the application) would be as shown in the following table, demonstrating a good range with 49% of the dwellings being of 2 or 3 bedrooms:

No of bedrooms	2	3	4	5	6
No of dwellings	25	17	37	4	3
% of total	29%	20%	43%	5%	3%

Planning History

[Guidance - Planning Refs in **bold** but not underlined]

3. **S/6240/04/RM** – 69 dwellings on whole GC12 parcel approved in October 2004, phase 1 of which is nearing completion. Phase 2 consisted of nine large units, all 5 bedrooms, plus 5 annexes.

Planning Policy

4. South Cambridgeshire Local Plan 2004: policies **Cambourne 1** – Development in accordance with Cambourne Masterplan; **Cambourne 2** – Development in

accordance with Cambourne Design Guide; **SE7** – Development in accordance with Cambourne Masterplan and Design Guide;
SE2 – Development in Rural Growth Settlements.

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

The Cambourne Design Guide requires that towards the edges of Great Camborne the density should reduce and the size of houses increase, the eastern side being more formal with large housing provided to the edges of the golf course, and plot layouts encouraging the landscape into Great Cambourne at its perimeter.

The approved GC12-16 Briefing Plan which flows from the Design Guide requires a LAP on this part of GC12, and housing laid out in medium density at the southern corner, and low density along the golf course edge. It requires large detached houses to overlook the golf course with estate rail front boundaries.

5. The Cambourne Design Guide requires that towards the edges of Great Cambourne the density should reduce and the size of houses increase, the eastern side being more formal with large housing provided to the edges of the golf course, and the layouts encouraging the landscape into Great Cambourne at its perimeter.
6. The approved GC12-16 Briefing Plan which Plans from the Design Guide requires a LAP on this part of GC12, and housing laid low density along the gold course edge. It requires large detached houses to overwork the golf course with estate rail format boundaries.

Consultation

7. **Cambourne Parish Council** recommends Refusal as there is concern on the following issues:
 - Type and mix of housing, limited number of smaller houses 1, 2 and 3 bed dwellings, too many houses with 4 or more bedrooms;
 - Description on drawings states that there are 6 no. 3-bed houses, but none are proposed;
 - It is felt that the road is not of sufficient size to take the additional 17 houses over the original numbers combined with the single access to the site;
 - Bin spaces not adjacent to the ends of private roads;
 - No clearly defined or insufficient provision for guest / visitor parking;
 - No bird boxes noted, environmentally unfriendly.

The Council would require conditions to be imposed with regard to working times and the use of the haul road.

SCDC Landscape Design Consultant: whilst acknowledging that full detail may not be provided with the application, the landscape concept should be. Indicative areas of planting should be deliverable. To this end: planting to the greenway should be detailed so that the area can be interpreted as a whole; planting over the easement should not be assumed; space for trees in the street scene is important in this edge of settlement site which is to be less dense; the side boundary of plot 226 will be important – a close boarded fence would be unacceptable; access way 1 is too tight for meaningful planting apart from the side boundary of plot 217; rear garden planting should not be relied upon to create character.

Cambridgeshire Fire and Rescue Service requires adequate provision for hydrants (this is provided through the Cambourne S106 agreement)

SCDC Chief Environmental Health Officer: no objection.

SCDC Commercial Director: The properties on private drives that are more than 25m from the adoptable road will not have bins collected from outside the house.

Environment Agency: No objection.

Representations

8. A petition has been submitted, containing 30 signatures, stating: “we the undersigned residents object to any increase in densities to sites GC12 and GC15, both sites already have permission for the numbers agreed on the original masterplan and these sites were not even on the developers’ plans for Cambourne enhanced that was refused permission.”
9. Letters and emails have been received from nine residents of the Phase 1 part of GC12 and the access road leading into it, making the following points:
 - a. I bought my house in June of last year on the understanding and knowledge that only 9 large houses would be built on the area of the site. I have now found out that this is not the case and an additional 26 are planned in their place. I purchased the property on the basis of the plans that I saw and am now likely to lose money as a result of the Council’s undemocratic decision.
 - b. There has been no community consultation and this has not been referred to our Parish Council for comment or consideration. If approved, this will be the largest development allowed without a second road entrance. There will be a total of 101 homes in this area, with all residents’ vehicles passing through the single cross roads adjacent to the front of my house.
 - c. The site was subject to a briefing plan that indicated low density housing being adjacent to a planned golf course. The proposed revised plans will directly affect my immediate living area and I have a serious concern regarding the level of traffic that will need to be funnelled past my house for entry and exit to this site on an ongoing daily basis.
 - d. We have a young child and a pet who could be threatened by an increase in traffic.
 - e. We are concerned at the number of dwellings proposed, being almost 3 times the previous plans laid out, and feel this would over-develop the plot of land.
 - f. When purchasing the house we accepted that 9 houses (with an average of two cars each) would create a certain level of traffic past our property, but with the number of houses proposed this could increase a possible 18 cars to over 50. Bearing in mind all cars have to come down Willow Lane, this would cause increased pollution and traffic flow problems in the area.
 - g. Our primary objection is that the volume of traffic will be excessive as the road layout was designed for 9 properties not the new figure of 26. Our house will be passed by many cars each day and when we purchased this property we were told that there would only be 9 houses and as such traffic volumes would be low – a key point to purchase as we have young children with no road sense. Also very concerned that the road width is far too narrow to accommodate 2 way traffic, certainly as I have to park my car on the pavement outside my house to allow my wife’s car access, as such narrowing the road further there and at all other points where my neighbours have to do the same. Ideally a further access road should be built as I understand there may be over 100 homes using the same relatively narrow and sharply twisting access road. This has major safety implications and

should surely be addressed prior to any further building work or planning approval being undertaken. We also understand that the land adjoining the golf course would be of low density and this seems to have changed without permission. Surely this is not right?

- h. The building of further houses is likely to affect the rainwater run-off in the area.
- i. Can you please explain why there is a formal planning process if the District council then allows changes without consultation with the residents over a long enough period of time for them to formally make their case. I have spoken to a number of residents in this area who have not been advised of this change. How can this be allowed to happen? Clearly, it is of greater benefit to the Council and the developers than the residents who are affected. How can this be a democratic process if changes are made without reference to residents? At the very least I request additional time for other neighbours to respond.
- j. Should these houses be agreed we feel that the local infrastructure, schools in particular, will eventually be unable to cope with the demand for services. As Upper Cambourne has yet to be started we feel that the future needs of the community should be taken into account. We wholeheartedly agree with other residents' objections.
- k. Site GC12 is already part built and has planning permission for 69 homes, we are told that layouts are design led, yet a massive increase has been applied for, in effect a huge increase as 26 homes are replacing only 9. This goes against the policy to "create an edge of village location".
- l. This site is subject to a briefing plan that indicates low density being adjacent to the possible golf course.
- m. A memorandum of understanding was apparently signed on the very day an extra 64 homes in Great Cambourne were approved virtually disabling any objection to an increase in densities on specific sites by the normal consultation process.
- n. This site is accessed by one road and there is already a hazardous junction at Willow Lane/Tithe Way.
- o. Financial viability is not an issue for planning, if a developer has paid more for a site than is viable then this is not an issue that should be in any way be influential.
- p. This plan will have a significant effect on existing residents, who have purchased on the basis of the anticipation of a certain level of passing traffic.
- q. The site is unsuitable for such a substantial change.
- r. The remaining site already has permission for 9 homes and therefore defies claims that schemes are design led if replaced by 26.
- s. The extra traffic created in Willow Lane will create the largest number of homes in Cambourne accessed by a single non spine road. The number of witnessed accidents at the corner of Willow Lane and Tithe Way will undoubtedly increase.
- t. What is the point of having the original Masterplan which guided residents into buying and then agreeing a hard fought application to keep to the original 69 homes total – only to cave in and agree a vastly increased number similar to a plan that was rejected for "Cambourne enhanced", which planning opposed. And this area was NOT targeted as a possible expansion site for this proposal.
- u. Residents have signified their disapproval by way of signed petition.

Planning Comments – Key Issues

- 10. ***Number of dwellings.***
- 11. Members will recall approving an amendment to the Masterplan at their meeting of 7th December 2005, allocating an extra 64 units to Great Cambourne from Upper Cambourne (part of the original 3,300 units allocated under the original Masterplan). In return the developers' consortium agreed to bring forward any requirement for a Youth Centre under a future S106 Agreement associated with an additional 700

houses through the LDF process, and to a temporary youth venue (now on site). The Masterplan as now approved, allocates an additional 18 units on top of the 69. The application actually proposes an additional 17 units to the 9 already approved for Phase 2 of this parcel. Therefore the number of dwellings proposed is acceptable in principle.

12. ***Character of the area.***

Members approved the additional allocation of units to Great Cambourne on the basis that there would be no change to the requirements of the Design Guide. In relation to the application site, this means that the site should be low density character apart from medium density in the southern corner, as described under “Planning Policy” above. The application has been negotiated prior to and during submission to ensure that this character is provided. The southern corner is medium density, with houses continuing along the greenway from those on the main part of GC12. Houses also face onto the golf course, and onto the LAP for natural surveillance. The linear form of the LAP enables a landscaping ‘finger’ to be brought into the site as required by the design guide. Parking is set to the rear of these properties, mainly in a parking court, and the Council’s parking standard is met. Plot 203 has been designed to provide a visual stop from the entrance into the parking court, with an end elevation containing a chimney and windows for interest and surveillance. There are also views past this unit to the greenway. The LAP has been positioned over the sewer easement, where no building or planting may occur. However, the easement is to one side of the LAP, enabling sufficient space for planting.

To the east of the LAP, the low density part of the site has been laid out as a standard “perimeter block” with houses facing outwards, either to the golf course, LAP, estate road or access road. This ensures that adequate back-to-back distances are provided. A “flat-over-garage” arrangement provides a parking court for two of the houses facing the golf course, so that wider spaces between units can be achieved. In particular, houses have been joined together in pairs to give the impression of grand houses facing the golf course with significant space between pairs (10m). This creates the low density character required by the Design Guide and I have requested further amendments to increase this spacious character. An access way to the northern most units is provided as an informal green lane – a shared surface driveway with hedges to the front and side gardens facing it. Overall, subject to the further amendments requested above, the scheme has a clear character and form, and the mix of units is acceptable when considered in the context of the whole GC12 site, as described under paragraph 2 above.

13. ***Highways***

The Parish Council and residents have objected on the grounds that the single access road into the overall GC12 site may be inadequate, and that visitor parking is not provided. The Highway Authority has been consulted on the application and raised no objection.

In terms of parking provision, the Council’s standards are designed to include visitor parking, and are met.

14. ***Other Objections***

The amended plans show bin collection points at the end of private drives. A condition will be added requiring ecological enhancements. The additional surface water drainage will easily be accommodated, as this site drains into the same lake that Upper Cambourne will, so the relocation of the units makes no difference. In fact

these lakes were designed in advance of the “Cambourne enhanced” application and dismissed appeal so actually cater for more runoff than is required. It is unfortunate that purchasers have assumed the original planning permission for 9 houses would be implemented and whilst that scheme may be preferable in many respects, this application must be considered on its own merits.

Recommendations

15. **Delegated powers to APPROVE / REFUSE:** approval subject to the receipt of plans to address the changes mentioned above, and to the following conditions, (otherwise refusal on the ground of non-conformity with the Design Guide requirement for low density character at the village edge), and subject to no additional issues being raised as a result of the consultation period for the amended plans, which expires after the date of this meeting.

Conditions

Approve (reserved matters), as amended by plans stamped 23rd June 2005, subject to the following conditions:

1. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.**
(Reason – Because insufficient information was submitted with the application, and to enhance the quality of the development and to assimilate it within the area.)
2. **No development or site clearance shall take place during the bird breeding season until a suitably qualified ecologist has checked the site for the presence of nesting wild birds and important plants and declared them absent.**
(Reason – To prevent damage to or destruction of the nest of any wild bird whilst it is being built or in use, and any important plants, in the interest of the biodiversity of the site.)
3. **No development shall take place until a plan showing the location and details of the contractors’ building compound and parking area has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and no materials shall be stored, nor contractors’ vehicles parked, outside the approved compound and parking area.**
(Reason – To ensure that the compound and contractors’ parking are adequately accommodated without an adverse impact on existing landscape features, amenity areas or existing residential areas.)
4. **No development shall take place until a scheme showing access routes for construction traffic (deliveries and spoil removal) has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently take place strictly in accordance with the approved scheme.**
(Reason – In the interests of the amenities of existing residents in the vicinity.)
5. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of ecological enhancement based on “Ecological Opportunities within the Built**

Environment” (ESL, November 2000). The scheme shall subsequently be implemented as approved before any dwelling is occupied.

(Reason – Insufficient details were submitted with the application and to ensure the ecological enhancement of the site in accordance with the Section 106 Agreement dated 20th April 1994, and the Aims and Objectives set out in the Cambourne Master Plan Report.)

- 6. No development shall take place until a scheme for the storage and collection of wheeled bins has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved scheme.**
(Reason – To ensure the provision of appropriate facilities in the interests of visual and residential amenity, and usability.)
- 7. No development shall take place until details of materials and finishes for the doors, windows, walls, chimneys and roofs of the dwellings and garages, hard surfacing, roads, footways, boundary walls and gates, and method of window opening have been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved details.**
(Reason – Insufficient information was submitted with the application and to enhance the visual quality of the development.)
- 8. No external lighting shall be installed on any part of the site except in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority.**
(Reason – In the interests of amenity, security and the quality of the development.)
- 9. During the course of construction, outside a secure compound area (a secure compound is defined as an area with a security fence extending to the ground, and with a gate extending to the ground and locked at night), any steep sided trench of less than 600mm deep must have at least one end sloped, and any steep sided trench of over 600 mm in depth must be covered or fenced if left open overnight.**
(Reason – To prevent injury or death to badgers which may forage on the site.)
- 10. All boundary treatment shall be constructed in accordance with the approved Great Cambourne Special, Common and Standard Boundary details ref 85M.100.DL, unless otherwise approved under condition 7 above.**
(Reason – To ensure that there is a coordinated strategy is adopted for this site in keeping with the aims of the Cambourne Design Guide.)
- 11. No work shall take place on site outside the hours of 0730 to 1800 hours on Mondays to Fridays, nor 0800 to 1300 hours on Saturdays, and shall not take place at all on Sundays, Bank or Public Holidays.**
(Reason – To protect the amenities of nearby residential properties.)
- 12. Meter boxes shall not be installed on any elevation facing a highway other than in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority.**
(Reason – To avoid visual clutter in the interest of the quality of the development.)
- 13. Visibility splays shall be provided on both sides of all private drives and shall be maintained free from any obstruction over a height of 600 mm**

within an area of 1.5m x 1.5m measured from and along respectively the highway boundary.

(Reason – In the interest of highway safety.)

- 14. Visibility splays at road junctions and on the inside of bends shall be laid out and constructed to form part of the highway and not enclosed within the curtilages of adjoining properties.**

(Reason – In the interest of highway safety.)

- 15. The permanent space to be reserved on the site for parking and turning of vehicles shall be provided before the respective dwellings are occupied and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles.**

(Reason – In the interest of highway safety.)

- 16. No dwelling shall be occupied until the access road and footways linking that dwelling to the existing public highway network has been completed to at least base course level, and such roads and footways shall subsequently be surfaced to wearing course level within 6 months of the occupation of the last dwelling to be completed on the site.**

(Reason – To protect the safety of users if the access roads and footways, and to enhance the appearance of the built environment.)

- 17. 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 plots 212-217 and 226 unless expressly authorised by planning permission granted by the LPA in that behalf.**

Part 1, Class A (extensions); and Class E (outbuildings).

(Reason – To protect the low density character of the area required by the approved Cambourne Design Guide.)

Informatives

Reasons for Approval

1. The approved 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, Cambourne 2, SE7 and SE2.
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise: **highway safety, refuse collection, ecology, security, landscaping, design and drainage.**
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

General

4. This Decision Notice is accompanied by a list of Approved Drawings.
5. It appears to the Council in respect of this proposal that the following conditions of the outline planning permission continue to apply, and the applicant's attention is drawn to these and all conditions of that permission:

Condition 6 (vi) – implementation of landscaping.
Condition 7 (b) – time limit for commencement.
Condition 19 – noise protection scheme with 100m of occupied properties
(NB: requires submission prior to commencement).
Condition 28 – roads and footpaths to base course level.
Condition 37 – concealment of cables, meter boxes, etc
Conditions 38 – 41 – aquifer protection measures
6. The Environment Agency's comments are hereby attached.
7. Any substitution of plant species or stock from those approved will require the prior written consent of the Local Planning Authority.
8. No dwellings should be occupied until street nameplates have been erected in a location and to a specification which shall previously have been agreed with the Council's Street Naming and Numbering Officer.
9. All work on the site shall take place in accordance with Cambourne Ecology Working Paper 6: Safeguarding Statutorily Protected Species during the Construction Phase. (ESL, May 1997).
10. The applicant's attention is drawn to the requirements of the Party Wall etc. Act 1996 if works are proposed to a party wall.

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/6340/06/RM and S/6240/04/RM

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Draft

REPORT TO: Development and Conservation Control Committee10th May 2006**AUTHOR/S:** Director of Development Services

**S/6339/06/RM – Cambourne
Changes to Existing Landform to Accommodate Spoil at
Eastern Valley and Area Southeast of Upper Cambourne for
MCA Developments Ltd**

Recommendation: Approval (Major Application)

Date for Determination: 2nd June 2006

Site and Proposal

1. The application site comprises two parcels of land within the eastern valley to the east of Great Cambourne (Areas A and B) and south of Upper Cambourne (Areas C and D). It lies adjacent to land already authorised and in use for spoil disposal, and stretching northwards to areas on either side of Oakdene track. It includes an area north of Lake 2, east of Great Cambourne and west of Great Common Wood. At the southern end of the application site, Spoil Area B is bounded on the south by the existing disposal area, on the west by the isolated residential bungalow “Oakdene”, and on the north by the access track which leads down to Oakdene from Broadway. Newly planted structural woodland including a bridleway wraps around the southeast side at the Cambourne boundary. North of Oakdene track is a hedge and ditch, and rising land towards the east; this Area A stretches to the designated boundary of Upper Cambourne as shown on the Masterplan. Spoil Area C lies immediately to the east of undeveloped housing areas GC23 and GC26 for which no applications have yet been submitted. It stretches from the existing haul road north of Lake 2 to a hedgeline on the north side linking with Great Common Wood West defining the eastern boundary. North of the hedgeline Spoil Area D extends northwards to Eastgate, and is bounded by Jeavons wood on the west and Great Common Wood West on the east. The houses in Cressbrook Drive are adjacent to the southwest corner of this Area.
2. The application received on 3rd March 2006, as amended on 20th April 2006, seeks reserved matter consent to dispose of excavated subsoil from the development areas, within Cambourne, in order to avoid the environmental impact of exporting it off-site if possible. The applicant has calculated that this application site, and a potential area of deposition adjacent to the A428 bund, would be sufficient for the spoil generation of the development densities likely to result from the Development Framework Submission Draft January 2006. In the northern two areas (C and D) the spoil would be spread to a maximum height of 1.5 metres, above existing levels sloped gently at the edges, and keeping clear of the ditch adjacent to Cressbrook Drive, the retained hedge, and at least 5 metres from Great Common Wood. Southeast of Upper Cambourne, Area A would be raised by less than 2 metres at the highest point, and would have the steeper slope along the southeast side adjacent to the establishing structural woodland. Along the north side of Oakdene track the land would be retained at existing levels for 6 metres from the track (1.5 metres from the ditch), to accommodate the trackside hedge and the ditch to the north of it. Southwest of Upper Cambourne Area A would be raised by 2 metres to continue the gradient up from the lake area and create a new “toe” of the slope which rises to The Vine School

at the top of Upper Cambourne. South of Oakdene track, in the area southeast of Oakdene, the land levels would be raised by a maximum of 3 metres at the top of the slope, in order to tie in with the existing area of deposition southeast of Lake 4. At the top and bottom of the track the slope would rise 1.5 metres on the south side, set back by 1.5 metres from the track, and for approximately 100 metres along the central stretch the southern bank would be 2 metres high.

3. In this area the existing field drain would be filled with rubble wrapped in terram so that the slope can continue to drain as work proceeds. A new ditch would be constructed around the south and east side of the existing disposal area, to connect with the boundary ditch south of Area B. At the western foot of the slope in Area B a new ditch would be constructed to drain towards Lake 4, and flanking an existing low bund which separates the slope from a newly planted woodland. The ditch would be 30 metres from the boundary of Oakdene's garden. A further ditch would flank the development area of Upper Cambourne to drain into Lake 2.

The highest points on Areas A and B would be 71 metres, which is approximately the level at Lancaster Way in the centre of Upper Cambourne.

4. The application is submitted with supporting statements regarding Archaeological Method, Cambourne Future Spoil Requirements, Flood Risk Assessment, and Ecological Appraisal, and Public Rights of Way. Cross sections, height and gradient drawings are included to show the original, current and proposed characteristics.

Planning History

5. **S/6258/04/RM** Alterations in landform – Refused on grounds of incongruity with the landscape character of the area, failure to submit a flood risk assessment, and failure to make an archaeological assessment. The Appeal scheduled for hearing on 9th May is now held in abeyance for three months. The highest points on this proposal would have been 75 metres.
6. **S/6169/02/RM** Construction of balancing lake, spine sewers, road, pumping station and associated landscaping – approved. This application covered the area east of Crow Hill and southeast of Lake 4 for purposes of spoil disposal, proposing a gently tailing spur from the hill down to the valley, and the current area of deposition rising on the east side of the lake and south of Oakdene.
7. **S/6003/96/RM** Structural landscaping scheme for the new settlement of Cambourne.
8. The whole of the application site lies within the area designated on the Cambourne Master Plan as a golf course (for which the fall-back use would be country park if no golf course operator comes forward).

Planning Policy

9. South Cambridgeshire Local Plan 2004 ("The Local Plan")

Policy SE7 Cambourne new settlement

CS5 Flood protection

TP1 Planning for more sustainable travel

EN1 Landscape character areas

EN3 Landscaping and design standards for new development in the countryside

EN5 The landscaping of new development

EN12 Nature conservation

EN15 Archaeological sites
Cambourne 1 The Masterplan
Cambourne 2 The Design Guide

10. **Cambridgeshire and Peterborough Structure Plan 2003:**

P1/3 – Sustainable Design in Built Development of the Cambridgeshire and Peterborough Structure Plan 2003

Consultation

11. **Cambourne Parish Council** – recommends approval, as original concerns have been addressed (i.e. the drainage ditch adjacent to Great Cambourne being cleaned out, improved and maintained to reduce the risk of future flooding, the landscaped area being seeded as each phase is completed, and consideration being given to using spoil to form bunds along the boundary of Cambourne and the A428).
12. **Bourn Parish Council** – recommends refusal on grounds of concern about the change of landscape due to the height of proposed hills, concern about the effect of run off onto Oakdene, and concern that putting a new rural drain into Lake 2 breaks an existing agreement to separate rural and urban flows in the system.
13. **Landscape Design Consultant** – the landform will need to be compatible with an eventual design for the golf course. The land is to be more sympathetically raised [than the appealed proposal] with respect to the landform shape, but further information has been requested on the overall height in relation to the wider landscape. The gradients adjacent to Oakdene track will appear as an unnatural feature. Assurances will be required regarding the adequacy of the total capacity for spoil disposal to avoid later additions.
14. **Ecology Officer** – in order to maintain badger foraging ground, greater clearance for the retained hedge is recommended, and immediate seeding on completion of fill in the area adjacent to the largest sett.
15. **County Archaeologist** – Some of the areas have not been subject to archaeological investigation, therefore objection would be raised to covering those areas prior to investigation. A condition would be acceptable requiring a programme of archaeological evaluation in advance of the proposed development in accordance with PPG16 paragraph 30. The archaeologically sensitive area in Area B will need further evaluation, and any areas of significance in the application site where preservation is to be *in situ* will require suitable protection and marking.
16. **County Countryside Access Team** – No objection subject to the following issues being addressed: the footpath diversions need to be shown in relation to the proposals, the new ditch which would cross the footpath will need to be appropriately culverted at the crossing, and if a new haul road crossing of the footpath is required, safety measures will need to be agreed by condition.
17. **English Nature** – satisfied that this will not result in an adverse impact upon wildlife interests.
18. **Environment Agency** – confirm that the flood risk assessment as submitted satisfactorily addresses the issues previously raised by the Agency in respect of the impact upon the surface water regime, and surface water run-off implications upon

third parties both locally and downstream. No objection subject to a condition requiring a scheme for the implementation of surface water drainage measures.

Representations

19. One letter of objection has been received regarding the land adjacent to Oakdene on grounds of detriment to the public views and vistas of typical Cambridgeshire countryside from Oakdene track, increased rate of water run-off from steeper slopes, increasing flood risk and water lying on footpaths, and preference for the appeal on the previous refused application to be heard.
20. One letter regretting the impact on views south of Oakdene.
21. Two letters from residents of Cressbrook Drive requesting that the ditch on the west side of spoil disposal Area A should be shown on the plans, cleared out and maintained, and that work on the area should be phased so that it can be topsoiled and seeded on completion of filling. The question was also raised about the eventual impact of the raised land on the golf course and clubhouse indicated in this area on the Masterplan.

Planning Comments – Key Issues

22. The key issues are:
 - i) The capacity of the area to accommodate the amount of spoil from the settlement development area
 - ii) Compatibility with the Masterplan designation of the area as a golf course or country park
 - iii) Means of access to the disposal areas
 - iv) Drainage and stability of the new landforms
 - v) Impact on woods and trees
 - vi) Impact on amenity of residents, recreational routes and views
 - vii) Impact on the wider landscape character
 - viii) Landscaping and planting, including the golf course
 - ix) Archaeological investigation

Capacity

23. The applicant has submitted calculations based on the rate of spoil generated from average housing sites according to density and adjusted in the light of Cambourne experience that a higher rate of spoil results in local conditions. For commercial sites the experience of the Morrisons development is used. Playing fields, landscape areas and roads/sewers/drains are calculated at average rates. The currently approved development of 3,300 dwellings would accordingly generate 335,000 cubic metres allowing for bulking up and contingency. With the submitted LDF additional 700 dwellings this would generate 398,000 cubic metres. The capacity for spoil disposal on-site has been increased by the quarrying for local road development of subsoil from the disposal area. This “hole” is stated to be sufficient for most of the spoil generated by the current Great Cambourne development sites, bar approximately 10,000 cubic metres. The new A428 bund north of Upper Cambourne will be designed to follow the precedent of the area north of GC29/30 with slopes generally 1:12 and a maximum height of 75.5 metres AOD, which gives a capacity of 83,000 cubic metres. The south-east valley current proposal would take 318,000, giving a total capacity of 401,000 cubic metres. It is therefore concluded that the potential for spoil disposal within Cambourne is sufficient for the anticipated rate and type of development, and therefore no additional raising of land levels in the current

application site would be anticipated. The proposal therefore complies with Policies Cambourne 1 and 2 regarding the Masterplan, sustainability and environmental design.

Golf course

24. The whole area to the south and east of Great Cambourne is designated in the Masterplan as golf course, as part of the public open space required by the Section 106 agreement for Cambourne. The gently sloping new landforms are compatible with golf course design, and to some extent remove the tendency to create more complicated new features for interest on the course. Planted features would also complement the new slopes, as shown on the Cambourne Masterplan. At the point where the golf course straddles any footpaths and Oakdene track, the eventual detailed design will need to take into account safety and ease of access, for instance by creating cut-in ramped trolley paths. The finished design will need to comply with Policies EN 3 & 5. There is no current conflict with the Masterplan and policy Cambourne 1 of the Local Plan.

Access

25. At present the active spoil disposal area is accessed via a temporary haul road which crosses the valley between Lake 4 and Oakdene's garden. This would continue to serve Area B, without additional impact on amenity or footpath safety. Area A would be reached by a new temporary haul road through undeveloped areas of Upper Cambourne, reached from an existing concrete track link to the haul road east of Great Common Wood. This would have no impact on existing development but would require installation of a safe crossing point for the public footpath No.2 Bourn. Access to Area C would be via a spur from the haul road north of Lake 2, crossing a small area of undeveloped land. Part of Area C is very close to the haul road, and it may be that some rationalising is possible when access to GC23 is made from the haul road. Area D is directly adjacent to the existing main access to Upper Cambourne, Eastgate, at a point close to the haul route to Back Lane. Therefore no additional access through established residential areas would be required. These access routes are compatible, subject to conditions, with safety and amenity in accordance with the Local Plan Objectives 7.5 on Transport.

Drainage and stability

26. The Environment Agency is satisfied that the amount and rate of run-off from the new steeper slopes would not give rise to adverse impacts within Cambourne or downstream. This is because the gradients are largely compatible with the existing rolling landscape in the area. There are also adequate ditches to slow the rate of flow into the main Cambourne surface water attenuation system including the lakes. Oakdene track is not to be altered, and therefore run-off will be taken, as at present, by the adjacent ditch, as well as a new ditch at the foot of the slope. The applicant has submitted information from the Ground Investigation Report by RSA Geotechnics Ltd regarding the slope and embankment stability characteristics of the Boulder Clay, which could be remoulded to embankments at 30°, much steeper than, for instance, Crow Hill at 10°, or adjacent to Lake 4 at 5°, both of which are steeper than the new proposed slopes, apart from the low banks to Oakdene track at 10°. The proposal thus complies with policies CS5 and EN3 of the South Cambridgeshire Local Plan 2004.

Woods and trees

27. The submitted Ecological Appraisal identifies some protective measures which are required, such as the 5 metre clearances which have been incorporated between the works and the canopies at Jeavons and Great Common Woods, and retention of the hedgerow between the two. Provided that the statutory precautions are observed

regarding protected species and nesting birds, there would be no adverse impact on ecology in the area. The “buffer zone” to the mature and new woodlands is sufficient to avoid root compaction, and no alteration to the water-table would result because of the virtually impermeable nature of the clay. Where the new southeast drainage ditch would need to pass through the structural planting on the south side, a detailed route will be planned to avoid disturbance to the tree belt. The proposal involves the removal of a relatively insignificant multistemmed tree near the existing drainage line near the south of Area B. The impact of this removal is less because of the two adjacent retained trees nearer the corner of Oakdene garden. The proposal thus accords with Policies EN5 and EN12 of the Local Plan.

Amenity and views

28. The impact of the creation of the new settlement involves ongoing change and temporary disturbance as an unavoidable consequence of development. Therefore the Local Plan policies for Cambourne require mitigation and enhancement measures such as the new structural landscaping. In the current case, it will be important to phase the deposition so that grass-seeding and peripheral tree planting can take place on completion of the areas, and the use as open space can commence. At that stage, the raised height of the land in the southeast corner would afford somewhat more expansive views over the surrounding area, whilst the raised banks to Oakdene track would afford more shelter from the wind. The outlook and horizon from Oakdene would be little altered, because of the distance of works from the bungalow, the tall conifer hedges around it, and the gentle gradient of the slopes. In the northern areas the land level difference would have little impact on outlook from residential properties. This complies with policies Cambourne 2, EN3 and EN5 of the Local Plan. The Masterplan diagram indicates a possible site for an eventual golf clubhouse in Area D, but this development is only a long-term prospect which would need to be addressed in detail at application stage, including the height in relation to its surroundings, as required by policy Cambourne 1 of the Local Plan.

Wider landscape

29. The southeast side of Cambourne is visible in the wider landscape from a few points along Broadway and the footpaths to the south of the settlement. It is therefore important that the shape of the new landforms replicates the gently rolling character of the existing valleys. It is also desirable to retain the existing high points in the landscape along the plateau (traced by the line of the A428), and therefore to avoid overall heights which exceed the existing high points. These requirements were not satisfied in the Appeal proposal, as the heights were greater and the slopes more extreme. It is considered that the current proposal overcomes these issues, and complies with Local Plan policy EN3.

Landscaping and planting

30. The areas would be seeded with an approved Cambourne grass seed mix as soon as possible after completion of filling. Narrow, intermittent groups of trees and shrubs would be planted adjacent to development boundaries. These details would be designed in conjunction with the development landscaping to ensure that it ties the housing with the surrounding landscape. Similarly, the tree and shrub planting for a golf course would be designed to tie in with the approved Structural Landscaping Scheme, and any design guidance which may be agreed for the golf course or country park. These requirements can be secured by condition and a phasing plan. Subject to these conditions, the proposal complies with policy EN5 of the Local Plan.

Archaeology

31. An Archaeological Method Statement prepared by Wessex Archaeology is submitted with the application. It identifies those areas which have already been subject to

investigation, and the parts which have been classified as archaeologically sensitive. There are, however, areas within the application site, Areas A, C and part of Area B which have not yet been evaluated. The Method Statement proposes no further investigation, but protection of the uninvestigated or sensitive areas by infilling from the edges so that a 1 metre deep protective layer of spoil is deposited before vehicles are permitted on the site, and all works to be undertaken in the summer or autumn after a prolonged dry spell. However, the County Archaeologist is only satisfied with the methodology in relation to Area D where investigation has revealed no significant archaeology. He states that “the archaeological potential of areas which have not been evaluated cannot be predicted with certainty. Nor can the effects of the proposed landscaping be determined. For example, the effects of compression caused by the deposition of spoil over areas with thin topsoil cover could be severely detrimental to the long-term survival of archaeological remains in these areas. We are also concerned that there may be a longer term issue, with deposition of spoil effectively preventing evaluation in advance of future development proposals. We would therefore recommend that these areas should be subject to a programme of archaeological evaluation in advance of the proposed development and secured through the inclusion of a negative condition in any planning consent, in accordance with PPG16 paragraph 30”.

The applicant has been advised of this objection, and asked whether they would agree to such a condition; the response will be reported to Committee. In the absence of agreement on a suitable condition the proposal would be contrary to policy EN15 of the Local Plan.

Recommendation

32. Approve siting, design, means of access and *principles* of landscaping subject to the following conditions:-
1. Reserved matters time limit (relating back to those set out on outline planning permission.
 2. No development shall take place unless and until a scheme for the phasing of commencement, finishing and landscaping of each of the four Areas (A, B, C, D as shown on drawing no. 85C1-31revF) has been submitted to approved in writing by the Local Planning Authority. Development shall proceed in strict accordance with the approved scheme.
(Reason – In the interests of residential and landscape amenity to avoid prolonged disturbance in accordance with Policy Cambourne 2 of the South Cambridgeshire Local Plan 2004).
 3. No development shall take place on any of the four Areas (A, B, C, D as shown on drawing no. 85C1-31revF) until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for that Area, 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. Development shall proceed in strict accordance with the approved schemes.
(Reason – Because insufficient information was submitted with the application, and to enhance the quality of the development and to assimilate it within the area in accordance with Policies EN5 and Cambourne 2 of the South Cambridgeshire Local Plan 2004.)

4. No development shall take place unless and until details of the gates and measures for safety at the road and footpath crossings have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in strict accordance with the approved scheme.
(Reason – In the interests of pedestrian safety and countryside access in accordance with Policies TP1 and Cambourne 2 of the South Cambridgeshire Local Plan 2004.)
5. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented and maintained in accordance with the approved scheme.
(Reason –To ensure that a satisfactory system of surface water drainage is established and maintained following completion of the works, and to ensure that the risk of flooding to third parties is not exacerbated, in accordance with Policy CS5 of the South Cambridgeshire Local Plan 2004.)
6. No development shall take place within Areas A, B and C until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
(Reason. To safeguard sites of potential archaeological interest and secure their investigation in advance of development, in accordance with Policy EN15 of the South Cambridgeshire Local Plan 2004 and government guidance PPG16.)
7. No work shall take place on site outside the hours of 0730 to 1800 hours on Mondays to Fridays, nor 0800 to 1300 hours on Saturdays, and shall not take place at all on Sundays, Bank or Public Holidays.
(Reason – To protect the amenities of nearby residential properties and footpath users in accordance with Policies Cambourne 2 and TP1 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:**
P1/3 (Sustainable design in built development) and
P7/6 (Historic Built Environment);
 - **South Cambridgeshire Local Plan 2004:**
SE2 (Development in Rural Growth Settlements),
Policy SE7 (Cambourne new settlement)
CS5 (Flood protection)
TP1 (Planning for more sustainable travel)
EN1 (Landscape character areas)
EN3 (Landscaping and design standards for new development in the countryside)
EN5 (The landscaping of new development)
EN12 (Nature conservation)
EN15 (Archaeological sites)
Cambourne 1 (The Masterplan)
Cambourne 2 (The Design Guide)

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:-
 - The capacity of the area to accommodate the amount of spoil from the settlement development area
 - Compatibility with the Masterplan designation of the area as a golf course or country park
 - Means of access to the disposal areas
 - Drainage and stability of the new landforms
 - Impact on woods and trees
 - Impact on amenity of residents, recreational routes and views
 - Impact on the wider landscape character
 - Landscaping and planting, including the golf course
 - Archaeological investigation

3. The applicants attention is drawn to conditions of the outline consent, ref S/1371/92/0 dated 20th April 1994, that remain relevant, particularly Condition 6 – implementation of landscaping.

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/6003/96/RM, S/6169/02/RM and S/6258/04/RM

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

10th May 2006

AUTHOR/S: Director of Development Services

S/6341/06/F - Caxton

**Mitigation Works for the Caxton Bypass Comprising New Planting at Land West of
Caxton Bypass North of Bourn Brook
for MCA Developments Ltd**

Recommendation: Approval

Date for Determination: 22nd May 2006

Site and Proposal

1. The application site lies on the west side of the by-pass at the top of its cutting between the Bourn Road bridge and Bourn Brook. The land slopes down from north to south. It comprises spoil from the bypass construction which has not been topsoiled or landscaped. A public footpath alongside Bourn Brook skirts the southern toe of the slope, to cross the by-pass near the Bourn Brook culvert.
2. The full application received on 27th March 2006, with additional information (cross-sections) received on 18 April 2006 proposes to plant the area with a mixture of deciduous and evergreen trees and shrubs to blend in with the surrounding landscape and roadside hedge planting. Eventually the planting will form a visual screen to this section of the by-pass, although not to the section where the by-pass crosses the brook. The western side of the planting will be protected by a post-and-wire fence with a hedge on its east side.

Planning History

3. **S/6066/00/RM** approval of the Caxton By-pass as a reserved matter of the Cambourne development outline permission.
4. **S/6294/05/F** Additional planting in Block W – withdrawn because of inadequate information.

Planning Policy

5. South Cambridgeshire Local Plan 2004 ("The Local Plan"):

EN3 Landscaping and design standards for new development in the countryside

EN5 The landscaping of new development

Consultation

6. **South Cambridgeshire District Council Landscape Consultant** – the planting is acceptable. No additional mounding should be included as this would have been visually excessive on the already deep cutting.

7. **Caxton Parish Council** – recommends approval:
 - The screening used over Crow Dean on the west side of the bridge over Bourn Brook should be repeated.
 - The level of the southern half of the area should be raised subject to planning permission S/6341/06/F – suggest 6 feet.
 - There is not sufficient top soil on the existing mound. At least one foot of top soil should be put on the existing bank.
 - Trees which will grow tall should be used and preferably larger, more mature (6') trees should be used.
 - Care should be taken near Bourn Brook not to obstruct flow either now or in the future.
8. **Cambourne Parish Council** – recommend refusal for the following reasons:
 - The plans appear not to show the adjoining property 20 Bourn Road
 - Consideration should be given to native evergreen species as part of the tree mix
 - The bunds should be increased to help mitigate the effects of the By-Pass prior to planting
 - Hedging removed as part of construction works should be reinstated.
9. **County Footpaths** – planting must not obscure the line of vision at the footpath crossing.
10. **Environment Agency** – reply awaited
11. **English Nature** – no comment.
12. **The Ramblers Association** – anxious that planting should not be so close to Public Footpath 13 as to overhang the footpath and cause obstruction. The Ramblers Association also trying to negotiate a route for the footpath to pass underneath the by-pass, and would prefer the planting not to prejudice this alternative route.
13. **British Horse Society** – no works should interfere with passage along the public bridleway.

Representations

14. One letter from a resident on the south side of Bourn Road expressing concern about the lack of landscaping for visual and noise screening, and decreased security because of the use of the by-pass lay-by and the public footpaths.
15. One e-mail from a resident north of Bourn Road concerned that no additional bunds would be constructed on this part of the site.
16. One letter from 9 signatories at 6 addresses in Bourn Road, objecting to this proposal because it would not mitigate nuisance caused by the traffic on the by-pass to residents in Bourn Road, who wished for bunds on both sides of the bypass up to 4 metres high.

Planning Comments – Key Issues

17. The key issues are the impact of the proposed planting on the local landscape character, and the impact on residential amenity at premises in Bourn Road. The land on this site has been disturbed by the construction of the by-pass beneath Bourn Road, which results in a cutting immediately to the east of the site, of necessity an

alien feature. The site itself is gently sloping in keeping with the surrounding landscape. The proposed planting would be similar to local copses, and therefore would help the environs of the new road to be reconciled with the wider landscape. Whilst it would to some extent form a visual screen between Bourn Road and the by-pass, it must not extend into the Bourn Brook flood plain, nor encroach on to the public footpath, and therefore would not form a complete screen either visually or acoustically. Despite the aspiration of some local residents that more substantial screening should be installed, this proposal is acceptable on its own merits, as a good mixed planting scheme in keeping with the local landscape in accordance with policies EN3 and EN5 of the Local Plan.

Recommendation

18. **Approve** subject to the following conditions

1. The landscaping and boundary treatment hereby permitted shall be carried out in the first planting season following the issue of this decision, and any trees or plants which within a period of ten years from the completion of the landscaping and boundary treatment die, are removed or become seriously damaged or distressed, shall be replaced in the next planting season with other of a similar size and species, unless the LPA gives written consent to any variation.
(Reason – To secure the completion of the landscaping works for mitigation of the impact of the by-pass in accordance with Policies EN3 and EN5 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:
 - **South Cambridgeshire Local Plan 2004:**
 - EN3** (Landscaping and design standards for new development in the countryside)
 - 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 including noise and security issues
 - Footpath use
 - Visual impact on the landscape

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

- South Cambridgeshire Local Plan 2004
- Planning applications reference S/6066/00/RM approval of the Caxton By-pass as a reserved matter of the Cambourne development outline permission and S/6294/05/F Additional planting in Block W

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

10th May 2006

AUTHOR/S: Director of Development Services

**S/6342/06/RM - Caxton
Mitigation Works for the Caxton Bypass to include Mounding and Planting at
Land West of Caxton Bypass South of Bourn Brook
for MCA Developments Ltd**

**Recommendation: Approval
Date for Determination: 22nd May 2006**

Site and Proposal

1. The application site lies on the west side of the Caxton by-pass south of Bourn Brook and north of the roundabout on the A1198 Royston Road. Following representations from local residents regarding the impact of the by-pass when it opened, the Cambourne developers undertook to construct screening bunds on the application site, but did not seek prior Reserved Matters approval. The current application seeks to regularise this situation and to resolve the Environment Agency objection to a minor incursion into the Bourn Brook floodplain. A public footpath crosses the site and is accommodated by a dip between two sections of bund before crossing the by-pass at grade.
2. The application received on 27 March 2006, as amended on 18 April 2006 (additional information – cross sections) proposes is to retain most of the screen bund as constructed and planted. A small area immediately south of the brook would be removed and regraded, whilst retaining the height adjacent to the carriageway for screening. The top and slopes facing the by-pass are to be planted with a mix of native deciduous trees and shrubs to blend in with the surrounding landscape and roadside hedge planting. The “inner” slopes of the bunds are to be fenced with post and wire fencing to enable the return of the adjacent land to agriculture, and to prevent trespass onto the upper part of the bunds from the public footpath.

Planning History

3. **S/6066/00/RM** approval of the Caxton By-pass as a reserved matter of the Cambourne development outline permission.
4. **S/6295/05/RM** –Modifications to approved Caxton By-pass scheme to include additional mounding and planting. Withdrawn because of inadequate information and unresolved floodplain encroachment.

Planning Policy

5. South Cambridgeshire Local Plan 2004 (“The Local Plan”)

EN3 Landscaping and design standards for new development in the countryside

EN5 The landscaping of new development

Consultation

6. **South Cambridgeshire District Council's Landscape Consultant** – would have preferred a less engineered land form but given the location immediately adjacent to an engineered road system, no objection. Planting should be implemented this autumn.
7. **Caxton Parish Council** – recommend that both these applications are approved.
 - The screening used over Crow Dean on the west side of the bridge over Bourn Brook should be repeated.
 - The level of the southern half of the area should be raised subject to planning permission S/6341/06/F - suggest 6 feet.
 - There is not sufficient top soil on the existing mound. At least one foot of top soil should be put on the existing bank.
 - Trees which will grow tall should be used and preferably larger, more mature (6') trees should be used.
 - Care should be taken near Bourn Brook not to obstruct flow either now or in the future.
8. **Cambourne Parish Council** – recommend refusal for the following reasons:
 - The plans appear not to show the adjoining property 20 Bourn Road
 - Consideration should be given to native evergreen species as part of the tree mix
 - The bunds should be increased to help mitigate the effects of the By-Pass prior to planting
 - Hedging removed as part of construction works should be reinstated.
9. **County Footpaths** – reply awaited
10. **Environment Agency** – reply awaited, but it is understood that the proposed amendments overcome concerns – confirmation is awaited.
11. **English Nature** – no comment.
12. **The Ramblers** – anxious that planting and bunds should not be so close to Public Footpath 14 as to overhang the footpath and cause obstruction to the view of approaching road traffic.

Representations

13. One letter from a resident on the south side of Bourn Road expressing concern about decreased security because of the use of the by-pass lay-by and the top of the bund between the public footpaths to trespass onto adjacent land.

Planning Comments – Key Issues

14. The key issues are the impact of the mounding on the local landscape character, and the impact on residential amenity at premises in Bourn Road. The mounding was installed at the request of local residents in consultation with the developers, in order to prevent headlights from the roundabout causing disturbance at properties in Bourn Road. This has been successful for most of the southern stretch of the by-pass, but it has not been possible to screen the part of the by-pass where it crosses the culverted Bourne Brook. The height of the mound was selected to achieve effective screening while minimising the loss of farmland

required for its construction. In the view from Bourn Road, the steep-sided bunds appear as grassy hills which are not wholly in keeping with the landscape, but blend as grassland with the adjacent agricultural field. This is considered preferable to the unmitigated view of the by-pass which would otherwise appear intrusive in the outlook from Bourn Road. The landform will also be “softened” with the establishment of the shrubs and trees. In the view from the by-pass, the mounding appears more in keeping with the surroundings, because the longer view is framed by the embankments at and beyond the Bourn Road bridge. The installation of fencing to restrict access to the mound-tops will restrict trespass and loss of privacy at properties at higher levels.

15. The proposed alteration to the bund foot adjacent to Bourn Brook overcomes the Environment Agency objection to the mounding as built, and should be implemented as soon as possible. The remainder of the mitigation measures proposed for this area of the by-pass are acceptable considering the balance between resident’s aspirations for comprehensive screening from the by-pass, and the aims of Local Plan policies EN3 and EN5 which would resist incongruous intrusion of new landforms into the locality.

Recommendation

16. **Approve** subject to the following conditions
 1. The landscaping and boundary treatment hereby permitted shall be carried out in the first planting season following the date of this decision notice, and any trees or plants which within a period of ten years from the completion of the landscaping and boundary treatment scheme due, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.
(Reason – To secure the completion of the landscaping works for mitigation of the impact of the by-pass and mounding in accordance with Policies EN3 and EN5 of the South Cambridgeshire Local Plan 2004.)
 2. The removal of the existing mounding which lies within the Bourn Brook flood plain as designated by the Environment Agency shall take place within six months of the date of this decision notice in accordance with a scheme which shall have previously been submitted to and agreed in writing by the Local Planning Authority.
(Reason – To restore the capacity of the flood plain to accommodate flood waters in the event of excess flow in order to prevent flooding of land in the vicinity in accordance with Policy CS5 of the South Cambridgeshire Local Plan 2004 and allow the landscaping works referred to in condition 1 to be carried out in the next available planting season.)

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Plan 2004:**

EN3 Landscaping and design standards for new development in the countryside

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 including noise and security issues
 - Footpath use
 - Visual impact on the landscape

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

- South Cambridgeshire Local Plan 2004
- Planning applications reference S/6066/00/RM approval of the Caxton By-pass as a reserved matter of the Cambourne development outline permission and S/6294/05/F Additional planting in Block W

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

S/0311/06/F – Highfields Caldecote
Erection of Dwelling following Demolition of Existing Barn adjacent Highfield Farm
for P Bird

Recommendation: Refusal
Date for Determination: 25 May 2006

Members will visit this site on 8 May 2006.

Departure Application

Site and Proposal

1. The application relates to a roughly rectangular shaped site measuring 0.29 hectares (0.72 acres) and with vehicular access from Highfields Road. The site is approximately 260m to the north-east of Highfields Road and is accessed by a private single-lane access track. The site contains a timber-framed barn in dilapidated condition. Signage around the barn, identifies it as an “unsafe building”. The barn is partially roofed in slate with sections of timber and brick walls remaining. The main section of the barn is estimated as measuring 17m in width and 8m in length, with a ridge height of approximately 7m. Adjacent the barn is a timber frame and slate structure in better condition, measuring approximately 11m by 5m, with an approximate ridge height of 5m.
2. The site forms part of a cluster of agricultural buildings and four existing dwellings, accessed from the same access track. To the north-west of the site is a two storey detached cottage (Highfield Farm Cottage), with a row of three two-storey terrace houses to the south and south-west. Adjacent the site to the north and east is a field, with an agricultural building adjoining the site to the south. The entire site is outside the village framework boundary of Highfield Caldecote.
3. The full planning application received on 20 February 2006 and amended on the 3 and 4 April 2006, is for the erection of a three-bedroom dwelling with integral garage/car port. The dwelling is of barn-like dimensions and appearance with a two-storey section measuring 13.7m in width and 7.3m in width, with a ridge and eaves height of 7.0m and 5.1m respectively. At the rear of the property is a single storey element measuring 5.3m in width and 9.1m in length with a ridge and eaves height of 5.0m and 2.4m respectively.
4. The site area has been amended to include the full length of the vehicular access from Highfields Road, with notice of the application formerly served on all landowners of the access track.

Planning History

5. The existing barn is of some age and was erected without the need for planning permission. There is no planning history on this site.

6. Nevertheless, the following planning applications is considered relevant to the assessment of the application.
7. Planning permission was refused for a house on land adjacent the nearby property of Westwind, Highfields Road, Highfields Caldecote on the 10 November 2003, and subsequently dismissed at appeal on the 24 May 2004 (Ref: S/2005/03/F). This application involved the demolition of an outbuilding. The reasons for the refusal referred to new residential development in the countryside, being contrary to policy.

Planning Policy

8. National guidance contained in Planning Policy Statement 7: Sustainable Development in Rural Areas (PSS 7) aims to strictly control new building development in the open countryside. It states that isolated new houses in the countryside will require special justification.
9. This policy supports the re-use of appropriate located and suitably constructed existing buildings in the countryside, where this would meet sustainable development objections. Re-use for economic development purposes will usually be preferable, but residential conservations may be more appropriate in some locations, and for some types of building.
10. The policy is also supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and landscape. The replacement of non-residential buildings with residential development in the countryside, should be treated as new housing development.
11. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ('the County Structure Plan') states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location. This policy is supported by Policy DP/7 of the Local Development Framework, Submission Draft 2006.
12. **Policy P1/3** of the County Structure Plan requires a high standard of design and sustainability for all new development and which provides a sense of place which responds to the local character of the built environment. This policy is supported by policy DP/2 of the Local Development Framework, Submission Draft 2006.
13. **Policy P5/5** of the County Structure Plan states that small scale housing developments will be permitted in villages only where appropriate, taking into account the need for affordable rural housing, the character of the village and its setting, and the level of jobs, services, infrastructure and passenger transport provision in the immediate area.
14. **Policy SE4** of the adopted South Cambridgeshire Local Plan 2004 ("The Local Plan 2004") states that residential development and redevelopment will be permitted within the village frameworks of Group Villages (including Highfields Caldecote), subject to meeting various criteria.
15. **Policy SE8** of the Local Plan 2004 states that residential development outside the village frameworks will not be permitted.

16. **Policy EM10** of the Local Plan 2004 allows for the change of use and conversion of rural buildings to employment use, subject to various criteria including that “the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction”. This policy is supported by Policy ET/8 of the Local Development Framework Submission Draft 2006.

Local Development Framework Submission Draft 2006

17. Policies in the LDF largely reflect existing policies. The following policies represent significant changes from adopted plans.
18. Policy HG/8 of the LDF states that “planning permission for the conversion of rural buildings for residential use will not generally be permitted. Planning permission will only exceptionally be granted where it can be demonstrated, having regard to market demand or planning considerations:
1.
 - a. Firstly, it is inappropriate for any suitable employment use; and
 - b. Secondly, it is inappropriate for employment with residential conversion as a subordinate part of a scheme for business re-use.
 2. Any conversion must meet the following criteria:
 - a. the buildings are structurally sound;
 - b. the buildings are not of a makeshift nature and have not been allowed to fall into such a state of dereliction and disrepair that any reconstruction would require planning permission as a new building;
 - c. the buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside; and
 - d. the form, bulk and general design of the buildings are in keeping with their surroundings; and
 - e. perform well against sustainability issues highlighted in policy DP/1.
 3. Any increase in floor area will not be permitted except where it is necessary for the benefit of the design, or in order to better integrate the development with its surroundings. Future extensions to such buildings will not be permitted.
 4. Development must be in scale with the rural location. Residential uses must be located close to local services and facilities, and in an accessible location with a choice of means of travel, including non-motorised modes”.
19. Paragraph 4.33 of the supporting text adds that there “there has been considerable pressure to convert barns and vacant rural buildings into residential units, but this is clearly contrary to the general policy of restricting housing proposals outside established village limits. Conversion for a purely residential use will only be permitted as a last resort, particularly to secure the future of buildings of particular architectural quality or character”.
20. Policy ET/9 of the LDF states that “when considering proposals for replacement buildings in the countryside for employment use, any increase in floor area will be strictly controlled, and must be for the benefit of the design, or in order to better integrate the development with its surroundings”.

Consultation

21. **Caldecote Parish Council** – Recommendation of refusal.

“Inappropriate change of use in agricultural area. Outside the village envelope”.

Should the application be approved, it is requested that the following be imposed as conditions of consent:

- a. Traffic movements to protect the area;
 - b. No construction work to be carried out before 08.00 hours or after 18.00 hours Monday to Friday; or 08.00 hours to 13.00 hours on Saturdays;
 - c. No construction work to be carried out on Sundays or Bank Holidays;
 - d. Any spoil removed should not be used to raise ground levels;
 - e. Site traffic should be diverted away from existing roads if possible, roads if used should be kept free of mud and if necessary, regularly swept. Wheel washing facilities should be used;
 - f. Parking and site compounds should be provided to ensure that disturbance to nearby properties is kept to a minimum;
 - g. Planting plans should be agreed before any construction is started to ensure existing planting is preserved if possible;
 - h. Wildlife, all development should make due consideration of problems associated with wildlife disturbance;
 - i. Observation of the Crime and Disorder Act Section 17;
 - j. Any construction should specify good quality materials.
22. **Environment Agency** – No objection, but notes that surface water harvesting may be necessary due to geological considerations.
23. **Local Highways Authority** – Response to be verbally reported
24. **Ecology Officer** – Response to be verbally reported
25. **Chief Environmental Health Officer** – No objection. There are no significant impacts from an Environmental Health standpoint. Recommends the use of informatives, in the event that the application is approved.
26. **Councillor Robert Martlew** - has requested that the application be determined by Committee, following a site visit.

Representations

27. Letter of support received from occupant of Highfields Farm Cottage. Letter raises the following issues:-
- a. Proposal will increase local surveillance of area and discourage people from hanging around; and
 - b. Proposal will remove a derelict barn, which is an eyesore and possible an unsafe structure
28. Letter received from the occupant of 3 Highfields Farm, asking to be kept informed of the planning application.

Planning Comments – Key Issues

29. The key issues for consideration in the assessment of this planning application are as follows:
1. Principle of new residential development on site;
 2. Design and appearance of proposed dwelling;
 3. Impact on Residential Amenities of Adjacent Properties; and
 4. Impact on Highway Safety.

Principle of New Residential Development on Site

30. The proposal represents a departure from the adopted Structure Plan, South Cambridgeshire Local Plan 2004, and national advice set out in Planning Policy Statement No. 7 (Sustainable Development in Rural Areas). No policy document makes provision for the replacement of an existing derelict rural building which appears to have fallen into such a state of dereliction and disrepair that any reconstruction would require planning permission as a new building; with a residential dwelling, outside the village framework of Highfields Caldecote.
31. No justification has been presented by the applicant/agent to override the policy objection to residential development within the countryside. Given the previous agricultural use of the land and building, the site is considered as not previously developed (i.e. not brown-field land), so there is no presumption in favour of development. It is noted that the existing barn in its current condition is of no architectural merit.
32. It is noted that concerns regarding the appearance and safety of the site could be potentially dealt with through other procedures, rather than the grant of consent for a dwelling.
33. I am of the view that the granting of consent for this application, could create an undesirable precedent for the replacement of derelict and structurally unsound redundant rural buildings with new dwellings in the countryside.

Design and Appearance of Proposed Dwelling

34. The proposed dwelling with integral garage/car port occupies a smaller footprint than the existing barn and is of comparable height. The dwelling has been designed to resemble a barn conversion, although the regular distribution and design of the windows does not reflect the character of a barn.

Impact on Residential Amenities of Adjacent Properties

35. The proposal is not considered to seriously harm the residential amenities of existing dwellings within the vicinity. No party has objected to the application on the grounds of residential amenity.

Highway Safety

36. The proposed site provides ample room for off-street car parking and turning.
37. Nevertheless a question remains as to the adequacy of the junction of the access track and Highfields Road to serve an additional dwelling. An upgrade to this junction may be necessary, subject to comments received from the Local Highways Authority.

38. It is expected that any works required to the junction could be imposed as conditions of consent, if necessary, and are unlikely to constitute a reason of refusal for the application.

Recommendation

39. Refuse as amended by new landownership certificate franked 3 April 2006 and Drawing No. 4445/2 franked 4 April 2006, for the following reasons:
1. The application site lies outside the village framework for Highfields Caldecote. The proposal involves the replacement of a derelict agricultural barn with a new dwelling, contrary to the provisions of Policies P1/2 and P5/5 of the Cambridgeshire and Peterborough Structure Plan 2003 which seek to avoid new residential development in the countryside unless essential to a particular location; and policies SE4 and SE8 of the South Cambridgeshire Local Plan 2004 relating to new housing development in Highfields Caldecote and village frameworks generally. Nevertheless, the existing barn appears structurally unsound and not capable of conversion without major or complete reconstruction. There is no policy support for the conversion or replacement of the existing barn with a new dwelling under the provisions of the adopted South Cambridgeshire Local Plan 2004 or emerging Local Development Framework Submission Draft January 2006.
 2. Notwithstanding the above reason for refusal, the proposed fenestration is of regular distribution and domestic in appearance, neither of which would be in keeping with the barn-like form and external materials of the proposed house. The proposal would therefore be contrary to Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003, which requires a high standard of design for all new development.

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

- South Cambridgeshire Local Plan 2004
- Local Development Framework Submission Draft 2006
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Policy Statement 7: Sustainable Development in Rural Areas
- Planning File Refs: S/0311/06/F, and S/2005/03/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

**S/0578/06/F - Cottenham
 Side and Rear Extensions and Double Garage, 108 Histon Road
 for Mr & Mrs R.Pesci**

**Recommendation: Refusal
 Date for Determination: 18.05.06**

Site and Proposal

1. No.108 Histon Road is a detached property within the Green Belt just outside the Village Framework of Cottenham. The dwelling has an existing outbuilding to the rear which is to be demolished. The site is well screened from the front boundary by large hedgerows, however the plot adjacent to the site is an open field with open views across the Green Belt to the site. The property is centred within its large open plot with the neighbouring property no.106 at an approximate distance of 9.0m to the northeast.
2. The application, dated 25th February 2006, would consist of a attached double garage to the southwestern side elevation, an enlargement to the utility room on the northeastern side elevation and a two-storey rear extension to the northwestern elevation. All would be finished in brick to match the existing under pitched tiled roofs, other than a flat roof utility room.

Planning History

3. None

Planning Policy

4. **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.
5. **Policy GB2** of the **South Cambridgeshire Local Plan adopted 2004**, and **Policy P9/2a** of the **Cambridgeshire and Peterborough Structure Plan 2003** seek to restrict inappropriate forms of development within the Green Belt. Extensions and alterations to dwellings are not inappropriate providing that the criteria in Policy HG13 are met and that the overall impact of any extension does not result in the dwelling having a materially greater impact on the openness of the Green Belt.
6. **Policy HG12** of the **South Cambridgeshire Local Plan adopted 2004** states that planning permission for the extension and alteration of dwellings will not be permitted where:
 - a) The proposal would harm seriously the amenities of neighbours through undue loss of light or privacy, being unduly overbearing in terms of mass, or

- would adversely affect the surrounding properties by virtue of its design, layout, location or materials;
- b) There would be an unacceptable visual impact upon the street scene.
7. **Policy HG13** of the **South Cambridgeshire Local Plan adopted 2004** states that extension to dwellings in the countryside (i.e. outside village frameworks defined in this plan) will be permitted where:
- a) The extension does not lead to a 50% increase or more in volume or gross internal floor area of the of the original dwelling;
- b) The proposed extension is in scale and character with the existing dwelling and would not materially change the impact of the dwelling on its surroundings;
- c) The proposed extension has regard to the criteria in Policy HG12 of this plan.
8. Planning Policy Guidance (PPG) 2, Green Belts, states that, provided that it does not result in disproportionate additions over and above the size of the original dwelling, the extension or alteration of dwellings is not inappropriate in Green Belts.

Consultations

9. **Cottenham Parish Council** – Recommend Approval, however there are concerns towards neighbouring amenity due to mass of development.
10. **Old West Internal Drainage Board** – The board has no comment from a drainage point of view.

Representations

11. Email from owners of 106 Histon Road Cottenham, stating no objection to the proposed extensions.

Planning Comments – Key Issues

12. The proposed extensions would result in a significant increase of over 50% in floor space of the original dwelling. The rear extension would have a footprint of 9.7m x 6.5m, the garage 6m x 6m and the utility room 7.2m x 2.5m. This would result in the dwelling being substantially larger than existing (footprint would be approximately 180 sq. m compared with 70 sq. m existing) and make the property more prominent within the street scene, and more importantly making the property overbearing in the form of its mass. This would adversely affect the surrounding area with the views across the open fields adjacent to the site harmed by the impact of the development. The existing dwelling is substantial in size as existing, and the proposed extensions would create an adverse built impact upon the property and the surrounding area by virtue of the excessive scale of the development.
13. The increase in scale of the dwelling would be inappropriate for this Green Belt location. This is due to the detrimental affect of the scale of the development and the dominating impact of the extensions upon the original dwelling, which would change the impact of the dwelling upon the Green Belt. The site is clearly visible from parts of the Histon Road as well as via views across the open fields surrounding the dwelling. These views are part of the openness and character of the Green Belt and would be compromised by a development of this nature and scale.

Recommendation

14. Refuse for the reasons:

1. The proposed extension would be excessive in scale and would materially change the impact of the dwelling to its surroundings, as it would be out of character with the size of the existing dwelling. By virtue of its design and bulk the proposal would result in an unacceptable visual impact upon the street scene. It would therefore be contrary to Policy HG12 and HG13 of South Cambridgeshire Local Development Plan 2004.
2. Due to the excessive increase in floor space of over 50% of the original dwelling, the development would result in a materially greater impact upon the openness and character of the Green Belt. It would therefore be inappropriate development in the Green Belt and would be contrary to Policy GB2 of the South Cambridgeshire Local Plan adopted 2004 and Policy P9/2a of the County Structure Plan 2003.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Application File ref. S/0578/06/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee10th May 2006**AUTHOR/S:** Director of Development Services

S/0562/06/F – Ickleton**Erection of Cereal Breeding Building, Greenhouses and Polytunnels on Land at Rectory Farm, Grange Road for Messrs P R Wombwell, L G Duke and R G R Smith and RAGT Seeds Ltd****Recommendation: Approval****Date for determination: 20th June 2006 (Major Application)**Members visited the site on Monday 30th January 2006.**Site and Proposal**

1. The site, which is irregular in shape and measures 350m x 130m approximately, is part of a field and is located within a valley in undulating countryside. Surrounding land rises to the north, west and south. The Imperial War Museum Film Archive is to the east. Rectory Farm lies to the north. A ditch, culveted in places, runs northeast to southwest along the southern boundary of the site. There are trees and planting on the southern side of the ditch. Grange Road runs northeast to southwest to the south of the site. There is a roadside hedge along the northern side of Grange Road to the east of the site, but no hedge along the section fronting the site or to the west. Grange Road is not wide enough to allow two vehicles to pass. The nearest public right of way runs northeast to southwest approximately 1km to the north of the site.
2. This full application, registered on the 21st March 2006, and amended on the 27th April 2006, proposes a cereal breeding complex comprising a 90m x 36m x 6.5m to eaves/8.1m to ridge olive green profiled steel sheet building; 10no. 13.8m x 9.8m x 3.3m to eaves/5.6m to ridge and 1no. 53m x 9.8m x 3.3m to eaves/5.6m to ridge aluminium frame over buff brick plinth greenhouses; and a 50m x 34m x 3m high polytunnels building. All but one of the greenhouses are to be artificially lit to provide extended day length and light intensity during the late Autumn and Winter periods. Black-out blinds are proposed for those greenhouses that would be lit. The polytunnels would not be artificially lit. The plans indicate that woodland belts and blocks would be planted along the northern and western boundaries with individual blocks and trees planted along the eastern and southern boundaries. A new pond is also proposed within the site. A total of 43 people would be employed at the site.
3. This application is the same as application S/2236/05/F as amended save that it is accompanied by a revised Flood Risk Assessment.
4. The application is supported by a letter, highway statement (including a survey of existing traffic flows on Grange Road and Elmdon Road and predicted traffic flows), landscape statement, biodiversity assessment, details of measures to control light pollution from the greenhouses, a Green Travel Plan (including the appointment of a travel plan co-ordinator and principally through the encouragement of car sharing and cycling), Employee Travel Distance Information (which shows that the average travel distance from home to work would increase from 10.4 miles to 14.6 miles as a result of the move from Trumpington to Ickleton) and revised Flood Risk Assessment.

5. The letter from the agent submitted as part of the application states that: the cereal breeding activity within RAGT's Seeds has been providing innovative new cereal varieties to the UK farmer since the beginning of the c.20; the cereal breeding activity was bought by RAGT in 2004 without the current Trumpington site which, due to urban encroachment, is no longer suitable, or available for plant breeding; RAGT has been actively searching for a new site since the beginning of autumn 2004, during which time 28 potential sites were shortlisted; the Rectory Farm site is the only site which adequately fulfils RAGT's requirements for soil type, access to irrigation, rotational entry and land area availability, whilst being sufficiently close to the current site to allow retention of current staff; the seed supply part of the activity has already relocated from Trumpington to Stretham; cereal breeding is essentially a field based agricultural activity; new varieties of wheat and barley will be developed at the Rectory Farm site as well as field trials of oil seed rape; selected material will be threshed and processed and then profiled using analytical and molecular markers; staff are involved with field, barn and glass house work and this close proximity between selection fields, barn, threshing rooms and glasshouses is essential; the land required for breeding must be uniform, of good quality, suitable for small-scale agricultural equipment and have access to irrigation; farmer partners need to be flexible and committed to RAGT's work; and, in essence, the land requirement and landowner commitment are key drivers in identifying Rectory Farm as the new site for RAGT's plant breeding activities.
6. A letter received from RAGT prior to the submission of the application states that: the first consideration in locating a new site is the need for 150 to 200 hectares of land of sufficiently good, workable quality, with potential for irrigation and with the correct crop rotation; the plant breeding building must be located centrally to the land being used for the plant breeding work because the core field breeding activity, using 40 to 50 hectares annually, is very labour intensive, requiring technicians to carry out detailed field notation, selection and harvest (largely by hand) amongst over 10,000 segregated breeding lines; the same technical staff are involved in the processing of harvested material (threshing and glasshouse work) and the running of out of season (November to April) tests on over 50,000 selected lines for quality and disease resistance; the staff also provide an out of season testing service for field programmes based in France, Germany and the Czech Republic; and the inability to base the breeding related activities on one site, including a minimal number of support staff (HR, admin and financial control represent around 7% of the headcount) would require increased daily traffic and staff movement between sites and would also lead to important losses in work efficiency.

Planning History

7. An application for the same development, save that the current application is accompanied by a revised Flood Risk Assessment, was refused as amended under reference **S/2236/05/F** for the following reason:
 1. *Insufficient information has been submitted to allow the Local Planning Authority to fully assess the impact of the proposed development upon the floodplain regime. The submitted Flood Risk Assessment does not adequately demonstrate that the 1 in 100 year critical storm will be contained on site and only discharged at the greenfield runoff rate, and no details have been submitted with regards to the location or assessment of the proposed swales.*

The proposal is therefore contrary to: Cambridgeshire & Peterborough Structure Plan 2003 Policy P1/2, which states that no new development will be permitted within or which is likely to adversely affect functional floods plains or other areas

where adequate flood protection cannot be given and/or there is significant risk of increasing flood risk elsewhere; Cambridgeshire & Peterborough Structure Plan 2003 Policy P6/3, which 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; and South Cambridgeshire Local Plan 2004 Policy CS5, which states that planning permission will not be granted for development where the site is liable to flooding, or where development is likely to increase the risk of flooding elsewhere by materially impeding the flow or storage of flood water, increase flood risk in areas downstream due to additional surface water runoff or increase the number of people or properties at risk, unless it is demonstrated that the above effects can be overcome by appropriate alleviation and mitigation measures providing the necessary improvements would not damage interests of nature conservation.

8. Application S/2236/05/F was considered at the 1st February 2006 meeting of this Committee. Members resolved to give officers delegated powers to: approve the application as amended provided the Environment Agency raised no objections to the proposal in response to the submitted Flood Risk Assessment and subject to the receipt of a further amended plan to satisfactorily address the 30th January 2006 comments of the Local Highway Authority; or refuse the application as amended if the Environment Agency does raise objections to the proposal in response to the submitted Flood Risk Assessment and/or a further amended plan to satisfactorily address the 30th January 2006 comments of the Local Highway Authority is not received. A further amended plan was received which the Local Highway Authority confirmed was acceptable but the Environment Agency continued to object to the development on the grounds that insufficient information had been submitted to allow it to fully assess the impact of the proposed development upon the floodplain regime. The application was therefore refused for the reason set out above.
9. The District Council confirmed that prior approval was not required for the erection of an agricultural crop/grain store on the site in March 2005 under permitted development legislation (reference **S/0401/05/PNA**).

Planning Policy

Countryside Policies

10. Structure Plan 2003 **Policy P1/2** states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location.
11. Local Plan 2004 **Policy EN1** states that relevant parts of the Landscape Character Areas of England are defined on the Proposals Map. It states that, in all its planning decisions, the District Council will seek to ensure that the local character and distinctiveness of these areas is respected, retained and wherever possible enhanced. It states that, while recognising that landscape is a dynamic concept, planning permission will not be granted for development which would have an adverse effect on the character and local distinctiveness of these areas (the East Anglian Chalk Landscape Character Area in this instance).
12. Local Plan 2004 **Policy EN3** states that, in those cases where new development is permitted in the countryside, the Council will require that (a) the scale, design and layout of the scheme (b) the materials used within it, and (c) the landscaping works are

all appropriate to the particular 'Landscape Character Area', and reinforce local distinctiveness wherever possible.

13. Local Plan 2004 **Policy EN5** states that landscaping schemes will be required to accompany applications for development where it is appropriate to the character of the development, its landscape setting and the biodiversity of the locality.

Flood Risk

14. The southern part of the site is within the Environment Agency's medium to high or low to medium risk flood zones.
15. Structure Plan 2003 **Policy P1/2** states that no new development will be permitted within or which is likely to adversely affect functional floods plains or other areas where adequate flood protection cannot be given and/or there is significant risk of increasing flood risk elsewhere. 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.
16. 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: increase the risk of flooding elsewhere by materially impeding the flow or storage of flood water; increase flood risk in areas downstream due to additional surface water runoff; or increase the number of people or properties at risk, 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.

Nature Conservation

17. Local Plan 2004 **Policy EN12** states that the Council will, wherever possible, seek to retain features and habitat types of nature conservation value where these occur on sites not specifically identified in the plan.
It states that planning permission will only be permitted where the reasons for development clearly outweigh the need to retain the feature or habitat type and in such cases developers will be expected to provide appropriate mitigation measures. Appropriate management of features and habitat types will be sought by the imposition of conditions, by the use of planning obligations, and by concluding management agreements with landowners and developers.

Consultations

18. **Ickleton Parish Council** recommends refusal of the application and repeating its comments in relation to application S/2236/05/F:
 - a. "This was a big additional development in visual terms in that particular 'valley' especially the barn (which is exceptionally large)/greenhouses and polytunnels.
 - b. Grange Road is a single-track road – this causes concern. An extra passing bay should be added near the Lilac hedge on the road coming from Ickleton Grange.
 - c. Traffic movements at the fork junction of Grange Road/Elmdon Road. Suggestion to amend the priority from Elmdon Road to Grange Road.
 - d. Traffic movements coming from Duxford, who would wish to turn right at the crossroads into Grange Road could be a danger.

- e. Trees that are planted should be managed correctly to enhance their growth and to shield the view.
 - f. The Green Travel Plan should be re-worked. No mention of re-use of water/solar panels.
 - g. When the Imperial War Museum film bunkers were built, it was then stated that they presented a fire threat to any nearby buildings. This does not appear to have been taken into account.”
19. **Chief Environmental Health Officer** states that there are no significant impacts from an Environmental Health standpoint.
20. In relation to application S/2236/05/F, the **Ecology Officer** strongly supported the application for the following reasons: An adequate level of biodiversity assessment has been undertaken in order to support the application; the application can demonstrate a net gain for biodiversity such as 3,500 square metres of chalk and meadow grassland, 10,000 square metres of deciduous woodland and hedgerows, a new pond, 80 hectares of less intensively managed farmland and habitat for farmland BAP species of skylark, grey partridge and brown hare.
21. He recommended that a S.106 Agreement should include measures to ensure the correct management of the chalk and meadow grasslands, which take up to 10 years to fully develop, and the submission of a 5 and 10 year monitoring report. He asked whether a barn owl box could be erected on the side of the main building and recommended a condition requiring the final location of the passing bays to ensure that they avoid species rich areas.
22. In relation to application S/2236/05/F, the **Local Highway Authority** stated that, given the scope of development and traffic likely to be generated, it has no objections to the scheme and confirmed that the proposed off-site passing bays and site access specification to mitigate the affect of the increase in vehicular traffic on the narrow carriageway of Grange Road is acceptable. It stated that a Green Travel Plan should be secured.
23. Following receipt of the revised Flood Risk Assessment accompanying this application, the **Environment Agency** raises no objections subject to the imposition of conditions relating to implementation of the measures set out in the Flood Risk Assessment and pollution control of the water environment.
24. In relation to application S/2236/05/F, the **County Archaeology Office** states that, on the basis of an evaluation conducted in 2000 to the east of the application site, which found no evidence of archaeology, it recommends that an archaeological condition is not necessary.
25. In relation to application S/2236/05/F, the **Cambs Fire & Rescue Service** raises no objections and confirms that additional water supplies for fire fighting are not required.

Representations

26. Occupiers of 33 Abbey Street support the proposed cereal breeding activity and the retention of land in agricultural use but have the following comments to make on the project: the large ‘barn’ would have a significant negative visual impact; proximity to Imperial War Museum nitrate film store; loss of protected verges as a result of construction of passing bays but also by cars driving over them rather than stopping or reversing and using passing bays; poor visibility at the junction of Grange Road and Elmdon Road; as most traffic to the site would approach Ickleton from Duxford, traffic

calming is needed at or before Abbey Street bends sharply into Duxford Road; and, should extra water be permitted to flow down Grange Road from the site, the existing flooding problem in the area would be exacerbated.

27. Occupiers of 8 Brookhampton Street support the proposal stating that: over the years we have seen the loss of farms in the village to housing and this is a good opportunity to redress the balance; the area would be landscaped and passing bays could be provided in Grange Road although we cannot see that the development would generate much additional traffic; and farmers are being encouraged to diversify and we believe the development would enable a local team to do so.
28. The Ickleton Society supports the proposed activity but opposes the proposed location as being unsuitable and inappropriate. It has a number of concerns about the particular site chosen: the significant visual impact, particularly at night from light pollution; proximity to Imperial War Museum nitrate film store; most employees would travel to the site in their own cars; loss of protected verges as a result of construction of passing bays but also by cars driving over them rather than stopping or reversing and using passing bays; poor visibility at the junction of Grange Road and Elmdon Road; and as most traffic to the site would approach Ickleton from Duxford, traffic calming is needed at or before Abbey Street bends sharply into Duxford Road. It also states that the Flood Risk Assessment concentrates on the risks of flooding to the proposed development site itself but does not address the risk to Ickleton.
29. The occupiers of Stulps Cottage, Grange Road strongly objected for the following reasons: insufficient consideration has been given to siting, design and landscaping; the negative impact on the environmental qualities of the local area; the site is open, unprotected and exposed and the proposed landscaping is therefore unlikely to succeed; increase in traffic on Grange Road; damage to verges; noise from vehicles passing their house; risk to children's safety due to speed of traffic using Grange Road; it is an inappropriate site for a largely industrial development; proximity to Imperial War Museum nitrate film store; no analysis of the other 27 sites considered has been provided; and additional strain on local water supply.
30. In relation to application S/2236/05/F, the occupiers of Rectory Farmhouse, Grange Road expressed the following serious concerns: Significant impact on important rural setting contrary to Local Plan Policies EN1 and EN3; The development is not 'essential' in this particular rural location and the proposal is therefore contrary to Structure Plan Policy P1/2; Given the offices, meeting rooms and laboratories included in the main barn, the proposal cannot be considered as anything other than an industrial business and, as such, fails to accord with Local Plan Policy EM6 in that it is not within a village framework or on a brownfield site next to one and does not meet the criteria for small-scale development, defined as being firms who employ 25 people or less; This location was chosen for the Imperial War Museum's nitrate film store in part as it was a remote location, distant from housing and people. It must surely be irresponsible to allow a work place for 40 people to be located adjacent to such a potentially dangerous storage facility; As there is no attempt to locate the development close to existing farm buildings, the proposal does not accord with Local Plan Section 10.18 vi; Significant impact on long distance views; and The increase in traffic along Grange Road, a single track highway, and additional congestion felt by Ickleton residents, particularly along Abbey Street.
31. In relation to application S/2236/05/F, the occupier of Shepherds Cottage, Grange Road objected on the following grounds: considerable visual impact; increase in traffic will alter the nature of Grange Road forever; the junction of Grange Road and Elmdon Road is already dangerous; erosion of Grange Road's protected verges; proximity to

explosive/fire hazard at Imperial War Museum nitrate film store; and need to look at alternative sites.

32. In relation to application S/2236/05/F, the occupier of Crossways, Grange Road stated that: the development would lead to a substantial further increase in traffic; appropriate measures should be introduced to bring Grange Road up to a standard to support recent and the proposed increase in traffic levels if the development is approved; and a new access to serve Crossways, 50 yards to the west of the existing exit, is requested as the existing access requires drivers to look in three directions at once which has become difficult and would become more difficult if this development went ahead.
33. In relation to application S/2236/05/F, the occupiers of Crossways Lodge, Grange Road asked that thought be given as to whether Grange Road, and the Grange Road/Elmdon Road junction in particular, can adequately provide for traffic associated with the proposed development.
34. In relation to application S/2236/05/F, the occupier of Ickleton Grange made the following comments: the site is very close to the Imperial War Museum nitrate film store; the development would result in a large undesirable increase in traffic volume along Grange Road and potential damage to verges; the site would require water in large quantities putting additional strain on an already scant local resource; the barn is unnecessarily high; light pollution is inevitable; the use of a more level site could avoid the proposed great deal of earthworks; and the site could have an undesirable and potentially detrimental effect on the local wildlife population.
35. In relation to application S/2236/05/F, the occupier of Larkhill House, Grange Road objected on the following grounds: the development is totally inappropriate in a rural location, particularly such an open site unrelated to other buildings or topographical features; local soil conditions are inhospitable for the level and type of planting required; the development is primarily industrial and, whilst the field plot trials require a rural location, the polytunnels, greenhouses and commercial processing and analysis do not; no analysis of the other 27 sites considered has been provided; the location is entirely unsustainable in transport terms; the Green Travel Plan is something of a flight of fancy; a single days traffic census cannot be a sound basis to make a judgment on the impact of additional traffic; the traffic survey understates traffic flows; overrunning of verges; inadequate visibility between parking bays; the development would add to the already congested traffic at the junction with Duxford Road in the village during rush hour; there are blind turnings at both ends of Grange Road; and proximity to Imperial War Museum nitrate film store.
36. The Director of the Imperial War Museum was consulted on application S/2236/05/F but did not comment on the proposal.

Planning Comments – Key Issues

37. The main issues in relation to this application are:
 - a. Flood Risk:
 - b. Whether this countryside site is an appropriate location for the proposed development:
 - c. Impact of the development, including light pollution, on the visual amenities of the landscape;
 - d. Highway matters; and
 - e. Proximity to Imperial War Museum Nitrate Film Archive.

Flood Risk

38. Application S/2236/05/F was only refused on the grounds that insufficient information had been submitted to allow the Local Planning Authority to fully assess the impact of the proposed development upon the floodplain regime. In response to the revised Flood Risk Assessment submitted as part of this application, the Environment Agency has confirmed that the scheme is acceptable in terms of flood risk.

Whether this countryside site is an appropriate location for the proposed development

39. Whilst some of the activities that would be undertaken at the site are laboratory based or service facilities, I remain satisfied that the use is essentially a field based enterprise which requires a location close to the land on which the trials take place. The proposed site is centrally located within the land on which the trials are to take place and I am therefore satisfied that the proposal has been demonstrated to be essential in this particular rural location in terms of Structure Plan Policy P1/2. The seed supply part of the activity, which I consider does not necessarily need a countryside location, has already relocated from Trumpington to Stretham.

Impact of the development on the visual amenities of the landscape, including light pollution

40. Due to its scale, the development will have an impact in the landscape. However, by being set in a valley and provided significant new planting as proposed is carried out, I still consider that the visual impact of the development would be acceptable.
41. Subject to safeguarding conditions, I consider that light pollution from the site can be kept to an acceptable level.

Highway matters

42. The Local Highway Authority has raised no objections to the proposal stating that the proposed off-site passing bays and site access specification to mitigate the affect of the increase in vehicular traffic on the narrow carriageway of Grange Road is acceptable.

Proximity to Imperial War Museum Nitrate Film Archive.

43. The Fire Service was consulted on application S/2236/05/F in terms of the proximity of the site to the nitrate film archive and raised no objections. At the time permission was granted for the film archive in 2000 (S/1104/00/F), the Fire Service stated that "it is apparent that the risk of an incident occurring at the site is extremely remote. If a fire was to occur then it would be restricted to one cell and would self extinguish in all probability before the arrival of the Fire and Rescue Service". I therefore still consider that there is no reason to refuse the application in terms of the proximity of the development to the adjacent film archive storage facility.

Nature Conservation

44. The Ecology Officer strongly supports the application stating that an adequate level of biodiversity assessment has been undertaken and the application demonstrates a net gain for biodiversity.

Recommendation

45. Approval (as amended by MTC's 24.03.06 letter and enclosures, including drawing no. 649-02 Rev.B, date stamped 27.04.06).
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission (Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
 2. No development shall commence until details of the colour of the building and 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 the satisfactory appearance of the development.)
 3. The buildings hereby permitted shall not be occupied until a Green Travel to Work Plan has been submitted to and approved in writing by the Local Planning Authority; implementation of the Plan shall be carried out in accordance with the approved details of the Plan (Reason - To encourage car sharing and the use of alternative means of travel to the site other than by car.)
 4. No development shall commence until details of the black-out screens for 'Greenhouses A-H, J and K' as shown on drawing no. 0511/12 rev A have been submitted to and approved in writing by the Local Planning Authority; the approved screens shall be in place whenever the greenhouses are artificially lit during the hours of darkness (Reason - To ensure that the development does not result in light pollution and thereby ensure that the development would not detract from the visual amenity of the countryside.)
 5. There shall be no artificial lighting of the polytunnels or 'Greenhouse L' as shown on drawing no. 0511/12 rev A (Reason - It is not proposed to artificially light these buildings; to ensure that the development does not result in light pollution and thereby ensure that the development would not detract from the visual amenity of the countryside.)
 6. There shall be no external lighting, including lighting mounted on buildings, on the site other than in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority (Reason - To ensure that the development does not result in light pollution and thereby ensure that the development would not detract from the visual amenity of the countryside.)
 7. The buildings hereby permitted shall not be occupied until the Passing Bays and Site Access shown upon drawing no. R1526/2d have been constructed (Reason - In the interest of highway safety.)
 8. Visibility splays shall be provided on both sides of the access onto Grange Road and shall be maintained free from any obstruction over a height of 600mm within an area of 4.5m x 215m measured from and along respectively the edge of the carriageway (Reason - In the interest of highway safety.)
 9. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of the roadside hedgerow on the north side of Grange Road (Reason - To enhance the quality of the development and to assimilate it within the area.)
 10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation (Reason - To enhance the quality of the development and to assimilate it within the area.)

11. The development hereby permitted shall not commence until a binding undertaking prepared in accordance with the requirements of Section 106 of the Town & Country Planning Act 1990 shall have been entered into which requires the submission, agreement and implementation of a scheme for the management and monitoring of the chalk and meadow grasslands for a period of 10 years from the date of the implementation of the scheme (Reason - To ensure the development makes a net gain for biodiversity as required by Planning Policy Statement 9.)
12. Unless otherwise approved in writing by the Local Planning Authority, the number of employees working at the application site at any one time shall not exceed 45 (Reason - Given its countryside location away from settlements and accessed via a narrow road, based on the information submitted, the site was only considered appropriate to provide accommodation for approximately the number of employees described in the application.)
13. The surface water drainage scheme for the site shall be constructed in accordance with Flood Risk Assessment reference 649/05 Rev A and details held within letter dated 24th March 2006 (Drg No 649-02 Rev B), unless otherwise agreed in writing with the Local Planning Authority (Reason – To ensure that surface water run-off from the development is adequately controlled to prevent the increased risk of flooding to existing property)
14. The pond and associated flow control shall be maintained in accordance with the parameters set out in the Flood Risk Assessment Reference 649/05 Rev A for the lifetime of the development (Reason – To ensure that surface water runoff from the development is adequately controlled and maintained to prevent the increased flooding elsewhere due to the development)
15. 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 (Reason – To prevent the increased risk of pollution to the water environment)

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - Cambridgeshire and Peterborough Structure Plan 2003: P1/2 (Environmental Restrictions on Development) and P6/3 (Flood Defence)
 - South Cambridgeshire Local Plan 2004: CS5 (Flood Protection), EN1 (Landscape Character Areas), EN3 (Landscaping and Design Standards for New Development in the Countryside), EN5 (Landscaping of New Development) and EN12 (Nature Conservation)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: Visual impact of development; Additional congestion and highway safety; Proximity to Imperial War Museum nitrate film storage facility; Appropriateness of a countryside location for this industrial development; Impact on protected verges; Farm diversification; Travel to work issues; Renewable energy; Management of proposed landscaping; Archaeology; and Flood risk.

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/0562/06/F, S/2236/05/F, S/0401/05/PNA and S/1104/00/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

**S/0472/06/F - Fulbourn
Extensions to Existing offices and Workshop at 20 Home End
for Cedar Audio Ltd.**

**Recommendation: Refusal
Date for Determination: 2nd May 2006**

Conservation Area

Members will visit the site on Monday 8th May 2006.

Site and Proposal

1. The site measuring 0.1 hectares comprises a double fronted building that was formerly a public house. It has been used as offices since the early 1990s when it was converted and extended. It has a small car park to the front (south) and western side of the building, double garage to the side and a patio area to the rear.
2. It is located on a prominent corner plot at the junction of Doggett Lane and Home End. There are three mature trees to the frontage with Doggett Lane and a grassed area to the junction with Home End.
3. To the rear of the building (north) is a detached house (18 Home End). This is sited at a right angle to the office building. To the west, at a slightly higher ground level than the application site, is a bungalow at 2 Doggett Lane. This is built close to the boundary with the site and has its side elevation facing over the car park.
4. This full planning application, received on 7th March 2006, proposes to further extend this office building through the addition of ground floor extension to the front of the existing garage which will be converted into workshop/office, an extension to form a link between the garage element and the main building, a first floor rear extension above the existing western single storey rear projection and a two-storey rear extension between the two rear wings. It was accompanied by a supporting statement, which can be found at Appendix 1.

Planning History

5. **S/2075/05/F** 'Extensions to Existing Offices and Workshop' – planning permission was refused for almost identical proposals. The principal difference between this previous scheme and the current proposals is that the refused scheme showed a gable end to the two-storey rear extension instead of a hip.
6. **S/1778/91/F** granted planning permission for 'alteration, extension and conversions to provide offices together with double garage'. **S/1280/91/CAC** gave Conservation Area Consent for 'part demolition of former public house and outbuilding'. These applications followed planning application **S/1279/91/F**, which refused permission for

alteration, extension and conversion to provide offices together with double garage and boundary wall'. Earlier planning applications **S/2160/90/F** for 'extension and use as offices' and **S/2150/90/F** for 'five flats' were withdrawn.

Planning Policy

7. **Policy EM6** 'New Employment at Rural Growth and Limited Growth Settlements' of the South Cambridgeshire Local Plan 2004 (Local Plan) makes provision for small-scale development in classes B1 – B8 within village frameworks. Such developments are permitted only where:
 - a. there would be no adverse impact on residential amenity, traffic conditions, village character and other environmental factors, and
 - b. the development would contribute to a greater range of local employment opportunities, especially for the semi-skilled and un-skilled, or where initial development is dependent on the use of locally-based skills and expertise.
8. **Policy EM7** 'Expansion of Existing Firms at Villages' of the Local Plan permits expansion of firms within frameworks subject to the provisions of EM3 (Limitations of the occupancy of new premises in South Cambridgeshire) and EM6 (see paragraph 7 above). The firm or business must have operated in the Cambridge Area for two years prior to the date of the planning application.
9. **Policies TP1** 'Planning for More Sustainable Travel' of the Local Plan and **P8/1** 'Sustainable Development – Links Between Land Use and Transport' of the Cambridgeshire and Peterborough Structure Plan, 2003 (Structure Plan) require new developments to promote more sustainable transport choices and to provide appropriate access to the public highway. **Appendix 7/1** of the Local Plan sets out the car parking standards that the Authority will seek for new developments, while **Appendix 7/2** sets out the requirements for cycle parking provision.
10. **Policies EN30** and **EN31** 'Development in Conservation Areas' of the Local Plan and **P7/6** of the Structure Plan seek to limit development that will impact upon the historic environment. In particular, Local Plan policies require developments to preserve or enhance the special character and appearance of the Conservation Area in terms of scale, massing, roof materials, wall materials, hard and soft landscaping. Traditional local materials and details should be specified and details should fit comfortably into their context.

Consultations

11. **Fulbourn Parish Council** has recommended approval, commenting that it has 'no objection to the application, but as with S/2075/05/F. although car parking spaces have been repositioned, are concerned about the exit which is on a dangerous bend'.
12. The **Conservation and Design Manager** comments:

This application is broadly similar to a previous application on this site (Ref. S/2075/05/F), which I commented on last year. However, the proposal has been modified to address my concern over the two-storey rear extension, and I therefore have no objection to the design of the extensions, but remain concerned that the proposal is too large for the car parking provision. In passing I would also note that the existing garage doors are side hung timber boarded doors and not up and over style doors indicated on the drawings.

Recommendation

The site is relatively confined and the size of the extension would suggest that the applicant may have outgrown the site and should be seeking to relocate to larger premises. While I now have no objection to the design and its impact on the Conservation Area, I remain concerned that there is insufficient parking. The new floor area provided may need to be reduced down still further to bring it into balance with the parking that can be provided on this restricted site.

13. The **Local Highways Authority** comments that while eleven car parking spaces are to be provided, the layout of the spaces is far from ideal as two staff spaces and two visitor spaces are in tandem, which has the potential to result in unnecessary manoeuvring within the site when a vehicle in the space nearest the building wishes to exit the site first. The parking arrangement shown only works if the number of spaces meets the standard number of spaces required for the proposed use. If there is insufficient spaces provided parking will undoubtedly occur within the manoeuvring area and the workability of the layout will fail. If the Council is happy to accept the number of spaces shown it is **strongly** recommended that the spaces, as shown, be suitably permanently marked out on the ground. The access as shown, clearly does not make sense. The access must be a minimum of 5.0 metres wide with pedestrian visibility splays of 2.0 metres by 2.0 metres on each side. This does appear to be over-development of a restricted site.
14. The **Chief Environmental Health Officer** has recommended planning conditions relating to hours for use of power operated machinery, details of the location and type of any power driven plant or equipment, hours of construction using power operated machinery and details of pile driven foundations. These conditions are recommended to overcome concerns regarding the potential impact of noise upon neighbouring residential properties.

Representations

15. Councillors Neil Scarr and Sandra Doggett requested that the Committee consider this application, as the question of employment sites within Fulbourn is very important with the constant loss of jobs from what was once a major employer at Fulbourn Hospital. They believe a site visit is essential.
16. No other representations have been received.

Planning Comments – Key Issues

17. The key issues in relation to this planning application are whether this revised scheme addresses sufficiently previous reasons for refusal. These issues are car parking, visibility and access, impact upon village character, form and mass of the extensions, impact upon neighbouring residential amenity due to an overbearing bulk and massing.

Highways

18. One car parking space per 25m² gross floorspace is required. The application proposes a total floor area of 471m². This equates to a requirement for 19 car parking spaces. The additional floorspace created is 114m². The application proposes four 'additional' spaces, although these are either tandem spaces or in effect existing areas within the car park. The total of 14 car parking spaces including one disabled car parking space will in practice be significantly short of the 19 that are required for the

site. The site already struggles to accommodate car parking adequately and I remain very concerned about the practicality of providing additional car parking within a smaller area than is currently available. The layout includes tandem parking which in practice is unlikely to work sensibly. The Local Highways Authority, in its comments on the application, supports this view. The Conservation and Design Manager has also raised concerns in relation to the parking provision and its impact upon the Conservation Area.

19. In addition to the above car parking shortage the application includes 12 secure parking spaces for motorbikes and cycles. The Council's standard requires one secure cycle parking space per 30m². This equates to 16 spaces. Despite having made efforts to provide cycle parking and shower changing facilities the application still falls short of standards.
20. The access width has been widened to 5 metres, however the layout fails to provide pedestrian visibility splays either side of this. The splays are shown on the submitted layout plan within the drive itself and therefore will be compromised, resulting in danger to pedestrians.

Conservation Area

21. There is concern about the impact of car parking that is required as a result of the additional floorspace proposed upon the appearance of the Conservation Area. It is clear that the site has been developed to its maximum capacity and that allowing further development will have knock-on impacts that would result in harm to the special character and appearance of the Conservation Area.

Neighbouring Amenity

22. This application introduces additional bulk and mass within close proximity of (2 metre separation) the boundary with 18 Home End. Previous applications for this site have considered similar relationships to be unacceptable. I remain very concerned about the effect of the two storey and first floor extensions, which will have an overbearing visual impact when viewed from the neighbouring property.
23. The impact upon 2 Doggett Lane will also increase through the extension forward of the garage to provide workshop/office space. An 11 metre deep building sited approximately 2 metres off the boundary could also be considered to be damaging to the occupiers' amenities, however the impact is reduced due to the difference in ground level between the two sites.

Employment

24. While policies do offer support for expansion of existing firms within villages this should not be to the detriment of highway safety, the environment or neighbours' amenities. The application has failed to demonstrate that the proposed expansion can be achieved within the site without causing such detriment. It is therefore contrary to policies EM6 and EM7 of the Local Plan.

Recommendation

25. **Refusal**

Reasons for Refusal

1. The proposed development would result in an increase in floor space of approximately 114 square metres, requiring 5 new car parking spaces under current parking standards set out in Appendix 7/1 of South Cambridgeshire Local Plan, 2004. This is not achievable to a satisfactory or workable standard and approval on this basis would lead to unusable and impractical parking spaces and potential on street parking that would be detrimental to highway users. The proposal is therefore contrary to Policy EM6 of South Cambridgeshire Local Plan, 2004, which states that within village frameworks planning permission will be granted for small-scale development in classes B1 provided that there would be no adverse impact to, amongst others, traffic conditions.
2. The development would result in a significant increase in built form allowing an increase to the level of operations at the site beyond a capacity that the size of this site can reasonably support. On this basis, and as demonstrated in reason for refusal 1 (above), it is considered that the proposal would be an over-development of the site, contrary to Policy EM6 of South Cambridgeshire Local Plan, 2004, which states that within village frameworks, planning permission will be granted for small-scale development in classes B1 provided that there would be no adverse impact to, amongst others, village character. In addition, the proposals will, as a result of car parking requirements, increase the impact of the site upon the Conservation Area with subsequent harm to the special character and appearance of the Conservation Area, contrary to policies EN30 of the South Cambridgeshire Local Plan, 2004 and P7/6 of the Cambridgeshire and Peterborough Structure Plan, 2003.
3. The rear extension of the scheme, by way of the proposed design, bulk and massing, would be unduly overbearing when viewed from the adjacent dwelling, No.18 Home End. The proposal is therefore contrary to Policy EM6 of South Cambridgeshire Local Plan, which states that within village frameworks, planning permission will be granted for small-scale development in classes B1 provided that there would be no adverse impact to, amongst others, residential amenity.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/1778/91/F, S/2075/05/F, S/0472/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee10th May 2006**AUTHOR/S:** Director of Development Services

S/0371/06/F - Hatley**Erection of Dwelling and Provision of Access for Existing Dwelling, Touchwood, 38 East Hatley for Mr and Mrs D Ward****Recommendation: Delegated Approval****Date for Determination: 21st April 2006**

Members will visit this site on Monday 8th May 2006.

Site and Proposal

1. Touchwood, 38 East Hatley is a detached dwelling on the north west side of the road. It has a detached garage to the south west beyond which is open land, set behind which is the Church of St Denis, a recently renovated Grade II Listed building. There is planting along the front boundary, except at the existing point of access. Opposite the site are detached dwellings. To the north west the site is bounded by a ditch beyond which is agricultural land. The applicants own the meadow to the south west.
2. Public Footpath No 13 Hatley crosses the site from north east to south west close to the rear wall of the existing dwelling. The density equates to 16 dwellings per hectare gross.
3. This outline application, as amended by drawings received on 25th April 2006, proposes subdivision of the plot and the erection of a new dwelling. The proposed plot has a width of 15m, although the site edged red is larger as it includes the existing dwelling.
4. All matters are reserved. It is proposed to use the existing access to serve the new dwelling and to create a new access at the north east end of the plot to serve the existing property.

Planning History

5. An outline application for the erection of a dwelling and garage on a slightly larger site in 1995 was withdrawn (**Ref: S/0299/05/F**).
6. In 1988 an appeal was dismissed for the erection of a house and garage on land extensively to the south west of the current site but which overlapped by 5m at the north east end (**Ref: S/0286/87/O**).

Planning Policy

7. **Policy SE5** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") identifies East Hatley as an Infill Only Village. Within the residential frameworks of such villages residential development will be restricted to not more than two dwellings comprising, amongst others; a gap in an otherwise built-up frontage to an existing

road, provided that it is not sufficiently large to accommodate more than two dwellings on similar curtilages to those adjoining; or the redevelopment or sub-division of an existing residential curtilage. This is provided that the site in its present form does not form an essential part of village character, and development is sympathetic to the historic interests, character and amenities of the locality.

8. **Policy SE8** of The Local Plan states that there will be a general presumption in favour of residential development within village frameworks, where this is also in accordance with other policies of the Plan. Residential development outside these frameworks will not be permitted.
9. **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.
10. **Policy EN28** of The Local Plan seeks to protect the setting of Listed Buildings.
11. **Policy P7/6** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") seeks to protect and enhance the quality and distinctiveness of the historic built environment.
12. **Policy P8/9** of The County Structure Plan states that the use of the public rights of way network will be encouraged by protecting the existing definitive map routes from development.

Consultation

13. **Hatley Parish Council** considers it is unable to comment on the application as Mrs Ward is its Chairman.
14. The **Chief Environmental Health Officer** requests that a condition be attached to any consent restricting the hours of operation of power driven machinery during the period of construction, and informatives regarding the use of driven pile foundations and bonfires/burning of waste.
15. The **Countryside Services Team, Cambridgeshire County Council** objects to the application unless the diversion of part, or all, of Public Footpath No 13 Hatley, which crosses the site, is included as a condition of any consent. Discussions have been held between the applicant and the Countryside Services Team on this point.
16. The comments of the **Conservation Manager** will be reported at the meeting.

Representations

17. Letters have been received from the residents of 37, 39, 47, 49 and 51 East Hatley, in respect of the application as originally submitted, objecting/commenting on the following grounds:
 - a. There is a discrepancy in the village framework and the area of land is shown larger than it actually should be. There is therefore a smaller area available for any new dwelling. The proposed house as shown is therefore on the village framework, not 2 or 3 metres from it as described in the application. The village framework does not follow the boundary between No 38 and the meadow but shaves a triangular area off the meadow which is not permissible for building on without a change of use.

- b. The proposed density of development would be too great and out of character with the village. Both the proposed and existing dwellings would appear cramped as a result.
 - c. The proposal would result in the loss of a soft edge to the village, contrary to the aims of Policy SE9 of the Local Plan.
 - d. The proposal would have an adverse effect on the meadow, which is an integral part of the village and offers unique views across to St Denis' Church, which has been recently renovated, and the Nature Reserve. Any building within the meadow would have a massive visual impact. An appeal against a refusal of planning permission to build in the meadow was dismissed in 1988.
 - e. The meadow was originally purchased by the applicants to ensure that no future development took place but it seems that this is not now the case.
 - f. There will be future pressure on the meadow for its use as garden land.
 - g. Can the sewerage system cope with additional development?
 - h. No garage is shown for the proposed dwelling which will result in parking problems on the road through East Hatley which is already overcrowded.
 - i. The new access to No 38 will require the removal of substantial trees which will detract from the character of the area.
 - j. Development will have an impact on the existing footpath which should not be lost.
 - k. Development of this site will create a precedent
 - l. There will be an adverse impact on the views from nearby properties.
 - m. The village does not need another 4-bedroom house.
18. Any comments on the amended drawings will be reported at the meeting.

Applicant's Representations

19. Information submitted in support of the application by the applicant is attached at Appendix 1.

Planning Comments – Key Issues

20. The key issues to consider with this application is whether the proposal complies with the criteria set out in Policy SE5 (Infill Villages) and SE9 (Village Edges) of the Local Plan; whether development would have an adverse effect on the setting of the Church of St Denis; the impact on the public footpath and highway implications.
21. New residential development should be within the village framework. It is clear that the south west edge of the village framework on this side of East Hatley does not follow an identifiable boundary on the ground. Given the scale at which the Local Plan maps are drawn it is difficult in such circumstances to precisely define on the ground the line of the framework. As amended the south west boundary of the

application site is shown as being 16 metres from the wall of the existing house and I am content that this is an accurate reflection of the village framework boundary.

22. I am of the view that in principle a modest sized dwelling could be erected on this site without appearing unduly cramped or out of character in the street scene. Any indicative drawings submitted with this application do not form part of any formal consideration of the application and would not prejudice the consideration of any future reserved matters application.
23. Adequate parking for any new dwelling could be provided within the site but should not exceed two spaces. The application proposes the creation of a new access to serve the existing dwelling which would result in the removal of existing planting at the front of the site. It would appear that it is mostly laurel hedge that is affected. Two parking spaces can be provided within the curtilage of the existing dwelling.
24. Turning to the issue of the impact of any dwelling on this site on the adjoining countryside the applicant owns the land to the south east of the application site. It is therefore possible to require a planting scheme on land outside the application site which could soften the impact of any new development and in my view could improve the current edge to the village, which is currently characterised by the side wall of the applicant's garage.
25. The comments of the Conservation Manager on the potential impact of any development on the setting of the Church of St Denis will be reported to the meeting. It is my view that a dwelling of an appropriate scale and design would not adversely affect the setting of this building.
26. At the present time Public Footpath No 13 Hatley passes through the applicants garden and that of properties to the north east. The applicant has been in discussion with officers from Cambridgeshire County Council about possible alternatives for the footpath. This issue would need to be addressed under separate legislation but if the footpath cannot be diverted development of the site could take place. This issue can be dealt with by condition of any consent and should not prejudice Members view on whether development of this site is acceptable in principle.
27. I do not consider that the erection of a dwelling on this site would have a materially adverse effect of the amenity of adjacent properties. The loss of a private view is not of itself a material planning issue.

Recommendations

28. That, subject to any comment of the Conservation Manager, outline consent is granted with all matters reserved. Conditions to include precluding development of the site unless a diversion of Public Footpath No 13 Hatley has been secured.

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, P7/6 & P8/9**

- **South Cambridgeshire Local Plan 2004: SE5; SE8; SE9 & EN28**

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

- Residential amenity including noise disturbance and overlooking issues
- Highway safety
- Visual impact on the locality
- Character of the area
- Impact on Public Footpath No 13 Hatley
- Impact upon setting of adjacent Listed Building

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Refs: S/0371/06/O, /0299/05/O and S/0286/87/O.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee10th May 2006**AUTHOR/S:** Director of Development Services

**S/0554/06/F - Harston
Garage at Oak Tree Cottage, 91 High Street for Brigadier Hurrell****Recommendation: Refusal
Date for Determination: 16th May 2006****Site and Proposal**

1. No. 91 High Street, Harston is situated to the west of the A10 road, within the Harston village framework. It is a detached, two-storey, 17th century timber framed, white painted brick and plain tile, Grade II listed cottage that is set back from the road behind a large open grassed front garden. There is currently a parking area to the rear with access via a shared driveway that runs between Nos. 91 and 93 High Street. A low wall forms the north eastern boundary of the site adjacent the shared driveway. A decorative wall forms the south eastern and south western boundaries. A number of trees, subject to a Tree Preservation Order are situated adjacent the decorative wall.
2. No. 93 High Street is situated to the north of the site. It is a detached, 1 ½ storey, render and thatch, Grade II listed cottage that has a large front garden. Park House is a detached, three-storey, gault brick and plain tile Grade II listed house that lies to the south west of the site. The Coach House and Stable Block formerly associated with Park House is detached, 1 ½ storey, gault brick and plain tile, Grade II listed building that has been recently converted to a dwelling. Home Farm is a recently converted group of agricultural buildings and new dwellings in a courtyard layout that are situated to the south and west of the site.
3. The application, received on the 21st March 2006, proposes the erection of a detached, double garage at the southern corner of the front garden of the cottage. The garage has a pitched roof design and the proposed materials are black stained weatherboarding above a brick plinth for the walls and concrete plain tiles for the roof. It measures 6.25 metres in length and 6.5 metres in width and has a height of 2.3 metres to the eaves and 4.6 metres to the ridge. A new driveway is proposed within the front garden leading from the shared access between Nos. 91 and 93 High Street.

Planning History

4. None relevant.

Planning Policy

5. Policy **P7/6** of the **Cambridgeshire and Peterborough Structure Plan 2003** aims to protect and enhance the quality and distinctiveness of the historic built environment.
6. Policy **EN28** of the **South Cambridgeshire Local Plan 2004** seeks to resist developments that would damage the setting, well-being or attractiveness of a listed building or harm the visual relationship between the building and its formal or natural landscape surroundings.

7. Policy **EN5** of the **South Cambridgeshire Local Plan 2004** requires trees, hedges and other natural features to be retained in proposals for new development.
8. Policy **HG12** of the **South Cambridgeshire Local Plan 2004** states that extensions and alterations to dwellings will not be permitted where the design and materials would not be in keeping with local characteristics, where they would seriously harm the amenities of neighbours, where there would be an unacceptable loss of off-street parking or garden within the curtilage, or where they would have an unacceptable visual impact upon the street scene.

Consultation

9. **Harston Parish Council** recommends approval.
10. The **Conservation Manager** recommends refusal on the grounds that the garage and access would damage the setting and attractiveness of the listed building and harm the visual relationship between the building and street scene.
11. The **Trees and Landscape Officer** objects and states that the trees along the frontage of the site that are subject to a Tree Preservation Order would be compromised.

Representations

12. None.

Planning Comments – Key Issues

13. The main issues to be considered during the determination of this application relate to the impact of the proposed garage upon the: -
 - i) Setting of the listed building and Street Scene;
 - ii) Trees; and,
 - iii) Neighbour Amenity.
14. This part of the western side of Harston High Street is characterised by traditional style listed dwellings that are set back from the road behind open front gardens that formerly were part of an ancient common green, and mature trees.

Setting of the Listed Building and Street Scene

15. The proposed garage and associated access would result in the introduction of a building and the creation of a formal driveway within the open grassed front garden to No. 91 High Street. This would lead to a visually prominent form of development that would damage the setting and attractiveness of the listed building and the visual relationship between the building and the street scene by significantly changing the current rural and informal character and appearance of the area and blocking views of the existing cottage from the High Street.
16. The erection of garage in this location is not considered necessary, as the existing space for the parking of vehicles is to the rear of the dwelling. In addition, the development may set a precedent for future outbuildings within the front gardens of these dwellings, which would harm the character of the area.

Trees

17. The proposed garage would compromise the group of three yew trees and an oak tree that are situated along the frontage of the site adjacent to the High Street. These important trees are subject to a Tree Preservation Order and their loss would adversely affect the visual amenity of the area and the character and appearance of the street scene.

Neighbour Amenity

18. The proposed garage is not considered to adversely affect the amenities of neighbours.

Recommendation

Refusal

- 19 This part of the western side of Harston High Street is characterised by traditional style listed dwellings that are set back from the road behind open front gardens that formerly were part of an ancient common green, and mature trees.
1. The proposed garage and associated access would significantly change the character of the area and damage the attractiveness and setting of the listed building and the visual relationship of the building with the street scene. The proposal is therefore contrary to P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies EN28 and HG12 of the South Cambridgeshire Local Plan 2004, that aim to protect the quality and distinctiveness of the historic built environment through resisting developments that would damage the setting and attractiveness of listed buildings, and harm the character and visual appearance of the street scene.
 2. The proposed garage would compromise some important trees on the site frontage that are subject to a Tree Preservation Order. The loss of these trees would adversely affect the visual amenity of the area. The proposal is therefore contrary to Policy EN5 of the South Cambridgeshire Local Plan 2004 that requires trees, hedges and other natural features to be retained in proposals for new development.

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

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning File Reference S/0554/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee10th May 2006**AUTHOR/S:** Director of Development Services

**S/0485/06/F – Haslingfield
Bungalow, Land to the rear of 37 School Lane (Accessed via Lilac End) for Mr and Mrs
N Russell**

**Recommendation: Approval
Date for Determination: 5th June 2006**

Site and Proposal

1. Number 37 School Lane is a large detached two-storey property within the Haslingfield village framework. To the rear of the dwelling a long linear rear garden extends to the north where it abuts the curtilages of properties in the cul-de-sac of Lilac End. The land in question is domestic in appearance and nature and is bounded by close-boarded fencing and mature hedgerows. In the northeast corner of the site there is a 2.5 metre wide boundary strip that abuts the public highway of Lilac End, which is presently defined by close-boarded fencing and a gate.
2. The full application received on the 9th March 2006 proposes to site a bungalow to the rear of number 37 School Lane with vehicular access via Lilac End and a turning area within the site. The two bedroom bungalow has an 'L' shaped footprint with a height to eaves of 2.25 metres and an overall height of 4.25 metres. The application was amended on the 18th April 2006 to increase the width of the proposed curtilage by an additional 2 metres. The proposed dwelling now has a plot of approximately 330m², which equates to a density of 30 dwellings per hectare.

Planning History

3. Earlier this year an application for a chalet style bungalow was refused for being out of keeping with the pattern of development that characterises Lilac End by virtue of the physical presence of such a large dwelling within such a modest plot of land (**S/2275/05/F**). There was also an issue of the overlooking of number 6 Lilac End that would have resulted from the orientation of the first floor fenestration.

Planning Policy

4. **Structure Plan Policy P1/3** requires a high standard of design and sustainability for all new development.
5. **Policy SE4 'Group Villages'** sets out requirements for the development of dwellings within the frameworks of group villages having regard to impact upon neighbour amenity and the street scene.
6. **Policy HG11 'Backland Development'** sets out requirements for development to the rear of existing properties having regard to issues of overbearing, overlooking or overshadowing of existing properties; noise, disturbance and highway safety through the use of its access; and whether the development would be out of character with the pattern of development in the vicinity.

Consultation

7. **Haslingfield Parish Council** strongly objects to the application, as it believes that the development contravenes policy SE4 in that it doesn't sit comfortably within the pattern of development in Lilac End. Moreover the increase in traffic generated would constitute a danger to the users of the cul-de-sac and footpath particularly at weekends and in the evenings with children.
8. **Ecology Officer** has no objection to the principle of the development, though would like to see the existing hedges on the site retained due to their local biodiversity value in line with policy EN12, and if fences are to be erected, then consideration should be given to leaving gaps of 200mm at the base to allow the continued movement of animals across the site.
9. **Chief Environmental Health Officer** has no objection to the application but has requested that a condition and informatives be attached to any consent granted.

Representations

10. Five letters of objection received from owner/occupiers of properties in Lilac End (numbers 1,2,4,5 and 6), three of which are identical in format and raise identical issues but are signed by separate parties. The objections relate to –
 - a. The fact that the dwelling does not sit comfortably within the pattern of development that characterises Lilac End, which maintains its rural feel. It is stated that the layout of the Close was carefully constrained by the planning authorities in 1965 to create a peaceful environment in which to live
 - b. Adverse impact upon the amenity of existing properties
 - c. Intensification of vehicular traffic in the cul-de-sac that would be detrimental to the general safety in the road, particularly children
 - d. The development would be contrary to Policy HG11
 - e. The development would set a precedent for the further development of the western side of the Close; and
 - f. The land in question acts as a natural route for badgers, foxes and deer to enter the Close from the nearby countryside.

Planning Comments – Key Issues

11. Although a previous application for a dwelling on the site in question was refused, I am of the opinion that this latest proposal successfully addresses the reasons for refusal that applied to the 2005 application. These reasons for refusal were impact upon neighbour amenity and the impact of the development upon the pattern of development in the vicinity. Moreover from the very beginning issues surrounding the use of the proposed access have raised concerns locally.

Impact Upon Neighbour Amenity

12. With the latest proposal the development is a relatively modest single storey dwelling. Therefore issues such as overbearing, overlooking and overshadowing are not considered to be unacceptable given the existing screening that surrounds the site

and the modest height and central location of the proposed bungalow within the site. The access to the site and the turning area would result in the movement of vehicles close to the boundaries with numbers 6 and 9 Lilac End, in the case of the latter the rear openings of the dwelling are approximately 20 metres from the boundary. With number 6 Lilac End the turning area stops short of the side elevation of the property, and there is an existing driveway between the dwelling and the boundary of the application site. Therefore I do not consider the impact upon neighbour amenity through increased vehicular movements as being unacceptable.

Out of keeping with the pattern of development in the vicinity

13. Along School Lane the pattern of development is clearly a linear one and it is unlikely that officers would consider further dwellings to the rear of properties in School Lane, especially if they were to be accessed off School Lane. However the site to the rear of number 37 is different in that it is possible for it to be accessed via Lilac End. Therefore the proposed dwelling should be viewed with regards to its relation to the properties in Lilac End. Although the previous application was refused for being out of keeping with the pattern of development this reason for refusal related more to the size and scale of the proposed dwelling. It is noted that the properties of Lilac End are all chalet style bungalows, but a similar such property is not considered appropriate for the site in question due to the impact upon neighbour amenity.
14. In terms of the continuation of the cul-de-sac an additional dwelling adjacent to number 6 Lilac End is not considered to be unacceptable, in principle. Though to limit the impact of the dwelling on neighbour amenity and the visual character of the area it should be as low as possible, in part so that it is visually screened from views from the cul-de-sac. I am of the opinion that the proposed bungalow successfully achieves this and aside from views through the access the dwelling will have no greater visual impact upon the street scene of Lilac End than a large outbuilding would have in the rear garden of number 37.

Highway Access and Highway Safety

15. As Lilac End is not a classified road the creation of a vehicular access onto it is not a matter that would require the specific consent of the Local Planning Authority. For this reason the objections surrounding the highway access were not used as a reason for refusal of the previous application. At a width of 2.5 metres the proposed access is considered to be suitable for a vehicle to use, and the inclusion of a turning area within the site will make it easier for vehicles to manoeuvre within the site so as to access and exit it in a forward gear.
16. On past visits to the area it is clear that at certain parts of the day there are vehicles parked on the public highway of Lilac End, and at times in front of the proposed access to the rear of number 37. However it should be noted that all of the properties in Lilac End have sufficient on site provision for the parking of at least two vehicles clear of the public highway. To refuse this application on the basis that other nearby residents were not using their driveways to park their vehicles would be unreasonable.
17. In terms of the highway access the turning head within the site would allow vehicles to safely leave the site in a forward gear, and a condition would be attached to any approval to secure the retention of the turning area. As the proposed vehicular access is in the corner of the site, and Lilac End is not a through route for vehicular traffic, even given the limited visibility splays I would consider it unlikely for a vehicle to be travelling at such a speed so as not to notice a vehicle exiting the site.

18. The local concern about the safety of school children in the area would not appear to be relevant to the proposal as there is no public footpath in front of the proposed access and the footpath leading to number 6 Lilac End terminates there. Moreover any additional vehicles entering and leaving the cul-de-sac would be expected to adhere to highway safety legislation. Therefore it should not be assumed that the vehicles accessing the proposed dwelling will be any more likely to breach such highway safety legislation than any other vehicle on the road.

Biodiversity

19. The land to the rear of number 37 is presently a well-maintained private garden, with a physical barrier (the existing fence and gate) preventing the movement of any large animals between the open countryside and Lilac End. Even if this weren't the case it is unclear as to why a deer or any such animal would want to access Lilac End or whether such an urbanised part of the village would be safe for such an animal to be in. Further to the letter of objection that referred to the natural value of the site in its present form the application was sent to the Council's Ecology Officer who has no objection to the proposal.
20. Given the consideration of all of the objections surrounding the proposed dwelling I am not of the opinion that the impacts upon highway safety, neighbour amenity or the pattern of development in the vicinity are sufficiently unacceptable for the application to be refused.

Recommendation

21. Approval – (As amended by site layout and block plan revision A – franked 18th April 2006) – Subject to the following conditions -
1. Standard Condition A – Time limited permission (Reason A);
 2. Sc60 – Details of boundary treatment (Rc60);
 3. Sc5f – Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (Reason – To minimise disturbance to adjoining residents);
 4. Restriction of hours of use of power operated machinery;
 5. Sc21 – Removal of permitted development rights (Part 1 – all classes)
 6. The turning area at the front of the dwelling, hereby approved, shall be constructed before the occupation of the dwelling and shall thereafter be used and retained exclusively for the parking and manoeuvring of vehicles.

Informatives

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.

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)
 - **South Cambridgeshire Local Plan 2004: SE4** (Development in Group Villages),
 - **HG11** (Backland Development)

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity
 - Highway safety
 - Impact upon the pattern of development in the area
 - Impact upon natural routes used by wildlife

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/2275/05/F and S/0485/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee10th May 2006**AUTHOR/S:** Director of Development Services

S/0435/06/F - IMPINGTON**Storage and Refreshment Shed (Renewal of Period Consent S/0616/04/F) at Histon and Impington Recreation Ground for Histon Hornets Football Club****Recommendation: Refusal**
Date for Determination: 28 April 2006**Site and Proposal**

1. The application site forms part of the Impington and Histon Recreation ground. The ground is located within the Green Belt.
2. This full planning application, received on 3rd March 2006, seeks the renewal of a time-limited consent for the retention of a storage and refreshment shed.
3. The shed is located between the Bowling Green and existing tennis courts. It is approximately 5.5 metres in depth and 4 metres in width.

Planning History

4. The recreation ground was given reserved matters planning consent for the erection of a pavilion following the demolition of the existing and additional car parking in 2004 under reference **S/2066/04/RM**.
5. The storage and refreshment shed received time limited consent under planning application **S/0616/04**. The single condition attached to the decision notice reads as follows;

'The buildings hereby permitted shall be removed and the land restored to its former condition on or before the 1st June 2009 or within 6 months of the occupation of the proposed pavilion, whichever is sooner'.

This condition was attached in order to prevent the proliferation of buildings located within the Recreation Ground and avoid the retention of auxiliary buildings following the development of the proposed pavilion.

Planning Policy***South Cambridgeshire Local Plan 2004***

6. **Policy GB2** states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated. Amongst others these circumstances include; buildings providing essential facilities for outdoor sports and recreation, for cemeteries, or other uses of land which preserve the openness of the Green Belt and do not conflict with Green Belt Purposes.

7. **Policy RT1** states that the Council, when considering applications for the development of recreation facilities, will have regard to the need for such facilities and the benefits which might accrue. The council will resist proposals that, amongst others:
- a) ... by reason of its scale, form, design and materials of the proposal, together with any associated development such as club houses, pavilions and other buildings and structures would create an intrusive feature in the landscape or the surrounding area;
 - b) would not provide appropriate provision for screening and to minimise the visual intrusion into neighbouring development and the countryside.

Cambridgeshire and Peterborough Structure Plan, 2003

8. **Policy P9/2a** sets out the principle objectives for the Cambridge Green Belt.

Consultation

9. **Impington Parish Council** recommend approval, stating they suggest a 5 year renewal.

Representations

10. None received.

Planning Comments – Key Issues

11. The application seeks the retention of a storage and refreshment shed which is currently permitted under time limited consent (see paragraph 5 above in planning history section).
12. A new pavilion is due for completion on the 1st May 2006, this was given approval under ref. **S/1837/06/O** and **S/2066/04/RM**. The removal of the existing shed is required within 6 months of the completion of the pavilion.
13. The recreation ground is located with the Green Belt, within which very special circumstances need to be demonstrated in order for planning permission to be granted.
14. It is explained in the covering letter for the application the shed houses 5-a-side goals at the rear, but is primarily used by parents for preparing and serving hot drinks and other refreshments at half time in boys and girls mini-football and Colts League matches on Saturdays and Sundays. It is explained the club has 18 teams.
15. The development of the pavilion surely incorporates the facilities needed for the continued active use of the playing field for recreation purposes. While the storage shed is located in a convenient location adjacent to the football pitches, Green Belt policy resists the proliferation of buildings. No very special circumstances have been given that would justify an exception to established Green Belt policy.

Recommendations

16. Refuse

Reasons for Refusal

1. The recreation ground is located within the Green Belt. The retention of the storage and refreshment shed is not in accordance with Policy GB2 of the South Cambridgeshire Local Plan, 2004, or Policy P9/2a of the Cambridgeshire and Peterborough Structure Plan, 2003 as it is not essential for the use of the playing field for outdoor sport and recreation. No special circumstances have been demonstrated.

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
- Files S/0435/06/F, S/0616/06/F

Contact Officer: Area Team 2

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

S/0618/06/O - Longstanton
Erection of Two Bungalows, Land at Clive Hall Drive/Mills Lane for D J Harradine

Recommendation: Refusal
Date for determination: 24th May 2006

Departure Application**Conservation Area****Site and Proposal**

1. The 0.25 ha site lies to the north-east of the junction of Mills Lane and Clive Hall Drive and has a frontage to both roads. The site is pastureland, surrounded on its boundaries with hedgerows and young trees. There is a wooden shed close to Clive Hall Drive. Directly opposite, to the north-west, there are two dwellings fronting Mills Lane. Further along Mills Lane, to the north-east, there is a group of three dwellings and a caravan park. Oakington Barracks lies beyond these to the north-west. To the south and south-west there are detached dwellings in Clive Hall Drive, and to the south east, there is Badger's Holt mobile home park.
2. The outline application, dated 17th March 2006, proposes the erection of 2 bungalows on the site. All detailed matters are reserved for subsequent approval. The application is supported by Planning and Design and access statements. Indicative drawings show two bungalows linked by a single-storey range providing car ports. Good-quality external materials are intended (stained timber boarding, dark-stained timber windows and clay pantiles). These together form a three-sided courtyard in the style of a farmyard. Landscaping to provide an 'orchard'-effect adjacent to the dwellings is also proposed.
3. The proposal represents a density of 8 dwellings per hectare.

Planning History

4. The site has a long history of refusals for residential development dating back to 1975. Two applications in 1994 and 1997 were withdrawn prior to the issue of decision notices refusing planning permission and in 1999 a single bungalow was refused.
5. Planning permission for the erection of three dwellings on the site was refused by Members May 2005, following a site visit (**S/0475/05/O**). The applicant has lodged an appeal against this decision, which is to be considered at a hearing (at a date to be confirmed).
6. Planning application for development identical to the current proposal, but not supported by indicative drawings, was recommended for refusal at 7th December 2005 (**S/1907/05/O**). The recommended reasons for refusal were as follows:
 1. *The site is located in the countryside and residential development is contrary to the following Policies:*

- (a) *Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 which restricts development in the countryside to proposals which can demonstrate an essential need for a particular rural location. No essential need has been demonstrated in this case; and*
 - (b) *Policies SE8 and Longstanton 5 of the South Cambridgeshire Local Plan 2004 in that the development is not infilling within the physical framework of Longstanton as defined on the Inset Map No 67. The country lane character of Mills Lane would be eroded and development in this location would make it difficult to resist further similar proposals, which cumulatively would damage both the rural character of this part of Longstanton and undermine policies aimed at protecting the countryside from unnecessary development.*
2. *The site lies within the extended Longstanton Conservation Area. Notwithstanding the inadequate standard of the information of the development proposals submitted with the application, the Local Planning Authority considers that the erection of two dwellings on this land would neither preserve nor enhance the existing landscape setting of the village and the rural character and open appearance of this part of the Conservation Area. For these reasons, the proposal 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.*
3. *Notwithstanding the above reasons for refusal, the proposal does not contain sufficient information of surface water and foul water drainage to enable the impact of the development on the environment to be assessed. For this reason, the proposal does not conform to Policy CS5 of the South Cambridgeshire Local Plan 2004.*
7. The application was withdrawn before being considered by Committee.

Planning Policy

8. The site is outside the village framework defined in the 2004 Local Plan. The site is included within the extended Conservation Area for Longstanton which has been designated following a period of public consultation and was adopted by Full Council as Council policy on 22nd September this year.
9. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 states: development will be restricted in the countryside unless the proposal can be demonstrated to be essential in a particular rural location.
10. **Policy P7/6** (Historic Built Environment) LPA's will protect and enhance the quality and distinctiveness of the historic built environment.
11. **Policy SE4** (Group Villages) of the South Cambridgeshire Local Plan 2004 states that redevelopment up a maximum scheme of 8 dwellings will be permitted within the village framework provided that the retention of the site in its present form is not essential to the character of the village; the development would be sensitive to the character of the village and the amenities of neighbours, the village has the necessary infrastructure capacity and residential development would not conflict with another policy of the Plan, particularly policy EM8 (loss of employment sites in villages).
12. **Policy SE8** of the 2004 Local Plan states: there is a general presumption in favour of residential development within village frameworks. Residential development outside these frameworks will not be permitted.

13. **Policy SE9** (Village Edges) - development on the edge of villages should be sympathetically designed and landscaped to minimise the impact of development on the countryside.
14. **Policy HG8** (Exceptions Policy for Affordable Housing) Planning permission may be granted for schemes of 100% affordable housing on sites adjoining villages provided
 - a) the scheme is limited to those in 'housing need';
 - b) the number, size, design, mix and tenure are appropriate to identified local need;
 - c) the development does not damage the character of the village or the rural landscape.
15. **Policy CS5 (Flood Protection)** – planning permission will not be granted where the site is likely to increase flood risk unless it can be demonstrated that the effect can be overcome by appropriate alleviation and mitigation measures.
16. **Policy EN30** (Development in Conservation Areas) – proposals in conservation areas will be expected to preserve or enhance the special character and appearance of the area, especially in terms of their scale, massing, roof materials and wall materials. Schemes that do not specify traditional local materials or details that do not fit comfortably into their context will not be permitted. Applications should be accompanied by sufficient details to allow their impact on the conservation area to be assessed.
17. **Policy Longstanton 5** states development in Longstanton St Michael's will be restricted to infilling within the built-up framework of the village (infilling is defined in Policy SE5). The supporting text states "in particular, the country lane character of St Michael's Lane and Mills Lane will be retained..."

Local Development Framework Submission Draft (2006)

18. **Policy SP/15** (Conservation Area and Green Separation at Longstanton) - Countryside within the conservation area at Longstanton will be included in its entirety within the Green Separation between Longstanton and Northstowe. Urban uses and open space uses such as playing fields, allotments or cemeteries will not be permitted. The open aspect of the fields affording views of All Saints Church will be maintained, elsewhere the landscape character of a series of hedged paddocks, small copses and tree belts will be maintained and enhanced.
19. The supporting text states: 'The village character of Longstanton and Oakington and the individual landscape character in the areas adjoining them has been taken into account in determining the minimum extent and landscape treatment of the Green Separation. An absolute minimum of 200m between the edge of the built up area of the town and the village frameworks of the two villages is required to allow for either woodland copses which are deep enough to close off views through an area, or a series of paddocks and tree lined hedgerows that provides sufficient depth to filter views. The Green Belt will be extended to cover these areas to provide the certainty that they will be kept free from development. The predominant historic character of land adjoining Longstanton comprises a series of paddocks with hedgerows and small copses. This landscape character will be used as an appropriate treatment to enhance most of the landscape areas adjoining Longstanton, in particular the golf course and land adjoining Magdalene Close. The paddocks bounded by Mills Lane and St Michael's Lane already exhibit that character' (Paragraphs 5.2 and 5.3 Site Specific Policies).

Draft Design Guide 2005

20. Longstanton is included within the Fen Edge parishes. These parishes are characterised by low-lying, flat open landscape with extensive vista. Settlements sit low in the landscape, often screened by thick hedgerows to paddocks, copses etc. There is a more loose arrangement of building facing the roads on some village approaches, with open areas and mature hedges interspersed.

Consultations

21. **Longstanton Parish Council** has recommended approval, but has made no additional comment.
22. **Council's Conservation Manager** – The CM notes that the proposal now includes indicative designs, however no justification has been provided for development in the countryside. He considers that this site should be left undeveloped to ensure maximum separation between Longstanton and the proposed new development at Northstowe. Aside from the principle of development he would not wish to see a pair of detached bungalows built here, although the linked arrangement shown in the indicative drawings is a more satisfactory solution.
23. **Chief Environmental Health Officer** – comments awaited.
24. **Environment Agency** - no comments received.

Representations

25. 3 letters of support for the proposal have been received. These comment that:
- a. The applicant has kept the site in a tidy state and has planted hedgerows.
 - b. The site should be within the village framework as an infill area.
 - c. A modest and sensible addition to the housing stock at this end of the village.
 - d. A better layout than some others in the village.
26. 3 letters of objections have been received, on the grounds that:
- a. The development would nullify the conception of a buffer strip of land/ green belt between Longstanton and the proposed new town.
 - b. This would not protect the rural nature of this part of the village.
 - c. Reduction of green space in the village.
 - d. Increase in congestion and traffic in the area.
 - e. Inappropriate for a conservation area.
 - f. Outside the development framework, contrary to policies P1/2, SE4, SE8 and Longstanton 5.
 - g. Sufficient dwellings are being constructed in Longstanton to cater for local need.
 - h. Loss of good agricultural land.
 - i. Harmful ribbon development.
 - j. A few years ago the owner planted hedge plants and trees in a line across his land parallel to Clive Hall boundary, artificially creating potential 'plots' either side of the field access.

27. Agent's Representations

In support of the application, the agent states that:

- a. Since the existing village framework boundary was drawn, the appearance of the site has changed because of the establishment of a mature hedgerow, which provides a visual screen when viewed from the north.

- b. The development will be sympathetically designed and landscaped to minimise the impact upon the surrounding countryside.
- c. The individual design approach will add to the agricultural character of the Longstanton St Michaels, which is an objective of the conservation area appraisal, and will redress the impact of the existing hard urban edge. In line with the SCDC Design Guide, the new development will be integrated with hedgerows and other copses.
- d. The buildings together with the enhanced landscaping, will improve views of the village from surrounding countryside by masking the modern estate and mobile homes. The proposals will add to the leafy appearance or character of this part of the village.
- e. There will be no access onto Mills Road, so preserving its 'country lane' character.
- f. The proposed new homes will be similar in scale and massing to those existing on Mill Lane, but will be of a much simpler, less domestic form reflecting the agricultural heritage of the village. Materials sympathetic to the locality will be used and intrusive urban materials will be avoided.
- g. The rural character of Mills Lane will not be compromised by the development proposals.

Planning Comments

Village Framework

- 28. The site is outside the village framework defined in the 2004 Local Plan and its development for residential purposes would be contrary Policy SE8 and to the specific Policy Longstanton 5 which seeks to retain the "country lane" character of Mills Lane by restricting developments to infilling (i.e. no more than 2 dwellings) within the village framework. Policy SE5 of the Local Plan confirms that infilling is considered as development in an otherwise built-up frontage. The existing site is not built up and so cannot be considered as infilling, notwithstanding that it is also outside the village framework.
- 29. The case for an exception to be made in this case is based upon the assessment that there will be no material harm to the country lane character as a result of the development. The site is part of an extensive open and green area which creates a strong rural setting to the village. The erection of two bungalows and the various paraphernalia associated with domestic use would fundamentally alter the character and appearance of the site and its contribution to the setting of the village. In refusing planning application S/0475/05/O. Members accepted that development of the site would cause harm to the character of the area, and the same concern applies to the current proposal as the openness of the site would be harmed in a similar way. Account should be taken of the particular form and appearance of the two dwellings, and associated landscaping, as shown in the submitted indicative drawings. In my opinion, the harm identified above would not be offset by the admittedly sensitive approach illustrated in these drawings.
- 30. If allowed, this development would set a precedent for development on other sites outside village frameworks, to the progressive detriment of the appearance of the countryside.

Conservation Area

- 31. The site lies within the recently designated extension to the Longstanton Conservation Area. The supporting statement of the report describes the open land between Mills Lane and St Michael's as 'very important to the landscape setting of the village'. As noted above, the Conservation Manager considers that the proposal would harm the character and appearance of the Conservation Area and he recommends refusal.

Representations

32. The considerations put forward by the agent and supporters of the proposal have been carefully considered. The agent has not attempted to deny that the site lies outside the village framework and that the proposal is contrary to the Council's longstanding policy of protection of the countryside from unnecessary development. The agent has not put forward any ground for consideration under the housing exceptions policy, HG8. As the proposal is not acceptable in principle (that is, it does not comply with part c) consideration under HG8 is not appropriate in this case. For the reasons set out above I do not consider that it amounts to an overriding reason to allow the proposed development.

Recommendation

33. Refusal for the following reasons:

1. The site is located in the countryside beyond the village framework of Longstanton and, as such, residential development would be harmful and would be contrary to the following policies:
 - (a) Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 which restricts development in the countryside to proposals which can demonstrate an essential need for a particular rural location. No essential need has been demonstrated in this case; and
 - (b) Policies SE8 and Longstanton 5 of the South Cambridgeshire Local Plan 2004 in that the development is not infilling within the physical framework of Longstanton as defined on the Inset Map No 67. The country lane character of Mills Lane would be eroded and development in this location would make it difficult to resist further similar proposals, which cumulatively would damage both the rural character of this part of Longstanton and undermine policies aimed at protecting the countryside from unnecessary development.
2. The site lies within the extended Longstanton Conservation Area. Notwithstanding the inadequate standard of the information of the development proposals submitted with the application, the Local Planning Authority considers that the erection of two dwellings on this land would neither preserve nor enhance the existing landscape setting of the village and the rural character and open appearance of this part of the Conservation Area. For these reasons, the proposal 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.

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
- Local Development Framework Submission Draft (2006)
- SCDC Draft Design Guide 2005
- Planning file Refs. S/0618/06/O, S/1907/05/O and S/0475/05/O.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

S/1846/04/F - Longstanton
Balancing Pond and Scheme of Ditch Widening to serve Approved Residential and Commercial Development, Land west of Longstanton for Persimmon Homes (East Midlands) Ltd.

Recommendation: Approval

Site and Proposal

1. The 2.3 hectare application site lies in the countryside to the north west of Longstanton adjacent to the C191 Gravel Bridge Road. The land is at present in agricultural use. There are no significant trees affected by the proposal.
2. The full application, received 2nd September 2004, proposes the construction of a surface water balancing pond to cater for run-off from the commercial and residential development envisaged in the Illustrative Master Plan for the land west of the High Street, and included as allocated land in the Inset No.67 (Longstanton) of the South Cambridgeshire Local Plan. The application site is outside the allocated land and is north of the consented village bypass. The pond is triangular in shape, with sides of approximately 170 metres length. It is intended to have a storage volume of 20,000 cubic metres.
3. This flow-balancing pond will accommodate flows within Longstanton Brook whilst Webb's Hole Sluice is closed during periods of high water levels in the River Great Ouse System. The application includes measures to regrade the existing ditch, which is an award drain, that extends to Longstanton High Street, in accordance with the consent issued by the Environment Agency.
4. The application conforms to the approach indicated in the previously agreed 'Statement on Principles of Storm Water Drainage, Development at Home Farm, Longstanton for Persimmon Homes East Midlands Ltd'. This statement has been accepted by South Cambridgeshire District Council, the Environment Agency and the Middle Level Commissioners.
5. The application is accompanied by landscaping proposals to the balancing pond, ecology statements including a water vole survey and an archaeological evaluation.
6. I have issued a screening opinion to the effect that the application is not required to be accompanied by a formal environmental impact assessment under the relevant regulations.

Relevant Planning History

7. Planning Permission for this development was granted by Decision Notice dated 11th November 2005. On 6th February 2006 the High Court issued a Consent Order quashing the Planning Permission and remitting for re-determination by this Council. The application for judicial review by Peter Stroude, the landowner, cited that the

planning permission had been granted notwithstanding that the resolution of 2nd February 2005 Committee to require a Section 106 Agreement to secure payment of a commuted sum to cover increased maintenance costs along the award drain resulting from the development had not taken place.

8. Outline planning permission **S/0682/95/O** for the provision of B1050 bypass, 21ha housing, 6.3ha business park, 2.8ha recreation area extension and related provision was granted 16th October 2000. The application was accompanied by an Illustrative Master Plan. Condition no.9 of the consent states: *'No development shall commence until a phased scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority and no development shall take place other than in accordance with the approved scheme'*. Condition no.18 states, *'Within each phase none of the dwellings or business premises shall be occupied until the surface water drainage in accordance with details approved in accordance with condition 9 and required to serve that phase, shall have been constructed in accordance with such approved details'*. An informative attached to the permission states, *'Full details of surface water flow attenuation and associated storage areas will be required. Any designs should allow for an equivalent maximum discharge of 3 l/s/developed hectare within 1:100 year long and short duration storms being considered in terms of water volume produced'*.
9. **S/1762/03/RM** – 91 dwellings and ancillary works (Phase 1) approved 22.12.03
10. An appeal against refusal to vary Condition 16 of **S/0682/95/O** to allow the construction of more than 500 dwellings was dismissed on 29th November 2004.
11. **S/2069/04/RM** – reserved matters application for 153 dwellings (Phase 2) following refusal of S/0696/04/RM for 200 dwellings by Members at the Development and Conservation Control Committee on 6th October 2004 was approved on 5th May 2005. An appeal against the refusal of the reserved matters for 200 dwellings was allowed on 23rd August 2005. The Inspector granted consent for the erection of 196 dwellings.
12. **S/0625/06/RM** - reserved matters application for 87 dwellings and ancillary works (Phase 3A) is pending.

Planning Policy

13. Cambridgeshire and Peterborough Structure Plan 2003: **Policy P6/4** (Drainage): new development will be expected to avoid exacerbating flood risk locally and elsewhere by utilising water retention areas or other forms of sustainable drainage systems for the disposal of surface water run-off.
14. South Cambridgeshire Local Plan 2004: **Policy CS5** (Flood Protection) – planning permission will not be granted for development where this is likely to increase flood risk in areas downstream due to additional surface water runoff, unless it is demonstrated that the 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.
15. The proposal is designed to cater for surface water runoff from land allocated for residential and commercial development in the Inset Plan 67 (Longstanton) **Policies 1, 2 and 3** of the Local Plan 2004.

Consultation

16. All consultees have been re-consulted. Their comments are reported below:

17. **Longstanton Parish Council** - recommends refusal. It comments as follows:

“The current drainage plan for Home Farm, including balancing pond, was approved on the basis of its suitability to serve 500 homes whereas it now has to serve 43 further homes (the increase agreed for Phase 2) and potentially significantly more than that. It would therefore be reckless to approve any drainage strategy that cannot cope with more than 500 homes. One of the results of the Phase II appeal was that the planning inspector concluded that PPG3 should be applied to a reserve matters application even though the outline consent had been granted prior to PPG.

By direct consequence to this precedent, PPG25 should also apply to all new Home Farm applications. Therefore, hard engineering solutions such as a balancing pond (that the developers’ own engineer described as requiring “expert tuning”) are not preferred. The reasoning in PPG25 is clear: such solutions may fail over time. Mechanical solutions, where the correctness on the “tuning” will not be proven until a flood event, are clearly a danger in the short term as well as for longer term maintenance. Given that the houses have still been given consent to be built in a flood risk area, the only sensible way to providing a failsafe flood risk mitigation solution to Home Farm is to divert Longstanton Brook.

The Longstanton Parish Council therefore recommends the following:

- (a) A new drainage strategy needs to be approved by the District Council which is compliant with PPG25 as outlined above. Specifically, the drainage plan must be strategic, not merely reactive to each new application that pushes the total housing stock higher.
- (b) The District Council should now re-evaluate this new drainage application in light of currently-proposed housing numbers. Only at that point can approval of any further development applications be entertained.
- (c) No housing (whether already approved or not) must be permitted to be developed until the approved drainage system is fully operational.”

18. **Bar Hill Parish Council** – recommends approval of the application.

19. **Over Parish Council** - makes no recommendation.

20. **Willingham Parish Council** - makes no recommendation. “It is well outside the Parish boundary and appears to have little impact on Willingham Parrish.”

21. **Swavesey Parish Council** - recommends approval but comments: “Building work on the new dwellings continues rapidly, however, the drainage arrangements are still not finally approved or even started. A condition of the planning permission would have been that drainage arrangements are to be in place before any dwellings are moved into, will this still be the case?”

22. **Environment Agency** – comments:

“The Environment Agency is satisfied, in principle, that the proposal offers a prudent method for surface water drainage to serve the proposed development. Please also see earlier comments made in respect of the application.

It is essential, to protect third parties from the increased risk of flooding, that the balancing pond construction and the full ditch widening works are undertaken, without further delay, and preferably prior to further residential development on the Home Farm Site.”

In response to **Longstanton Parish Council’s** comments, the Agency comments:

“Whilst the Agency’s policy is to recommend and encourage sustainable drainage, wherever possible, at present we unfortunately have no power to insist upon a specific methodology.

Currently, the Agency comments upon the integrity of a developer’s proposal with the view of achieving a system which is capable of adequately serving the development, and reducing the risk of flooding to existing property.

It should also be noted that in some instances, due to geology and other site constraints, wholly sustainable drainage systems are not appropriate.

In respect of the Home Farm site, the balancing pond is part of the drainage strategy which includes widening of the watercourse, which in itself offers a degree of sustainability. A maintenance scheme will also be secured through a legal agreement, I have no reason to believe that this will not be entirely satisfactory.

Finally, in respect of the site’s location within the indicative floodplain, the maps are wholly indicative and only intended to be used as guidance. The floodrisk assessment originally submitted with the Home Farm application satisfactorily demonstrated that the site was at minimal risk of flooding within the design parameters required by PPG25.”

23. **Middle Level Commissioners** – supports the application. Although the site is outside the Board’s area, there are possible implications for flooding from the tributaries of Swavesey Drain. It further comments:

“Previously, the Environment Agency has indicated that this watercourse is close to capacity during high rainfall events and any additional unregulated discharges could exacerbate flooding the Board’s area due to overtopping of the adjacent flood defence embankments.

The Commissioners, on the Board’s behalf, agreed suitable land drainage/flood defence negotiations with the applicant’s consultant and the Environment Agency to ensure that this development does not detrimentally affect the Board’s area. It has been agreed that a flow-balancing pond will be constructed near Gravel Bridge to accommodate flows within Longstanton Brook whilst Webb’s Hole Sluice is closed during periods of high water levels in the River Great Ouse System.

During the above

24. **Old West Internal Drainage Board** – no comments.
25. **Cambridge Water Company** – no objection to the resubmitted application. It was pleased that the pond has been off-set to avoid the line of its 12” cast iron water

main. However, it suggests trial holes be set out to ensure that the ditch widening does not affect the water main.

26. **Ecology Officer** - refers to previous comments. He is satisfied that the working procedures and design of the pond, and proposed planting are acceptable. He recommends a condition that the developer should provide monthly position updates to enable the Local Planning Authority to monitor the mitigation works.

27. **English Nature** - has no further comments to add to previously submitted comments, which were that the proposed working methods for the balancing pond and ditch widening are appropriate to safeguard the presence of water voles on this site. EN recommends that a condition be attached to any permission granted to ensure the works are implemented as proposed.

28. **County Archaeological Office** – comments:

“An archaeological evaluation was conducted in the area of the balancing pond last September (05) which revealed only very few unimportant archaeological remains. We do not consider it necessary to conduct any further archaeological work in advance of the balancing pond and indicated this viewpoint to you in relation to the former application when we recommended that the archaeological condition be discharged. Similarly, it is our opinion that the archaeological mitigation schemes for the houses and access/service roads for the new settlement areas to the south will provide satisfactory mitigation of the archaeological resource known to exist in this area and that the ditch widening scheme can be regarded as secondary to those mitigation schemes, bringing little more to add to the overall interpretation/reconstruction of prehistoric to Medieval land use.

We do not consider that an archaeological scheme would be required on any planning consent awarded to this development.”

29. **Council’s Landscape Design Officer** has no objections.

30. **The Council’s Land Drainage Manager**, has commented as follows upon the views of Longstanton Parish Council:

“Regarding the overall number of properties within the development area, as we discussed, this has not changed. The overall strategy (agreed with the Environment Agency and checked and approved by the Middle Level Commissioners on behalf of the Swavesey IDB) is still applicable and original calculations will not need to be modified unless the overall impermeable area has altered.

With regard to the brook diversion, the developers have demonstrated to the Agency and local IDB that the scheme will not increase the flood risk to the village. A diversion would indeed improve the situation but the Home Farm scheme does not depend on a diversion or require one to be put in place.

I can only assume that the ‘expert tuning’ referred to by the Parish related to the level of the weir crest at the balancing pond. This is to be monitored by the Agency and if required, slight modifications will be made to the crest level. This is a relatively minor matter and the scheme would not have received approval if it was likely to have a serious impact on the overall strategy.”

31. **Fire and Rescue Service** has no comments on the application.

32. **The Trees and Landscape Officer** has no objection. The balancing pond should be able to accommodate the hedgeline, which abuts an existing drain on the northern boundary. The field has been cultivated in the past and consequently ploughing would have affected any rooting systems that were present.

Representations

33. Marron's Solicitors, acting for Peter Stroude, landowner, comments:

- "1. Our client has no objection in planning terms for the construction of a balancing reservoir and associated works as described in the planning application made by Persimmon Homes.
2. It is our view that the Committee originally required, as a pre-condition to the development, that appropriate provisions were in place prior to the commencement of development to ensure the future maintenance of this facility.
3. This balancing reservoir will serve not only the development presently under construction by Persimmon (91 houses) but also the remaining 410 and possibly considerably more as well as the business park and the other facilities approved by the outline planning permission for the Longstanton development in October 2000. In such circumstances it is important that the facility to which the adopted surface water system on site will drain should be adopted by the authority and maintained in accordance with its statutory powers.
4. Persimmon Homes have a contractual right to construct and maintain the facility in the future. It is entirely inappropriate that the drainage requirements of an extensive area should be maintained and discharged by Persimmon when they will have no future interest in the site, or correspondingly, by the Council acting simply as an agent for a private company.
5. Persimmon have made no attempt to consult our client, Peter Stroude, about the future maintenance of this facility. In our view it is inappropriate that the landowner has not been included in the arrangements for future maintenance. His property rights are immediately adversely affected by such an arrangement. The contractual right is expressed in general terms and none of the details required for satisfactory maintenance are set out. The ultimate responsibility and immediate liability will be with Mr Stroude as the owner of the facility.
6. The future maintenance of this facility should be dealt with as follows:
 - (i) The contributions referred to in paragraph 7 of the Land Drainage Advisory Group's report of 14th October 2005 can be paid to the District Council.
 - (ii) Mr Stroude, as the owner of the land, will give consideration to entering into an agreement with the District Council which confers all of the appropriate powers by contract in addition to those which the District Council has by statute. The agreement will identify access arrangements and deal with liabilities and insurance as well as the

maintenance schedule which you have proposed in your letter of 8th March.”

34. One resident of High Street understands that the development of the site was conditional on adequate drainage and balancing ponds being constructed. As the development was on a flood plain there could be repercussions for houses in the village. If work cannot now take place no more building or occupation of houses should continue until the ditches and pond are completed. An enforcement order could be issued until the condition of development is met.

35. A second resident of High Street comments as follows:

“This drainage scheme is dependent on the Swavesey Drain for removing water from all its associated ditches and balancing pond to the River Great Ouse via the Webbs Hole sluice. The Swavesey Drain also carries water from the Longstanton Brook to the River Great Ouse plus all the additional water after Gravel Bridge.

The Swavesey Drain/Longstanton Brook primary use now is as a storm drain and its secondary use is that of land drainage. The intended use when it was built in the 19/20 century must have always been for it to drain the agricultural land in the area. It was never designed to carry storm water for all the developments that have occurred since its construction. It is the speed of run-off of water from all the areas that have been built on, covered in concrete and road building that is now the cause of problems. Because of this change of use it cannot cope with existing storm water volumes and so would not be able to support removal of the additional storm water that will be generated by the Home Farm development.

See photographs taken in the Spring of 2005. Over Road/High Street and Home Farm development (attached to the application file).

It is development of a comprehensive plan beyond Gravel Bridge that is required to make the above application a viable proposal.

Balancing Pond

The proposal states that as the water levels in the Swavesey Drain builds up to close to the “spilling over bank” levels the excess water will bleed into the balancing pond. This will deal with storm water surges in the area and from Home Farm development, and will prevent flooding as long as the excess water still has access via Webbs Hole sluice to the River Great Ouse.

When the Webb Hole Sluice is closed due to high water levels in the Great Ouse River, usually wintertime, when the expected rainfall in the local area is going to peak, flooding is a possibility. With the additional 20,000 sq.m. of “flood plain” provided by the balancing pond, this risk is reduced by the capacity of the balancing pond. This must be beneficial to the drainage scheme in the area.

What must be considered is Home Farm development putting more water into the drainage system than the balancing pond can take, therefore increasing the risk of winter flooding.

As a short term expedient to prevent flooding it should be approved and be included in any long-term solution to the removal of surface water.

Ditch Widening

Ditch widening will be useful in that it will provide an additional capacity for surge water and for water storage during periods when the flood plains become operative. The only drawback to ditch widening is that the water flows more quickly and this causes scouring of the banks. Instances of this can be seen in the Longstanton Brook, between 750 and 1000mm has been lost from the brook sides. Some time in the future the path to No. 70 and 72 High Street will require remedial work due to bank erosion caused by scouring.

The Proposal

This proposal should be approved as an interim solution to help to prevent flooding due to storm surges and for the removal of water for phase 1 and phase 2 of the Home Farm development.

The proposal may not be able to deal with the volumes of water and storm surges created by the 3 phases of the Home Farm development.

Consideration

If the Longstanton Brook was to be joined to the proposed drainage system south of Longstanton, water from Bar Hill could be diverted from Longstanton thus reducing the risk of flooding.

Conclusion

The underlying problem to drainage in the area and also drainage for the Home Farm development remains the Swavesey Drain beyond Gravel Bridge and up to Webbs Hole sluice. Like roads, which are re-designed to deal with the increase in volume of traffic they have to carry, ditches, drains and watercourse need to be widened, made deeper and new watercourses built to carry the extra volumes of water that development creates. This has not happened in the past.

A local proposal to solve a development's drainage problem without considering an overall solution creates flooding. The Swavesey Drain cannot handle water volumes at the moment so pushing more water into it is not the solution. The authorities should be looking at finding a scaleable scheme to deal with increasing volumes of water that Home Farm and future developments will create."

36. A resident of Few Lane comments:

"We understood that a balancing pond and ditch widening was an essential part of this scheme in order to provide proper drainage for the Home Farm site which is being built on a flood plain as well as preventing further flooding by holding back excess water from Swavesey. If this is the case then surely development on Home Farm Phase 1 Persimmons site 91 homes and Phase II George Wimpey, Kingsoak etc. should be halted until this is sorted? The houses are being built very quickly and occupied almost immediately. We also understand that the overall figure for dwellings on this entire estate is likely to exceed the original 500 homes. Therefore an efficient flood drainage system constructed with the additional capacity to cope with extra housing is of the utmost importance. It is better to have a pond that is larger than one that is too small. This winter has been exceptionally dry and the Longstanton Brook is very low but that can quickly alter should we have a spell of high rainfall.

Many residents suffered flooding to their homes in October 2001 when the High Street was turned into a river. The damage caused to homes and gardens by surface water and sewage is something that local people are naturally anxious should not happen again. To allow all these houses to be built on a site without the required flood defences and water management schemes is foolhardy to say the least. We hope that the District Council will ensure that proper measures are taken by these developers to safeguard the new and existing homes of the residents of Longstanton from any increased risk by flooding from the overdevelopment of Home Farm even if this means putting a halt to any more building on this site until the previously agreed planning conditions are in place.”

37. A resident of Station Road objects and includes photographs of floods in October 2001. The ground of objection are summarised as follows:
- (a) Balancing Pond and ditch widening will increase the risk of flooding in Longstanton. Webb Hole Sluice (WHS) gate is closed when water levels rise in the River Great Ouse. This will happen more frequently in the future due to climate change and predicted wetter winters.
 - (b) The proposed by-pass will create more bridges over the Brook and ditches and will add more culverts. This will create further problems within Longstanton brook, will reduce the size of the floodplain and put many more houses at risk of flooding.
 - (c) The Balancing Pond will prevent adjoining land from being drained properly and such land will be environmentally affected by the Balancing Pond.
 - (d) the Home farm Planning Permission should be reconsidered and reviewed through the LDF inquiry, given that it is inter-connected with the Northstowe Area Action Plan and proposals to promote land west of Station Road as part of Northstowe.
 - (e) Therefore, it will be premature to consider the application for a balancing pond, as it does not take into account the other proposed developments south east and north of Longstanton that will increase water flow within the Longstanton Brook.

Planning Comments

38. The main issue raised is whether the proposed works are sufficient to cater for the consented residential and commercial development pursuant to outline planning permission S/0682/95/O. This issue has been examined in detail by the developers, and their conclusions as set out in the ‘Statement on Principles of Storm Water Drainage, Development at Home Farm, Longstanton for Persimmon Homes East Midlands Ltd (revision 1)’ has received the agreement of this Council as a Drainage Authority, Environment Agency and Middle Level Commissioners.
39. The statement on Principles of Storm Water Drainage makes it clear that the volume of storage available within the attenuation pond is equivalent to the maximum storm water discharge from a 100 year storm event for the whole of the Home Farm Development, arising over a period of three weeks. On that basis the Drainage Authorities have approved the scheme in compliance with condition 9 of the outline planning permission.

40. Moreover, the Environment Agency would wish to enter a Section 30 Agreement under the Anglian Water Authority Act 1977 with the landowner to ensure protection of the balancing system in perpetuity with the development.
41. The outline planning permission (see Paragraph 8 above) was limited by conditions to no more than 500 dwellings and 12,500 sq.m. business floorspace. Approvals of reserved matter consents for Phases 1 and 2 residential fall within the 500 dwelling limit. Once that limit is reached, any further development will require planning permission and an assessment of drainage and other infrastructure requirements. No application has been approved, which would involve the construction of more than 500 dwellings.
42. The approved drainage scheme does not rely on any diversion of Longstanton Brook. Planning Policy Guidance 25 (PPG), "Development and Flood Risk", indicates at Paragraph 41 that:
- "The restriction and reduction of surface water run-off from new developments can be encouraged by the provision of surface water storage areas, flow limiting devices in conjunction with surface or sub-surface storage or, where ground conditions permit, the use of infiltration areas or soakaways."
- This scheme accords with this objective by the provision of a surface water storage area and flow-limiting device. It also accords with Policies P6/4 of the Structure Plan and CS5 of the Local Plan.
43. Moreover, advice in PPG25 upon sustainable drainage systems does include a range of options, including basins and ponds. There is no reason to re-evaluate this approved drainage scheme. I am re-assured in this view by the comments of the Environment Agency, Land Drainage Manager and Ecologist.
44. Development is proceeding on site and houses are being occupied. At the January 4th meeting, Committee authorised that appropriate enforcement of condition 18 of the outline planning permission be undertaken in two months time, if necessary. Notices will have been served by the date of this meeting to prevent further occupation until the scheme approved in accordance with Condition 9 of the same permission has been implemented.
45. The Council's Land Drainage Manager has prepared a specification for maintenance works to the proposed pond and associated award drain. It has been agreed with Persimmon. This follows this Council's decision to agree to adopt the maintenance of the Balancing Pond at Home Farm, Longstanton on the payment of a commuted sum to be agreed. Two contributions have been agreed with Persimmon Homes Ltd; the first for Pond and Control Structures; and the second for Drain and Ditch works.
- The maintenance specification has been sent to Marrons Solicitors, acting for Peter Stroude, for comments. His position is that a properly drawn maintenance agreement is necessary where he is relieved of all liability and indemnified against risk by an authority acting under statutory powers. Indeed Marrons will be drafting an agreement.
46. The commuted sums for future maintenance currently offered by Persimmon can be incorporated into such an agreement, as well as access arrangements.
47. There is no evidence to suggest that the proposed balancing pond and ditch widening will increase the risk of flooding or prevent adjoining land from being drained. Finally

Northstowe will be drained by means of a sustainable system taking surface water eastwards to a series of balancing lakes or lagoons parallel to the former St Ives railway line. Natural drainage is hence to the north east. There is no connection with the proposed Home Farm Balancing Pond.

Recommendation

48. Subject to the prior completion of the necessary maintenance, commuted sums and access agreement between the Council, as Drainage Authority, Persimmon and Peter Stroude, as land owner, approve as amended by drawing EO459/65 Rev E franked 10th October 2005, subject to:
1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
 2. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing JBA 03/120 08A as amended by the substitution of seed mix EM3 for EM1) shall be carried out in the first planting and seeding seasons following the completion of the development; and any 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.)
 3. Within an appropriate survey season (May to October), a Water Vole Survey shall be undertaken of the Longstanton Drain within the application site in order to establish **the current** distribution of the species, particularly with respect to the connection between the balancing pond and the Longstanton Drain. Should water voles be found to be present then:
 - 1) A Water Vole Mitigation Scheme shall be presented to the Local Planning Authority for written approval prior to the connection of the balancing pond to the Longstanton drain, or the completion of works to the Longstanton Drain.
 - 2) Subsequent to works commencing, an ecologist shall be employed by the applicant to ensure that the Water Vole Mitigation Scheme is suitably implemented. Bi-monthly position statements shall be provided to the Local Planning Authority until such time that all works associated with the development are completed.
 - 3) Following completion of the works (to both the balancing pond and the Longstanton Drain) a Water Vole Survey of the Longstanton Drain shall be undertaken in the next suitable survey period in order to monitor the impact of the implemented works. Should the Water Vole Mitigation Scheme be found to have been inadequate then appropriate habitat compensation measures for water voles should be proposed in order to address any shortfalls of the Water Vole Mitigation Scheme.

- 4) Any variation from the approved Water Vole Mitigation Scheme shall be agreed in writing by the Local Planning Authority prior to being implemented.
(Reason - To minimise harm and disturbance to the water vole, a protected species and to ensure compliance with Local Plan 2004 Policy EN13 and PPS9.)

4. The balancing pond, hereby permitted, shall not be constructed in phases and shall not be constructed other than in its entirety to provide the approved 20,000 cubic metres of storage volume specified on approved drawing EO459/65/E.
(Reason - To provide a satisfactory surface water drainage scheme for Home Farm development and to avoid exacerbating flooding downstream.)

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:
P6/4 (Drainage)
 - b) South Cambridgeshire Local Plan 2004:
CS5 (Flood Protection)
2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise:
 - **Surface water disposal**
 - **Ecological impact**
 - **Flooding**

General

Environment Agency and Land Drainage Manager's comments.

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
- Applications S/0682/95/O, S/1762/03/RM, S/2069/04/RM, S/0696/04/RM and S/1846/04/F;

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee10th May 2006**AUTHOR/S:** Director of Development Services

S/0593/06/RM – Melbourn**5 Detached Dwellings, Land off Dolphin Lane, For Country and Metropolitan Homes****Recommendation: Refusal****Date for Determination: 19th May 2006****Adj Conservation Area****Site and Proposal**

1. This application, registered on 24th March 2006, seeks reserved matters consent for the siting, design and landscaping of five detached dwellings on a 1.1ha site of vacant land to the south west of Dolphin Lane, Melbourn.
2. To the north east the site abuts the rear boundaries of properties in Dolphin Lane, apart from at its south east corner where it has a 20m wide frontage to Dolphin Lane itself. To the south east the site abuts the rear of properties in Dolphin Lane and High Street, and to the north west and south west an area of land which benefits from planning consent for a Riverside Park (see Planning History below).
3. The boundary of the Conservation Area runs along the frontage of Dolphin Lane and the south east boundary of the site.
4. The site is served from the Dolphin Lane frontage with an access roadway running into the site parallel to the rear boundary of properties in Dolphin Lane. A minimum distance of 8m is maintained between the roadway and the rear of existing properties. The dwellings on Plots 1 to 4 are sited fronting the rear of properties in Dolphin Lane and are a minimum of 28m from the boundary. The dwelling on Plot 5 is set at right angles to the rear of properties in Dolphin Lane and is a minimum of 6m from the boundary.
5. The proposed dwellings each have 5 bedrooms and are designed with low eaves. The ridge height of the dwellings on Plots 1 and 5 is 7.8m and Plots 2 to 4 8.3m. Each dwelling has a double garage. Materials proposed are brick/render and clay tile.
6. Landscaping details have been submitted although the plan shows a different layout to the remainder of the drawings. This point has been raised with the applicant.
7. The density of development is 4.5 dwellings per hectare.

Planning History

8. Outline consent was granted for the erection of 5 dwellings in May 2005 (**Ref S/1123/03/O**) and was subject to a Section 106 Agreement that prevents occupation of any of the dwellings until the area of land to the south west, given planning consent at the same time for use as Public Open Space (**Ref S/1111/03/F**) has been transferred

to Melbourn Parish Council . A condition attached to the outline consent required provision to be made through the site for access to the Public Open Space.

9. An informative attached to the outline consent stated that the Local Planning Authority was of the view that the height of any dwellings built on the application site should respect the height of adjacent properties in Dolphin Lane.

Planning Policy

10. The site is allocated under **Melbourn Policy 3** of the Part 2 of the South Cambridgeshire Local Plan 2003 ("The Local Plan") for residential development by five dwellings, following its inclusion by the Local Plan Inspector. The outline consent reflects that allocation. The Inspector specifically stated that the site was not suitable for the erection of more than 5 dwellings.
11. **Policy SE9** of the Local Plan requires developments on the edges of villages to be sympathetically designed and landscaped so as to minimise the impact of development on the adjoining countryside.
12. **Policy HG10** of the Local Plan requires residential developments to contain a mix of housing types providing a range of accommodation. The design and layout of scheme should be informed by the wider character and context of the local townscape and landscape.
13. **Policy EN30** of the Local Plan requires proposals to preserve or enhance the character of Conservation Area and their settings.
14. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") requires new developments to achieve a high standard of design which, amongst other criteria, responds well to the local character of the built environment and is integrated within adjoining landscapes.
15. **Policy P7/6** of the Structure Plan requires Local Planning Authorities to protect and enhance the quality and distinctiveness of the historic built environment.

Consultation

16. **Melbourn Parish Council** recommends approval.
17. The **Chief Environmental Health Officer** refers to conditions attached to the outline consent but suggests that during construction there should be no bonfires or burning of waste except with his prior permission. This matter can be dealt with by an informative.
18. The **Local Highway Authority** states that it does not appear to have been consulted on the outline application but trusts that the matter of the ability of Dolphin Lane to cater for the additional vehicular and pedestrian traffic likely to be generated by the development was considered and that the outline permission required the provision of vehicle to vehicle and pedestrian visibility splays, which should now be clearly identified on the layout plan.
19. The comments of the **Conservation Manager** will be reported at the meeting.

Representations

20. The occupiers of 9 Dolphin Lane object to the application on the grounds that Dolphin Lane is a narrow lane, often impassable to delivery vans etc. To add further vehicular traffic would exacerbate the difficulty of access for essential services. In addition the "Access Only" signs are totally ignored by traffic avoiding the traffic lights at The Cross. An alternative route to the site is not only essential it would be criminally negligent to add further traffic particularly at the High Street entrance to the site.
21. The occupiers of 7 Dolphin Lane object stating that the plans are neither correct nor consistent and in some cases do not show all buildings on adjoining land or any of existing driveways. There is no mention of the electricity supply and where current overhead lines that cross the site are to be resited. In consideration of the closest affected properties any new development should be set further back from Dolphin Lane and bungalows should be re-considered and not 'dwellings' with rooms in loft space as proposed. Construction should be limited to weekdays only and not commencing before 8.00am with no weekend working. There should be no parking of contractor's vehicles in Dolphin Lane, which is narrow and twisting, and any vehicles should only be able to have access up to the site from the High Street without access to the remainder of the lane. Bats and Owls are mentioned in the report accompanying the application and both are in evidence at the site, as are newts. Provision of collecting rain water should be made a high priority – are water butts in the plan? Mature trees and shrubs should be used along the boundaries adjoining all properties in Dolphin Lane and High Street. There are a lot of species at this site and provision of bird and bat boxes should be made on the site.
22. The occupier of 13 Dolphin Lane raises similar concerns in respect of the overhead lines, the Dolphin Lane access, setting back of properties and the planting of mature trees. A track is shown from High Street into the 'conservation' area and it is hoped that this will be the official pedestrian access into this area thus reducing the disruption to existing and new dwellings.
23. The occupier of 5 Dolphin Lane has no objection in principle to the development but is concerned about the impact of construction traffic in Dolphin Lane and suggests that the developers are instructed to access the site from the High Street end of Dolphin Lane, which would cause less damage and disruption to Dolphin Lane.

Applicant's Representations

24. A Planning and Design statement submitted on behalf of the applicant is attached at Appendix 1

Planning Comments – Key Issues

25. The principle of the development of this site for five detached dwellings has been accepted by the outline consent, which followed the allocation of the site for residential development in the Local Plan. This application seeks reserved matters consent and the main issues to be considered are the siting, design and external appearance of the proposed dwellings, and in particular their impact on the character of the area and the amenity of adjacent residents. In addition although the point of access has been agreed through the outline application the reserved matters application should demonstrate satisfactory access details.

26. This area of land was included within the village framework as part of the Inquiry into the Local Plan 2004 and allocated for development by five dwellings. Visually it reads as part of the countryside and Policy SE9 that seeks to minimise the impact of development on the adjoining countryside is particularly relevant to this scheme. It was for this reason that an informative was attached to the outline consent advising that the height of any new dwellings should respect that of adjoining properties in Dolphin Lane. These properties are bungalows with low ridge heights.
27. I am of the view that dwellings with ridge heights of 7.8m and 8.3m are not appropriate on this site and will be both out of character with adjoining properties in Dolphin Lane and have an unacceptable visual impact on the adjacent countryside. Although the land to the south west is to be developed as a public open space, and will be the subject of a landscaping scheme, I do not consider that this will mitigate these concerns.
28. Although the density of development is low it reflects the outline consent which itself follows the Local Plan allocation. The Inspector specifically stated that due to the constraints of access to Dolphin Lane there should be no more than 5 dwellings erected on this site. As a consequence, and given the size of site, it is inevitable that it will not be possible to achieve a mix of dwelling sizes in this case.
29. Whilst the height of the dwellings does not relate well to adjacent properties in Dolphin Lane I am of the view that the distance between the new dwellings and the rear of those properties is sufficient to ensure that there will be no unreasonable loss of amenity due to overlooking. I am of the view however that it would be possible to move the access roadway further from the boundary of these properties and provide additional planting.
30. In allocating the site for the erection of 5 dwellings the Inspector took the view that Dolphin Lane was capable of serving that number of additional dwellings. The Dolphin Lane access is the only one available to the site and will serve both this site and the Public Open Space. A condition can be attached to the consent requiring parking facilities to be provided within the site for construction vehicles.
31. A condition is attached to the outline consent restricting the hours of operation of power driven machinery during the construction process. It does however allow for working on a Saturday morning.
32. A detailed drawing has been requested from the applicants showing dimensioned access details.
33. I have asked for details from the applicant on the proposed re-routing of the existing overhead line.
34. Officers have advised the applicant informally prior to the submission of the application that dwellings of this height would not receive officer support. It is my view that the application should be refused.

Recommendations

Refuse, for the following reason:

35. The proposed scheme is unacceptable in that the height of the proposed dwellings is out of character with surrounding properties in the area and will result in the development having an unreasonable adverse visual impact on the adjoining

countryside. The proposal is therefore contrary to the aims of Policy SE9 and HG10 of the South Cambridgeshire Local Plan 2004 and Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003, which seek to minimise the impact of development on the adjoining countryside and to achieve development which responds to the local character of the built environment.

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/0593/06/RM; S/1123/03/O & S/1111/03/F

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee10th May 2006**AUTHOR/S:** Director of Development Services

S/0450/06/F - Meldreth**4 New Garages Rear Of Communal Room (Retrospective), Adj 23 Elin Way, For South Cambridgeshire District Council****Recommendation: Approval**
Date for Determination: 1st May 2006**Site and Proposal**

1. This full application, registered on 6th March 2006, seeks retrospective consent for the erection of a block of four garages as part of the development of an area of land off Elin Way, Meldreth for a communal facilities building.
2. The garage building measures 10.5m x 5.2m with a ridge height of 3.5m. It is constructed of yellow/buff facing bricks with brown roofing tiles both of which are to match the communal room.
3. To the north west the building faces the rear of a pair of bungalows in Elin Way and to the north east and south east it adjoins the boundary of a semi-detached house in The Grange.

Planning History

4. Planning consent for the erection of a new communal facilities building was approved in December 2003 (**Ref: S/2289/03/F**). Whilst the submitted drawing showed the position of the block of flat roofed garages that existed on the site at the time no work to those buildings was indicated.

Planning Policy

5. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") requires a high standard of design and sustainability for all new development which, amongst other criteria, responds to the local character of the built environment.

Consultation**Meldreth Parish Council** recommends approval**Representations**

6. The occupier of 7 The Grange, to the south east of the site, questions how a planning application can be made after the event. It is considered that the four garages are an unnecessarily huge eyesore and a waste of resources. They cause a loss of a private view and look like a 'prison block' by the side of the fence of No 7 and are likely to result in a loss of value. These structures were not shown on the original drawings and it was thought that the area was going to be used as a car park

therefore no objection was made. An objection is made to the current building and it is felt that a screen or evergreen plants should be provided as camouflage at the very least.

Planning Comments – Key Issues

7. The key issue to be considered with this application is the visual impact of the garage block on the character of the area and the amenity of adjacent residents.
8. The garage building is set behind the pair of existing bungalows to the north west and is screened to the west by the new communal facilities building. As a result the building has limited visual impact on the wider character of the area. The building replaces a line of flat roofed garages (16 in total) and introduces a shallow pitch roof.
9. The garage building is to the south east of the rear gardens of the pair of bungalows in Elin Way. These bungalows have shallow gardens that are 5m deep and the building is located 7.5m from the boundary with these properties. Given that the ridge height of the building is only 3.5m I do not consider that it results in a material loss of amenity to the occupiers of the bungalows.
10. The garage building is located 1m and 0.2m from boundaries of the rear garden of No 7 The Grange. The boundary is formed by a 1.8m high close-boarded fence. Some planting has been removed from this boundary during the development of the site to allow for access to the rear of the new communal facilities building. The garage building is located within 10m of the north west corner of the house itself, however I am of the view that given its orientation to the north west and low ridge height, it will not have an unreasonable adverse effect on the amenity of the occupiers of No 7 The Grange.
11. There is limited opportunity to provide any planting between the garage block and boundary as requested by the occupiers of No 7 The Grange but I will explore this possibility further with the applicant's agent.

Recommendation

12. That retrospective consent is granted subject to the following condition.
 1. SC60 – Boundary Treatment – north east and south east – RC60

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)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity
 - Visual impact on the locality

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/0450/06/F & S/2289/03/F

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

REPORT TO: Development and Conservation Control Committee10th May 2006**AUTHOR/S:** Director of Development Services

S/0455/06/F – Meldreth**Change of Condition 2 of Planning Permission S/1933/02/F (Allowed at Appeal) To Allow Replacement of 2 Caravans by Mobile Homes and Erection of Day Room, Hawthorn Park, Kneesworth Road, for W Price****Recommendation: Approval**
Date for Determination: 2nd May 2006**Site and Proposal**

1. The site is a 0.36ha plot of land located on the south east side of Kneesworth Road. There is existing planting on all boundaries of the site. A public footpath abuts the south west boundary of the site. To the rear and either side is agricultural land and on the opposite side of Kneesworth Road is a group of former agricultural buildings now occupied by a fencing company.
2. The site has consent for the stationing of 6 touring caravans (See Planning History below).
3. This full application, registered on 7th March 2006 seeks retrospective consent for the variation of Condition 2 of planning consent S/1933/02/F to allow the replacement of 2 caravans by mobile homes and the erection of day room close to the south west boundary of the site.

Planning History

4. Planning consent for the use of the site as a gypsy caravan site to provide 3 pitches was granted at appeal in August 2003. A condition of the consent restricted the permission to the stationing of a maximum of 6 touring caravans for settled occupation or for long term use and that no further caravan or mobile home or other form of living accommodation should be stationed or erected on the site without the prior grant of planning permission. (Ref: **S/1933/02/F**)

Planning Policy

5. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") restricts development in the countryside to that which can be demonstrated to be essential in a particular rural location.
6. **Policy HG23** of the South Cambridgeshire Local Plan 2003 ("The Local Plan") sets out the criteria for assessing applications in respect of gypsies and travelling showpeople. Amongst these criteria it states that sites, either on their own or cumulatively, should not have a significant adverse effect on the rural character and appearance, or the amenities of the surrounding area and; that built forms of development will not be permitted except for utility outhouses.

Consultation

7. **Meldreth Parish Council** recommends refusal. "The screening of this site does not meet the expectations of the Planning Inspectorate. The site is highly visible in winter, with a large number of vans and other structures. Foul water needs to be assessed by SCDC (reference Inspector's Report, August 2003)."
8. The **Chief Environmental Health Officer** concludes that there are no significant impacts from the Environmental Health standpoint but requests that the applicant be advised that a Caravan Site Licence will be required for both mobile homes should planning consent be granted.
9. The **Countryside Services Team, Cambridgeshire County Council** has no objection.
10. The comments of the **Trees and Landscapes Officer** have been requested and will be reported at the meeting.

Representations

11. None received.

Applicant's Representations

12. In a letter accompanying the application it is pointed out that Mr Creedie Price on Plot 1 has a wife and three children (aged 10, 4 and 18 months). The touring caravan which has been replaced was a small one used for touring and could not be easily heated for use by children during winter months.
13. Mr William Price on Plot 3 has a wife and four children (boys aged 14 and 1, and girls aged 12 and 9). An additional separate bedroom is required in Housing Law because of the ages and sex of the children and this could not be provided in two touring caravans.
14. In respect of the retention of the day room it is stated that this is in line with Council caravan sites all of which have a day room on each pitch. This room has a cooker, space to install a washing machine and an area for children to play. There are seven children on site in addition to Mrs Price senior's other grandchildren who occasionally visit her.
15. The replacement of two touring caravans by two mobile homes is stated to be a matter of principle and they will not be for ever the mobiles that are currently on site. Their current size is not relevant to this change of condition.
16. The current mobile homes are approximately 20m x 4m and the day room is 4.7m x 5.7m with a ridge height of 2.2m.

Planning Comments – Key Issues

17. Planning consents exists for the use of this site. The key issues to be considered with this application are whether the replacement of 2 caravans by mobile homes and the erection of day room materially prejudice the previous appeal decision or the criteria set out in Policy HG23 of the Local Plan.

18. In allowing the appeal the Inspector restricted the use of this site to a maximum of 6 'touring caravans' for settled occupation or long term use. Whilst I am of the view that the legal definition of a touring caravan could differ from that of a mobile home, hence a variation of condition may be required, the principle of whether such a unit is acceptable is unchanged, and indeed provided the unit retains an element of mobility both can be considered caravans for the purposes of the law. I do not consider that this proposal results in any change in the potential impact of the site in the countryside, which is well screened on all sides, although I have asked the Trees and Landscapes Officer to confirm that the landscaping required by the appeal decision has been carried out and maintained.
19. The day room which has been erected is modest in size and provides facilities that are to be expected on such sites. I do not consider it materially changes the impact of the site in the countryside.
20. I am exploring with the applicant whether the remaining four touring caravans are still required. I shall report further.

Recommendation

21. Approve subject to:
- 1) The use of the land as a caravan site shall be carried on by Mr William Price and his immediate family and their dependants and shall be restricted to persons defined as gypsies in section 24(8) of the Caravan Sites and Control of Development Act 1960 or any Act revoking or re-enacting that Act. (RC. To ensure that the site is used for a particular need in accordance with Policy HG23 of the South Cambridgeshire Local Plan 2004).
 - 2) This permission is for the stationing of a maximum of 4 touring caravans and 2 mobile homes for settled occupation or for long term use. No further caravan or mobile home or other form of living accommodation shall be stationed on or erected on the site without prior grant of planning permission. (RC. To ensure that the site is used for a particular need in accordance with Policy HG23 of the South Cambridgeshire Local Plan 2004).
 - 3) The site shall not be used for any trade or business purpose other than the parking of 1 commercial vehicle for each pitch. No materials shall be stored in the open and no car breaking or burning of materials shall take place on the site. (RC. To minimise visual intrusion into the countryside).

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/2** (Environmental Restrictions on Development)
 - **South Cambridgeshire Local Plan 2004: HG23** (Gypsies and Travelling Showpeople)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Visual impact on the locality

General

A Caravan Site Licence will be required from the Council's Environmental Health Department.

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/0455/06/F & S/1933/02/F

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

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

**S/0525/06/F – Papworth St Agnes
Conservatory at The Elms for P Mardlin**

**Recommendation: Refusal
Date for Determination: 12/5/06**

Conservation Area

Site and Proposal

1. The Elms is a relatively modern, part single storey and part two storey 'L-shaped' dwelling, located on the edge of Papworth St Agnes. It is surrounded by mature hedgerows and mixed planting along each boundary that serve the property. The dwelling is partially obscured from the road by a mature hedgerow which is set behind the parking area to the front of the site. Adjacent to this parking area, and forward of the house, is a detached garage. To the north-west of the application is the Grade II Listed Manor Cottage. Beyond the site boundaries, to the north-east and south-east, the site is surrounded by open fields/countryside.
2. This full application, registered on 17th March 2006, seeks permission to erect a single storey uPVC conservatory to the north-west side of the existing dwelling.

Planning History

3. The dwelling has been the subject of a number of extensions in previous years. The most recent consent was granted in 1981, under reference **S/1268/81/F**.
4. **S/0679/06/F** is an ongoing application seeking consent for the erection of a single storey rear extension, first floor alterations above the existing dwelling, including the insertion of dormer windows, and a detached garage.

Planning Policy

5. The site is located within the Papworth St Agnes village development framework, within the village Conservation Area and adjacent to the Grade II Listed Manor Cottage.
6. Structure Plan 2003 **Policy P7/6** states that Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.
7. **Policy HG12** of the South Cambridgeshire Local Plan 2004 states that planning permission for the extension and alteration of dwellings will not be permitted where the design and use of materials would not be in keeping with local characteristics; and where there would be an unacceptable visual impact upon the street scene.
8. **Policy EN28** of the South Cambridgeshire Local Plan 2004 states that where it appears that proposals would affect the curtilage or wider setting of a Listed Building,

the District Council will require the submission of sufficient illustrative and technical material to allow its impact to be clearly established. The District Council will resist and refuse applications which: (1) would dominate the Listed Building or its curtilage buildings in scale, form, massing or appearance; (2) would damage the setting, well-being or attractiveness of a Listed Building; (3) would harm the visual relationship between the building and its formal or natural landscape surroundings; (4) would damage archaeological remains of importance unless some exceptional, overriding need can be demonstrated, in which case conditions may be applied to protect particular features or aspects of the building and its setting.

9. **Policy EN30** of the South Cambridgeshire Local Plan 2004 states that proposals will be expected to preserve or enhance the special character and appearance of Conservation Areas especially in terms of their scale, massing, roof materials and wall materials. The District Council will refuse permission for schemes which do not specify traditional local materials and details and which do not sit comfortably in their context.
10. **Policies DP/3, CH/4 and CH/5** of the Draft Local Development Framework 2006 reflect and reinforce the above Local Plan and Structure Plan policies.

Consultation

11. **Papworth St Agnes Parish Meeting** – recommends approval (no comments).
12. **Conservation Manager** – comments “I visited the site and met with the applicant at a pre-app stage to discuss both the conservatory and a proposed first floor extension. I had not envisaged the conservatory as being quite as large as indicated on the proposals. In order to minimise its impact on the Conservation Area I would wish to see the design of the conservatory simplified, to remove the ‘starburst’ feature from the gable and also from the fanlights (this is not a traditional detail and will not sit comfortably in the Conservation Area). Furthermore I would wish to see the conservatory constructed from more traditional materials (i.e. painted timber rather than uPVC) and possibly painted a pale cream or jade. A white uPVC structure of this size will be very harsh and not easily integrated into the Papworth St Agnes Conservation Area.”

Representations

13. None.

Planning Comments – Key Issues

14. The key issue to consider in the determination of this application relates to:
 - The impact of the development upon the Conservation Area

The impact of the development upon the Conservation Area

15. There is no objection to the principle of a single storey conservatory in this location as, by virtue of its position adjacent to a strong landscape boundary, it would not pose any undue impact on the amenities of the neighbouring dwelling. However, there are serious concerns with regard to the proposed design and choice of materials.
16. The proposed conservatory is a relatively large structure for its type, with a volume of approximately 60.37m³. It is located on the north-west elevation, facing towards the

neighbouring dwelling, the listed Manor Cottage. The structure features a large 'starburst' design on the central projecting gable and also appears to feature the same design on the fanlights. Although this feature will not be particularly visible in the street scene, given the existing boundary planting, it is not a traditional feature that would be commonly found in the village Conservation Area and would be particularly prominent should the planting be removed.

17. The applicants have also specified that the conservatory will be constructed using white uPVC, which is not a material traditionally found in conservation areas. Whilst officers accept that the dwelling currently has a number of openings fitted with aluminium and uPVC units, by virtue of the design, scale and position of the conservatory on the side elevation of the dwelling, parallel to the road, its overall effect will be very harsh and not easily integrated into the Conservation Area. Furthermore, were the planting along the shared boundary with the neighbouring dwelling be compromised, by virtue of its design, scale and location adjacent to the shared boundary the structure would significantly detract from the character and setting of the adjacent listed Manor Cottage.

Recommendation

18. Refusal for the following reasons:

The proposed conservatory, by virtue of its design, materials, scale and form, will have an undue adverse impact upon the special character and appearance of the Conservation Area within which it is set. It would therefore be contrary to Policy EN30 of the South Cambridgeshire Local Plan 2004 and Policy P7/6 of the Cambridgeshire Structure Plan 2003.

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

South Cambridgeshire Local Plan 2004
Cambridgeshire and Peterborough Structure Plan 2003
Planning files Refs: S/0525/06/F; S/0679/06/F; S/1268/81/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

S/0486/06/F – Sawston
House at Land Adjacent to 13 Sunderlands Avenue for Mr Runham

Recommendation: Approval
Date for Determination: 4th May 2006

Site and Proposal

1. The application site is a 0.026 hectare plot of land situated within the curtilage and on the north side of No.13 Sunderlands Avenue, a two storey semi-detached brick and tile dwelling.
2. The full application, submitted on 9th March 2006 and amended on 26th April 2006, seeks to erect a 3-bedroom, two storey dwelling on the site. The property would be attached to No.13 and would be the same depth and height as the existing dwelling, thereby creating a terrace of 3 houses. The existing access to No.13 would be utilised to serve the new dwelling and a new access created for the existing property. The density of the development equates to 38 dwellings/hectare.

Planning History

3. None

Planning Policy

4. Sawston is designated within the South Cambridgeshire Local Plan 2004 as a Rural Growth Settlement where **Policy SE2** states residential development will be permitted providing the development would be sensitive to the character of the village and the amenities of neighbours.
5. **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.

Consultation

6. **Sawston Parish Council** objects to the application, stating that the proposal would result in overdevelopment of the site.
7. **The Chief Environmental Health Officer** raises no objections in principle although does express concern about noise disturbance to nearby residents during the construction period. As such, a condition restricting the hours of use of power operated machinery during the construction period needs to be attached to any planning consent.

Representations

8. One letter of objection has been received from No. 11 Sunderlands Avenue. The main points raised are:
- During construction, scaffolding could be placed on No.11's drive thereby restricting access to the garage;
 - The proposal would result in a loss of light to No.11's property and garden;
 - The proposal would result in noise and disturbance during the construction period.

Planning Comments – Key Issues

9. The key issues to consider in the determination of this application are:
- Impact upon the character of the area;
 - Residential amenity;
 - Access and parking.
10. The proposed house would be a brick and tile dwelling of the same depth and with identical ridge and eaves heights to the existing dwelling. Providing the materials to be used would blend in with the existing property, I am satisfied that the proposed dwelling would not be out of keeping with the character of the area. Amended plans have been submitted that I consider enhance the design of the dwelling by the addition of a chimney between the existing and proposed properties.
11. The Parish Council has objected to the application on the grounds of overdevelopment. This could only be said to arise if there was insufficient amenity and parking space on the site. In this instance, two parking spaces are shown for both the existing and new dwellings whilst each property would have ample garden land. The block plan has been amended, to ensure that it would be possible to secure pedestrian visibility splays within the site area.
12. With regards to the impact upon No.11 Sunderlands Avenue, this neighbouring property has 2 ground floor obscure glazed windows and 1 first floor landing window in its south side elevation. As these windows do not serve habitable rooms, I am satisfied that the proposed dwelling would not result in an undue loss of light to the property. The development would result in a loss of afternoon sunlight to the garden area but the impact would not be sufficiently harmful to warrant a refusal of the application on this basis. In order to protect the amenities of the occupiers of No.11, conditions should be added to any permission preventing the insertion of first floor windows in the north side elevation of the proposed dwelling and restricting hours of use of power operated machinery during the construction period.
13. The neighbour's understandable concerns regarding trespassing/obstruction of their property during the construction period are not material planning considerations. However, I would suggest that the applicant be made aware of these concerns in writing.

Recommendation

14. Approval as amended by drawing number SF05095.1.A. date stamped 26th April 2006 subject to the following conditions:
1. Sc A – Time limited permission (Reason A);
 2. Sc5a – Details of materials for external walls and roofs (Rc5aⁱⁱ);
 3. Sc22 – No windows at first floor level in the north elevation of the development (Rc22);
 4. 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);
 5. The permanent space to be reserved on the site and within the area edged blue on the site location plan for parking shall be provided before the occupation of the dwelling, hereby permitted, and thereafter maintained. (Reason – In the interests of highway safety);
 6. The dwelling, hereby permitted, shall not be occupied until a vehicular access has been constructed to the existing dwelling at No.13 Sunderlands Avenue; this access shall be constructed to the satisfaction of the Local Planning Authority after consultation with the Local Highway Authority (Reason – In the interests of highway safety);
 7. Visibility splays shall be provided on both sides of the access to each property and shall be maintained free from any obstruction over a height of 600mm within an area of 2.0 metres x the remainder of the frontage measured from and along respectively the highway boundary (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:**
SE2 (Development in 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

General

1. Should driven pile foundations be proposed, 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.

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

South Cambridgeshire Local Plan 2004
Cambridgeshire and Peterborough Structure Plan 2003
Planning application reference S/0486/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Director of Development Services

S/0563/06/F – Sawston
External Lighting and Columns – Medical Centre Site, London Road for Primary Asset Management

Recommendation: Approval
Date for Determination – 18th May 2006

Site and Proposal

1. The application site is located on the east side of London Road and to the south of allotment land. On the east side of the site is recreation ground whilst to the south and west are residential properties. The site is occupied by a medical centre building which is presently under construction and nearing completion. Members may recall that permission was granted for this building following consideration at Committee in November 2004.
2. The full application, submitted on 23rd March 2006, seeks to erect 6 x external lighting columns on the site. The proposed lights would be enclosed fixed-head floodlights (150w sodium lamps) contained within a black metal surround measuring 650mm x 485mm x 190mm deep, which would be mounted on 4 metre high poles. The lighting projects downwards and is designed so that there is no upward light pollution. 2 of the lights would be positioned just inside the western/roadside boundary of the site whilst the remaining 4 lights would be sited close to the northern boundary and adjacent to the parking areas.

Planning History

3. **S/1964/04/RM** – Reserved Matters Consent for the medical centre building was approved following consideration at Committee in November 2004.
4. **S/2392/02/O** – Outline planning permission was granted for the medical centre with all matters being reserved for further consideration.

Planning Policy

5. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.
6. **Policy ES3** of the South Cambridgeshire Local Plan 2004 states that, in considering proposals for lighting, the Council must be satisfied that:
 - a. The proposed lighting scheme is the minimum required to undertake the task;
 - b. There is no light spillage above the horizontal;
 - c. Measures are in place to ensure the lighting does not have an adverse impact upon nearby residential properties;
 - d. There will be no dazzle or distraction to drivers, cyclists or pedestrians.

Consultations

7. **Sawston Parish Council** objects to the application stating:

“The Parish Council would like more information on the following items before a decision can be made:

- a. Hours of use of lights
- b. Type of light and quality of light
- c. Light nuisance to the nearby houses.”

8. **Chief Environmental Health Officer** raises no objections.

Representations

9. Letters of objection have been received from 3 local residents of London Road. The main points raised are:

- a. The details of the lighting to be used were not very clear;
- b. What are the hours of operation of the lights?
- c. Problems of light pollution if lights are to be on all night;
- d. There is no information on the design of the lighting columns;
- e. The plans do not show where the lighting columns will be sited.

Planning Comments – Key Issues

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

- a. The visual impact of the lighting;
- b. Neighbour impact.

11. Although the plans are not particularly clear, the position and direction of the proposed lighting columns are marked on the drawings. These show 2 lighting columns adjacent to the roadside boundary of the site and 4 columns near to the northern boundary, with all lights facing into the site. The lighting is required to illuminate the driveways and staff and visitor car parking areas. Isoline contours are marked on the plan and these show that the beam of maximum intensity (50 lux) is confined to an approximately 8 metre wide x 6 metre deep area directly around the light source. Given that the lights face into the site and the light source is enclosed at the sides and top, there would be very little or no light spillage beyond the boundaries of the site, including onto the adjoining footpath and road, and this is demonstrated by the isolines on the submitted drawings. The Chief Environmental Health Officer is satisfied that the lighting would not harm the amenities of nearby residents and has therefore not recommended that a restriction on the hours of lighting be attached to any consent. To the best of my knowledge, the applicants require the lighting to be on all night for security reasons.

12. The lighting details submitted with the application are poor photocopies and do not clearly demonstrate that the light source would be enclosed at the top. I have therefore requested clearer details. In addition, although the drawings state that the lights would be attached to 4 metre high galvanised columns, no details of the diameter/design of the columns has been submitted and, again, these have been requested. Providing the columns are of a slimline design, I am satisfied that, at 4 metres high, they would not be unduly intrusive features in the streetscape.

Recommendation

13. Subject to the receipt of clearer details of the lighting and satisfactory details of the columns, approval:

1. Standard Condition A – (Reason - A);

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: ES3 (Commercial and Recreational Lighting Facilities)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity;
 - Visual impact;
 - Light pollution.

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

Cambridgeshire and Peterborough Structure Plan 2003

South Cambridgeshire Local Plan 2004

Planning application refs: S/0563/06/F; S/1964/04/RM and S/2392/02/RM

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

10th May 2006

AUTHOR/S: Development Control Quality Manager and
Head of Legal Services

103 Caxton End, Bourn

Purpose

1. To consider whether a Notice should be served under Section 215 of the Town and Country Planning Act 1990 requiring land at 103 Caxton End, Bourn to be cleaned up.

Effect on Corporate Objectives

2. Quality, Accessible Services	Improvement on the quality of the environment and enhancement of the Bourn Conservation Area
Village Life	General benefit to the village of removal of an eyesore
Sustainability	Potentially assisting the reuse of unkempt land
Partnership	None

Background

3. On 13th September 2005 a full planning application for the erection of two dwellings on 0.37 hectares of land fronting Caxton End was refused for the following reasons:
 - a) The proposed erection of two new dwellings in the countryside would be contrary to Policy P1/2 of the approved Structure Plan 2003, which states that development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location; no such justification has been put forward in this case.
 - b) The proposed development site is located outside the village framework for Bourn as defined on Inset Proposals Map 10 of the South Cambridgeshire Local Plan ("The Local Plan") 2004; the proposed erection of two new dwellings on the site would be contrary to Policy SE8 of the Local Plan, which precludes residential development outside village frameworks.
 - c) The scale, height and extent of the proposed buildings across the frontage of the site would start to visually coalesce development along Caxton End and would erode the informal rural character of scattered and widely spaced dwellings along the lane; the proposal would not therefore preserve nor enhance the character and appearance of Bourn Conservation Area and would consequently be contrary to Policies P7/6 of the Structure Plan 2003 and EN30 of the Local Plan 2004.
 - d) It is not considered that previous uses, extent of former buildings, appearance or contamination of the land justify, individually or cumulatively, allowing the scale of the proposed development contrary to the above-mentioned Development Plan policies.
- 3.1 The application was considered at the 7th September 2005 Committee as Agenda item 16 following a visit to the site by Members.

- 3.2 The untidy condition of the land and occasional infringements of the highway has been the subject of correspondence between Bourn Parish Council, the County Council, South Cambridgeshire District Council and the Police Authority since at least 1969. Prior to that and sometime after 1964, it appears that the ownership of the land passed to Mr Sparks, who started to accumulate the material now seen on the land. The former Cock and Bottle Public House also fell into disrepair and became ruinous sometime after 1964. Mr Sparkes died in 2003.
- 3.3 Bourn Parish Council has requested by letters dated 7th November 2005 and 12th December 2005 that the site be cleared of rubbish, that the former public house be fenced off as soon as possible as it poses a risk to the public and that a container on the site is either removed or planning permission applied for.

Considerations

4. In conjunction with the planning application for two dwellings, an environmental report was prepared for the applicants. It was dated May 2005.
- 4.1 The report was carried out by "Chemex", whose brief was to review and cost the removal and remediation of contamination at 107 Caxton End, Bourn and to put forward a proposal for clean up works and remediation of the site.
- 4.2 The area of site studied was 2.1 hectares. The study estimated the extent of the potentially contaminative sources as follows:
- a) 200 scrap vehicle items including, cars, vans, motor cycles and caravans
 - b) Stockpiles of engine parts
 - c) Vehicle tyres
 - d) Up to 20, 40-gallon oil drums in mixed condition
 - e) Over 20 gas cylinders
 - f) Up to 50 refrigerators and freezers
 - g) Washing machines
 - h) Up to 5 large piles of bicycles
 - i) Asbestos sheeting
 - j) Up to 100 car batteries
 - k) Over 50 areas of burnt ground used for the firing of unknown materials
 - l) Household and miscellaneous refuse
- 4.3 Despite the unkempt nature of the land, the materials identified above can be seen in part by the public from Caxton End and from a public footpath which crosses the rear part of the site in a NW-SE direction.
- 4.4 Some 0.38 hectares at the front of the site and extending back from Caxton End by an average of some 40 metres is within the Bourn Conservation Area.

- 4.5 There are a number of residential properties fronting the south west side of Caxton End and one a short distance to the north west on the opposite side of the road.

Options

5. The Committee may decide to do nothing, pending the outcome of any future planning application. The 6-month period to lodge an appeal against the refusal of the application for two dwellings has now expired. The applicants may wish to pursue an application for one dwelling. There is no certainty that any permission would be implemented, even if an application is approved.
- 5.1 Following a meeting with Bourn Parish Council representatives and Councillor Mrs Spink on 3rd November 2005, the Head of Legal Services wrote to Hewitsons, as Executors in the Estate, on 4th November (copy at Appendix 1). Hewitsons replied on 25th January 2006 (see Appendix 2). There appears to be no prospect of site clearance being undertaken voluntarily.
- 5.2 A Section 215 Notice could be served requiring the clearance of all specified scrap material from land fronting Caxton End within the Conservation Area in order to enhance the character and appearance of the Conservation Area. Equally it could require the same from land in the vicinity of the public footpath at the rear of the site and it could require the demolition of the former Cock and Bottle House. This would be a partial solution only. It could result in material being moved to other parts of the site.
- 5.3 A S215 Notice could be served requiring the clearance of all specified scrap material from the entire site and demolition of the former Cock and Bottle Public House.
- 5.4 It should be noted that S215 Notice can allow a local planning authority to require land to be cleared up, when its condition adversely affects the amenity of the area. The statutory provision does not extend to contaminated land.

Financial Implications

6. A quote received by this Council on 9th March 2006 estimated the cost of "segregation, clearance and disposal of all loose and visual hazardous and non-hazardous wastes" at £195,000 + VAT. If asbestos is found this could increase the quote by 10-12%.

Legal Implications

7. The provisions of the Section are designed so as to secure the remedy of the conditions of which the local planning authority complain. It is empowered to serve notice on the owner and occupier of the land requiring specified steps to be taken within a specified period. A person of whom a notice is served may appeal against a S215 Notice to the Magistrates Court and may be made on any of the following grounds:
- a) That the condition of the land to which the Notice relates does not adversely affect amenity;
 - b) That the condition of the land to which the Notice relates is attributable in some way to the carrying out of operations or a use of land in accordance with Part III of the Town and Country Planning Act 1990 (Control of Development);
 - c) That the requirements of the Notice exceed what is necessary for preventing the condition of the land from adversely affecting amenity; and
 - d) That the period for compliance specified in the Notice is unreasonable.

- 7.1 An appeal against the decision of the Magistrates Court may be brought by either party to the Crown Court.
- 7.2 The penalty for non-compliance with the terms of a Notice is liability, on summary conviction, to a fine not exceeding level 3 (£1,000).
- 7.3 Alternatively Section 219 confers a self help power on the local planning authority in the event of failure to comply with the Section 215 Notice. The local planning authority may itself enter the land and take the steps specified in the notice. The local planning authority is then entitled to recover its reasonable expenses from the owner. If the expenses are not paid by the owner, a charge could be registered against the land. However, the local planning authority could only recover expenses to the value of the assets of the owner.
- 7.4 Apart from S215 Notice, the Council has the power under Section 78 of the Building Act 1984 to remove the danger to the public of the unattended structure of the former Cock and Bottle Public House. The Senior Building Control Surveyor advised Hewitsons Solicitors on 23rd February 2005 of the risk to the public that this structure posed. Hewitsons replied by letter dated 2nd March 2005 (see Appendix 3).

Staffing Implications

8. Planning and Legal Officers will be involved in drawing up the S215 Notice and ensuring that steps are taken to ensure compliance.

Risk Management Implications

9. The Conservation Area is harmed by the untidy appearance of the land, albeit that the land was in that state when the Bourn Conservation Area was extended in 1997 to include Caxton End.
- 9.1 The attractive rural character of Caxton End will continue to be blighted by the unsightly condition of the land.
- 9.2 The condition of the land could attract fly tipping and pose a further contamination risk.

Consultations

10. Bourn Parish Council is clearly of the opinion that the land should be cleared. It was consulted, along with Councillor Mrs Spink, in November 2005 when a decision was taken to write to Hewitsons Solicitors.
- 10.1 Following receipt of the Hewitsons letter, dated 25th January 2006, internal meetings between the Head of Legal Services, Environmental Health and Planning Officers have been held, culminating in this report.

Summary and Conclusion

11. The unsightly appearance of the land seriously harms the character and appearance of the Conservation Area, the rural nature of Caxton End and the attractiveness of the public footpath. Moreover the unattended ruin of the former Cock and Bottle Public House is considered to be a danger to the public.
- 11.1 A Section 215 Notice under the Town and Country Planning Act 1990 would be an appropriate mechanism to tackle this dereliction and to remove the dangerous structure.

Recommendation

12. It is recommended that a Notice under S215 of the Town and Country Planning Act 1990 be served requiring:
- a) The removal from the land of all items of hazardous and non-hazardous waste, including all vehicles, motorcycles, caravans and bicycles and parts thereof, gas cylinders, oil drums, batteries, asbestos sheeting, household goods and other miscellaneous refuse; and
 - b) The demolition of the ruin of the former Cock and Bottle Public House.
- 12.1 In the event of non-compliance with the requirements of the Notice, direct action be taken with costs being recovered by an appropriate means, taking into account all material considerations appertaining at that time.

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

Planning Application file reference: S/1265/04/F
Environmental Report, land at 107 Caxton End, Bourn - May 2005
Town and Country Planning Act 1990 Section 215, Best Practice Guidance ODPM January (2005)
DETR Circular 2/98 Prevention of Dereliction through the Planning System (1998)

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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/11111/04/F	Cambridgeshire Salad Producers Ltd CSP Ltd, Pampisford Road Great Abington Change of use to B1 and or B8 use (Delegated Refusal)	Dismissed 05/04/2006
S/2316/04/F	CMA Ltd Manor Farm Business Park Shingay-cum-Wendy Alterations and conversion of buildings to live/work dwelling (mixed uses classes C3 & B1) (Officer Recommendation to Refuse)	Dismissed 11/04/2006
S/2505/04/F	Mr & Mrs A Brown Schole Road Willingham Siting of 2 gypsy caravans (retrospective) utility block and mobile medical unit for disabled person (Non-Determination)	Allowed 12/04/2006
S/1005/05/F	Selective Developments 2 Pepys Way Girton Erection of 4 dwellings following demolition of existing bungalow. (Delegated Refusal)	Dismissed 13/04/2006
S/1485/05/F	Camping & Caravan Club 19 Cabbage Moor Great Shelford Change of use to allow for the siting of 15 static caravans (Delegated Refusal)	Dismissed 18/04/2006
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 (Delegated Refusal)	Dismissed 19/04/2006

2. Summaries of recent decisions of interest

CMA Ltd – Change of use of buildings to live/work unit – Manor Farm Business Centre – Shingay – Appeal dismissed

1. This is the first appeal in the district involving a live/work unit. The main issues were the effect on the character and appearance of the surrounding countryside and whether the proposal would amount to a sustainable form of development. The existing buildings are in use as offices and storage. Both government policy (e.g. PPG13) and development plan policies (e.g. EM9) support the principle of the proposed use.
2. The inspector accepted that the site lies in an isolated location in open countryside. The group of buildings that make up the existing converted Business Centre still retain the character and appearance of farm buildings within the wider landscape. The site maintains an open appearance surrounded by fields and inconspicuous fencing. In contrast the creation of a new residential garden would present a change that was harmful to the character of the open rural landscape. Boundary walls and fences would emphasise the domestic appearance of the proposal. This would be an unacceptable intrusion into and erosion of the surrounding area.
3. It was accepted that the buildings would be suitable for conversion and that the dwelling would in part contain office space as part of the overall business area. Given the existing number of vehicle trips to the site as a whole (which includes a day nursery), the inspector was satisfied that any overall increase in vehicle trips would be negligible.
4. The critical issue, however, was to facilitate genuine home working opportunities. The application was speculative and the amounts of live versus workspace had not been defined. This was a fundamental drawback. Without any such control on floorspace, one or other of the uses – particularly the residential element - could become dominant. This would undermine one of the key principles of sustainable development, namely the maintenance of high levels of economic growth and employment. While the use of suitable conditions was discussed, these could not satisfactorily control the flexibility envisaged by the appellant.
5. A subsidiary issue relating to on-site security was not considered to be of sufficient weight to outweigh the harm caused by the proposal.

Mr & Mrs J Brown – Siting of two caravans, utility block and mobile medical/chalet unit for a disabled person – Schole Road, Willingham – Appeal allowed

1. This appeal was submitted after a similar appeal against an enforcement notice had been dismissed in June 2005. The appeal was against the Council's non-determination of a planning application submitted after the enforcement notice had been issued. The original appeal was considered by written representations whereas the planning appeal was considered at a public inquiry. Cllr Manning attended and spoke at the inquiry.
2. The earlier appeal had been dismissed on the grounds of harm to the character and appearance of the area, an undesirable concentration of sites and highway dangers. While the inspector was fully aware of the family's needs, including those of their severely disabled daughter (Kelly-Marie), he did not consider they outweighed the harm and conflict with the Council's policies.
3. The main policy change between the two appeals was the publication of Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites issued in February 2006. The appellant also gave extensive evidence on her personal circumstances.
4. The new inspector identified four main issues. These were the extent of any conflict with Policy HG23, the provision of and need for additional gypsy sites in the district, the personal needs of the Brown family and the accommodation needs and alternative accommodation options for the family.

Conflict with Policy HG23

5. Local residents had objected on the grounds of increased noise and disturbance from increased traffic using the road. There were no complaints about the use of the site as such. The inspector saw no evidence to suggest there was any effect on the amenity of adjoining residents. Policy HG23 (2) states that a concentration of sites will be avoided and the Parish Council had expressed fears about an over-concentration of sites in the village. There are a number of other sites close by including the authorised 'Bibby' and 'Wesson' sites in Schole Road. Although the previous inspector had concluded that the Brown site would lead to a concentration of sites, the latest inspector disagreed. She concluded that a further small site would not have any material impact on the local community. Indeed she found that the local Parish and District Councillor had considerable sympathy for the family's predicament.
6. Local concern was that if this site was approved, it would encourage additional unauthorised occupation by other gypsies and the village could face the same situation as experienced in Cottenham in recent years. Paragraph 54 of Circular 01/06 states that sites should respect the scale of, and not dominate, the local community. The inspector considered this was the situation in this case.
7. The inspector agreed with her predecessor that the development would (at least in the early years) have a significant adverse effect upon the character and appearance of the area. However, once hedgerow planting had matured over time, the site would be satisfactorily assimilated into its surroundings. There was nonetheless conflict with criteria (3) and (4) of the policy.
8. The previous inspector had found that the poor condition of Schole Road would cause highway dangers and make the road less safe, convenient and enjoyable for other road users. In the absence of any objection from the local highway authority, the Council's main concern was the impact on the convenience and enjoyment for pedestrians and horse riders. The latest inspector found that, as traffic speeds along Schole Road are necessarily slow and the use would only generate a limited number of extra vehicles, the likely impact on other road users was also likely to be minimal.
9. The conflict with Policy HG23 was therefore restricted to the impact on the character and appearance of the area. Nonetheless, it was still necessary to consider whether there were other material considerations, which outweigh this harm.

Provision of and need for additional gypsy sites in the District

10. The Council's comprehensive strategy for gypsies, the ongoing attempts to provide sites and the recent travellers' needs survey were discussed at length. The importance of meeting needs at a regional level rather than just locally was also significant and one that arises from the advice in Circular 01/06. Nonetheless, the inspector found that "... even if the regional needs assessment and pitch allocation process reduces the total needs requirement for South Cambridgeshire, the gap between the supply of and demand for pitches in the short to medium term is substantial". There was nothing to suggest that there were other available sites, including the land at Chesterton Fen, which would provide a realistic alternative.

Personal Circumstances

11. Mr and Mrs Brown were previously living on an authorised site at Smithy Fen. They were the last English family to leave after the large influx of Irish travellers in early 2003. The site at Willingham is roughly equidistant from the hospital at Huntingdon and a special needs school at Ely. In the inspector's view, "... the personal circumstances of the Brown family are exceptional, even amongst the gypsy community, because of the intolerable situation they found themselves in at Smithy Fen and the acute needs and strains of the family arising from Kelly Marie's difficulties". These should be given considerable weight as a material consideration in this case.

Accommodation needs and alternative options

12. The inspector found that the family have a clear need for a site within the Cambridge/Huntingdon/Ely area which is suitable for them to station a double mobile home with adequate washing and bathing facilities for all the family. She was satisfied that the family has made a proper and sustained search for an alternative site and that there was no evidence to indicate that a suitable and affordable alternative site will become available in the foreseeable future. Dismissal of the appeal would logically lead to the Council pursuing enforcement action. While both the Council and local councillor had indicated that the family may be given the maximum amount of time to relocate, this humanitarian act would still provide no certainty for the family. It would only add to the existing high levels of stress and would be a highly unsatisfactory outcome.

Other matters

13. While most of the evidence presented to the inspector was the same as for the previous appeal, the latest inspector found there were material differences. These included "... the amount, range and detail of the evidence in the current appeal..." In particular, this amounted to the nature and seriousness of Kelly-Marie's condition, her domestic and personal needs, the family's accommodation needs, the lack of alternative accommodation and the Council's proposals for addressing the need for sites. There was no direct input from either Mr or Mrs Brown in the previous appeal and the inquiry format had allowed a greater understanding of the various issues.
14. The inspector concluded that on the evidence available to her, the harm caused to the character and appearance of the area is outweighed by other material considerations. The appeal was therefore allowed subject to conditions. Permission is personal to Archie and/or Julie Brown and their resident dependents; no more than 3 caravans shall be stationed on the land at any one time; no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site; details of landscaping and foul water drainage are required; and no external lighting shall be provided without the prior agreement of the local planning authority.

P R Denny – Use of building for retail purposes – Unit 135 Cambridge Road, Milton – Costs decision against the Council following withdrawal of enforcement notice

1. On 7th September 2004 the appellant obtained temporary planning permission to use part of the premises for the sale of pine furniture. He subsequently began to operate from a larger floor area and an enforcement notice was issued on 6th April 2005 requiring the unauthorised sales and showroom to cease. The reason for the notice was that the increase in retail floorspace would increase the traffic generation to the site, which because of limited on-site parking would lead to on-street parking and impact on highway safety. Enforcement action was taken following consultation with local members.
2. An appeal was lodged to be heard by way of a public inquiry. Following further investigations and the submission of a detailed traffic assessment on behalf of the appellant in December 2005, officers were concerned that it was no longer expedient to pursue enforcement action. The assessment concluded there was insufficient evidence to suggest that any on-street parking would have an adverse effect on highway safety. The local highway authority did not dispute the evidence provided by the appellant. Following discussions with local members and the parish council, the enforcement notice was withdrawn on 13th January 2006.
3. The appellant subsequently submitted an application for costs against the Council. This was on the grounds that the Council had acted unreasonably in issuing the enforcement notice leading to unnecessary expense for the appellant.
4. The appellant's case was that the Council had issued the notice without any evidence to justify the reasons for taking enforcement action. He claimed that his occupation of more floorspace than he had been granted permission for was an honest mistake (which he

blamed on his professional agents). He had asked for a site visit to discuss the matter, but the Council had refused, contrary to longstanding advice from central government. The appeals officer had subsequently visited the site and intimated that planning permission might be forthcoming for the use. By this time, the appellant had spent considerable funds in mounting his appeal.

5. The Council's response was that its behaviour had not been unreasonable. The Council had expressed its concerns about highway safety from the outset before any application was made. Irrespective of the appellant's intentions, the Council had only granted a temporary permission for a very limited area. While the Council may have declined to discuss the matter further with the appellant, it had sufficient information to issue the enforcement notice. It was only after a number of visits to the site once the business had been trading for some time and the receipt of the detailed highway's evidence, that the Council felt it justified to withdraw the notice.
6. In allowing the costs application, the Planning Inspectorate highlighted the advice in PPG18, which advises that where a small business is concerned, local authorities should first discuss the operation with the owner. When an enforcement notice is withdrawn, the Secretary of State will have regard to the reasons for withdrawal in order to assess whether any material change of circumstances has occurred since the notice was issued. The Inspectorate's decision letter goes on to state "it is difficult to escape the conclusion that the Council did not take sufficient care in gathering and evaluating the evidence on which they based their judgement that this breach of planning control would unacceptably affect public amenity". The Council have not shown that they had reasonable grounds for considering it expedient to issue the notice. As a result, the appellant had incurred unnecessary costs.
7. Details of the costs application are still awaited.

3. Appeals received

Ref. No.	Details	Date
S/1209/05/F	Mr & Mrs Sharpe 1 Church Street Little Shelford Erection of dwelling and reorganisation of restaurant car park (Officer Recommendation to Refuse)	27/03/2006
E512	Kane & Lindsey Astin The Old Well, 55-57 Station Road Stow-cum-Quy Enforcement of removal of gazebo, timber decking and fence	29/03/2006
E512A	Kane & Lindsey Astin The Old Well, Station Road Stow-cum-Quy Enforcement of removal of gazebo, timber decking and fence.	29/03/2006
E524	L Dockerill Land adj to the level crossing, Mill Lane (and A1301) Sawston Enforcement against use of the land for unauthorised storage of plant and materials	29/03/2006
S/0026/06/F	Mr M Hart Adj 90 Chalklands	30/03/2006

Linton
2 dwellings
(Officer Recommendation to Approve)

S/2278/05/F	W M Cornish Land off Haverhill Road Horseheath Change of use from agricultural to garden land (Officer Recommendation to Refuse)	30/03/2006
S/1626/05/O	Mr E Kingsley R/o 5 Barretts Yard Fulbourn House (Officer Recommendation to Refuse)	31/03/2006
S/1580/04/F	Mr A Martin The Star PH, 29 High Street Melbourn Childrens slide and climbing frame (Officer Recommendation to Refuse)	03/04/2006
S/1585/05/F	Vogan & Co Ltd Fulbourn Silo, Wilbraham Road Fulbourn Extension to existing storage area integral to mill (Delegated Refusal)	03/04/2006
S/2377/05/F	Mr M Steele Orchard End, Church Lane Kingston Extension to bungalow to form two storey dwelling & erection of garage (Officer Recommendation to Refuse)	06/04/2006
S/2322/05/F	Mr L J Haestier/Warmwell Homes Ltd 14 Green End Comberton Erection of house and garage following demolition of existing Bungalow (Officer Recommendation to Approve)	11/04/2006
S/1544/05/F	Mr S Hebditch North House, Dunsbridge Turnpike Shepreth Erection of industrial unit (class B2) following demolition of existing unit (Officer Recommendation to Refuse)	12/04/2006
E518	Mr T Spicer Adj 12 The Common West Wrattling Enforcement against unauthorised extension of area of hard standing	12/04/2006

S/2204/05/O Charles Nightingale
2 Mingle Lane
Great Shelford

13/04/2006

Erection of house including part demolition of existing house
(Officer Recommendation to Refuse)

4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 10th May 2006

Ref. No.	Details	Date/Time/Venue
None		

5. Appeals withdrawn or postponed

Ref. No.	Details	Reason and Date
S/0754/05/F	The Land Partnership Ltd 53 Cottenham Road Histon Erection of 7 houses and garage for existing dwelling	Withdrawn By Appellant 04/2006
S/6283/05/F	Mr M Procter Madeira House, 17 The Maltings Cambourne Change of use of flat to offices (class B1)	Withdrawn By Appellant 05/04/2006

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

Ref. No.	Details	Date
S/1137/04/F	Optima (Cambridge) Ltd Croydon House Farm Croydon Conversion of agricultural buildings to 4 home/work dwellings (mixed use classes C3 & B1) car parking and alterations to access (Hearing)	14/06/2006 Offered/
S/2446/04/O	Mr T Day R/o 97 New Road Haslingfield Dwelling (Hearing)	15/06/2006 Offered/
S/1207/04/F	Mr & Mrs Allen R/o 32 Fen End Willingham Dwelling and garage (Hearing)	16/06/2006 Offered/
S/1663/04/F	Cambridge Wind Farm Ltd Land South West of Huntingdon Road (A14) Boxworth Wind farm comprising 16 wind turbines, anemometry mast, substation and associated infrastructure (Local Inquiry)	17/10/2006 Confirmed

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL PLANNING APPEAL STATISTICS

FROM 1st JANUARY TO 31st MARCH 2006
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Total Number of Appeals Received	31
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Appeals Against Planning Decisions and Non-Determination	Written Representations	19
	Informal Hearings	7
	Local Inquiries	1
Appeals Against Enforcement Notices	Written Representations	3
	Informal Hearings	1
	Local Inquiries	0

Total Number of Decisions Received	21
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Appeals Against Planning Decisions and Non-Determination	Written Representations	18
	Informal Hearings	3
	Local Inquiries	0
Appeals Against Enforcement Notices	Written Representations	0
	Informal Hearings	0
	Local Inquiries	0

Number and % of Decisions Received Dismissed	17	81%
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Appeals Against Planning Decisions and Non-Determination	Written Representations	14	78%
	Informal Hearings	3	100%
	Local Inquiries	-	-
Appeals Against Enforcement Notices	Written Representations	-	-
	Informal Hearings	-	-
	Local Inquiries	-	-

Number and % of Decisions Received Allowed	4	19%
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Appeals Against Planning Decisions and Non-Determination	Written Representations	4	22%
	Informal Hearings	0	0%
	Local Inquiries	-	-
Appeals Against Enforcement Notices	Written Representations	-	-
	Informal Hearings	-	-
	Local Inquiries	-	-

Total Number of Appeals Withdrawn	7
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL PLANNING APPEAL STATISTICS

FROM 1st APRIL 2005 TO 31st MARCH 2006

Total Number of Appeals Received	124
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Appeals Against Planning Decisions and Non-Determination	Written Representations	71
	Informal Hearings	36
	Local Inquiries	3
Appeals Against Enforcement Notices	Written Representations	8
	Informal Hearings	4
	Local Inquiries	2

Total Number of Decisions Received	130
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Appeals Against Planning Decisions and Non-Determination	Written Representations	94
	Informal Hearings	11
	Local Inquiries	7
Appeals Against Enforcement Notices	Written Representations	8
	Informal Hearings	5
	Local Inquiries	5

Number and % of Decisions Received Dismissed	94	72%
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Appeals Against Planning Decisions and Non-Determination	Written Representations	65	69%
	Informal Hearings	10	91%
	Local Inquiries	5	71%
Appeals Against Enforcement Notices	Written Representations	7	88%
	Informal Hearings	2	40%
	Local Inquiries	5	100%

Number and % of Decisions Received Allowed	36	28%
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Appeals Against Planning Decisions and Non-Determination	Written Representations	29	31%
	Informal Hearings	1	9%
	Local Inquiries	2	29%
Appeals Against Enforcement Notices	Written Representations	1	12%
	Informal Hearings	3	60%
	Local Inquiries	0	0%

Total Number of Appeals Withdrawn	12
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PERFORMANCE CRITERIA

Quarterly Statistics

In the fourth quarter of 2005, the number of applications received by South Cambridgeshire decreased by 1.7% over the corresponding period in 2004. In England there was a 7% decrease.

The percentage of all decisions taken within the eight week period in the District was 78% compared with 81% in England. The equivalent figure for householder development was 88.6% compared with the national figure of 90%.

The percentage of decisions delegated to officers in this quarter was 88%. On average authorities in England delegated 89% of decisions to officers. The Government has set a target of 90%.

On the "excluding major and minor applications" where the Government target is 80% in eight weeks, the Council achieved 83% whilst on the "minor" category where we are urged to decide 65% in eight weeks the Council achieved 72%. The more difficult target is the Government's 60% in thirteen weeks for major applications. Here the Council achieved 53%.

The graphs, which accompany this report, illustrate the picture in Cambridgeshire for each of these development types during the year ending 31st December 2005 and the quarter October to December 2005.

Major Applications

On 5th November 2004 the Government issued its proposed planning best value performance standards for 2005/06. South Cambridgeshire was one of 77 authorities specified as expected to determine 57% of major applications within thirteen weeks in 2005/06. The authorities were identified on the basis of their performance in the year ending June 2004 falling below 40%. The Authority was not named in the "minor" or "other" categories.

In the year ending June 2004, South Cambridgeshire determined 32% of major applications within thirteen weeks. This increased to 39% in the year ending March 2005. In the year ending March 2006, 62% have been determined in less than thirteen weeks. This achieves the Best Value Performance Indicator.

This improvement has been achieved by continual and careful monitoring of progress of each application, greater priority being afforded to them and use of conditions, if necessary, to ensure that Section 106 obligations are secured before any development commences.

Retrospective Applications

In response to a recommendation from Scrutiny Committee (17th April 2003), the number of retrospective applications are to be recorded.

Thus in the fourth quarter of 2005, the number of retrospective applications submitted was 31. This represented 5.3% of all applications submitted during that quarter. Of the 24 retrospective applications which have been determined, (Three are still in progress and four have been withdrawn) 66.7% have been approved and 33.3% refused. During the quarter 80% of all applications were approved.

Enforcement statistics (Quarter ending December 2005)

Statistics for the previous quarter are in brackets.

Enforcement Notices	(1)
Stop Notices	(0)
Planning Contravention Notices	(16)
Breach of Condition Notices	(0)
Amenity Notices	(0)
Number of Complaints	(110)
Prosecutions	(3)
Injunctions	(1)

Trees and Landscaping Statistics (Quarter ending December 2005)

Statistics for the previous quarter are in brackets.

Applications for work on Statutorily Protected Trees

(Tree Preservation Orders and Conservation Areas)

Number of applicants – Received (142)

Landscaping

Number of landscaping conditions received from DC	(107)
Number of weekly actions	(753)
Number of schemes submitted	(165)
Number of schemes finalised and approved	(61)
Number of landscaping conditions currently active (excluding Cambourne work)	(885)
Number of breach of condition notices requested	(13)

Local Government (Access to Information) Act 1986

Background papers in respect of this report for the purposes of the above Act are available for inspections in accordance with the provision of that Act:

- a) Any planning application, including plans and any accompanying letter or document from applicant.
- b) Any letter or representation received in connection with a matter reported.
- c) Any Structure Plan, Local Plan or Policy Document referred to in a report.
- d) Any agenda, report or minutes of a meeting of the Council referred to in a report.
- e) Any other publication, document or report referred to in the report.

Files on individual items on the agenda are available as required from the following individuals:

Mrs Melissa Reynolds	(01954) 713237	Mr Andrew Moffat	(01954) 713169
Mr Nigel Blazeby	(01954) 713165	Mr David Rush	(01954) 713153
Mr Paul Sexton	(01954) 713255	Mr Bob Morgan	(01954) 713395
Mrs Jane Green	(01954) 713164		

David B Hussell, Development Services Director

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

10th May 2006

AUTHOR/S: Development Control Quality Manager

Delegation Procedures

Purpose

1. To review the officer delegation procedures to determine planning and other applications.

Effect on Corporate Objectives

2. Quality, Accessible Services	An efficient delegation scheme improves performance and customer service
Village Life	All decisions are made in accordance with the Development Plan aimed at improving village life
Sustainability	Planning Policies aim to achieve a high degree of sustainability for all new developments
Partnership	Planning decisions are reached, having regard to comments made by Parish Councils and other consultees

Background

3. The last significant review of the officer delegation procedure occurred in 1999/2000 when the Chairman's Delegation Meeting (ChDM) was established to consider householder applications where there existed a conflict between the officer's recommendation and the opinion of the Parish Council. It was later extended to cover advertisement applications and prior notification applications.
- 3.1 In March 2004 the Office of the Deputy Prime Minister (ODPM) and Local Government Association (LGA) jointly produced a guide to "Delivering Delegation". It summarised the advantages of a scheme of delegation as follows:

"Delegation has benefits for all stakeholders in terms of simplifying procedures, minimising costs and freeing up Committee members to concentrate on major or controversial cases. Where there is no need to await a committee decision, up to four weeks can be saved in dealing with a planning application. Delegation is a positive process that gives benefits not just in terms of streamlining internal procedures but also in terms of improved responsiveness for applicants.

Delegation

- (a) Simplifies procedures and speeds up process;
- (b) Minimises costs and improves service delivery within budgetary limits;
- (c) Releases officer resources to focus on other equally important areas of work to achieve service improvements;
- (d) Eases lengthy unmanageable committees and reforms committee practice;

- (e) Removes applications which illicit no member discussion and evaluation at committee;
- (f) Clarifies the current system and protects member involvement;
- (g) Increases officer performance and quality;
- (h) Is in line with a Plan-led system;
- (i) Is best practice.

Delegation is not:

- (a) A process designed to transfer power from elected members to offices;
- (b) A method to dilute the transparency of the Development Control process.”

Considerations

4. In 2005 the percentage of decisions delegated to officers in each quarter for the Districts in Cambridgeshire was as follows:

	January to March	April to June	July to September	October to December
Cambridge	83	85	89	86
East Cambridgeshire	96	97	95	95
Fenland	87	82	86	91
Huntingdonshire	90	95	96	86
Peterborough	95	95	97	96
South Cambridgeshire	90	90	89	88

- 4.1 Although the percentage of decisions delegated to officers in South Cambridgeshire is close to 90%, “Delivering Delegation” recommends a level of delegation above 90%. Moreover, the existing delegation scheme pays no regard to the categorisation of applications into Major, Minor and Other.

5. Options

“Delivering Delegation” notes that two broad models exist.

- 5.1 The first prescribes that all applications may be deemed as determined under delegated powers unless they fall into defined exceptional categories. This “by-exception” model has the benefits of simplicity, ease of understanding by users, applicants/agents and interested parties and has a logical approach. It can be adapted to suit local conditions.
- 5.2 The second broad approach lists all those areas where the delegated powers will apply. This is likely to be complex, difficult to understand and unlikely to maximise the efficiency benefits of a scheme of delegation.

- 5.3 The Council's existing scheme is based upon the "by-exception" model and could continue to be operated in its present form without change. However, it is considered that there is scope to adapt the scheme to enable Committee to concentrate on major or controversial applications.
- 5.4 The suggested changes to the existing "by-exception" model are attached as an appendix. The changes are either underlined (additions) or crossed out (deletions). The principal changes are:
- (a) An application recommended for refusal could be delegated to officers even though a Parish Council recommends approval; the applicant has the right of appeal or of submitting a new application;
 - (b) A Member request that an application be referred to Committee should be in writing and identify the material planning reason(s) warranting consideration by Committee; this will protect the position of Members, provide clarity to applicants/agents and safeguard the Council from potential claims of maladministration;
 - (c) Deletion at 2 of various types of application where a decision might conflict with a contrary opinion from owners or occupiers of property;
 - (d) Addition of exception criteria at (iv) to (x) inclusive, involving applications which would be reported to Committee.
- 5.5 Further comments are included in Paragraph 10 below.

Financial Implications

6. Streamlining the delegation system will maximise the potential to achieve the Government's performance indicator targets for determining major (60% in 13 weeks), minor (65% in 8 weeks) and other applications (80% in 8 weeks). Sustaining those figures will be important in maximising the Planning Delivery Grant. Also, in the longer term, Government has said that it is committed towards revising the fees for planning applications and implied that those authorities that don't meet the targets will not be able to set realistic fees that cover the cost of determining applications.

Legal Implications

7. The legal basis for delegation is Section 101 of the Local Government Act 1972, as amended. Section 100(G)(2) requires that a list of powers exercisable by offices should be maintained and open to public inspection. Elected Members determine the basis on which a delegated agreement operates, the level of Member involvement and the circumstances in which an officer's delegated power to make a decision may not be exercised.

Staffing Implications

8. Although all decisions involve the preparation of a report to support the recommendation, there is likely to be some savings in staff time if the number of applications which are reported to Committee can be reduced.
- 8.1 In addition, sustaining performance indicator targets will ensure that the Council can maintain its staffing levels and IT improvements, which are partly funded by the Planning Delivery Grant.

Risk Management Implications

9. If the Performance Indicator targets are not achieved, the Council will lose resource and make it difficult to meet all our targets. Increasing pressure on officers could lead to a leakage of

experienced staff when it is increasingly difficult to recruit suitable professionals with relevant skills and experience. Further, in the recent concentration on major applications, the Council runs the risk of performance slipping for the majority of other applications and turning around informal enquiries, and hence not meeting our population's reasonable needs and expectations.

Consultations

10. The Chairman and Vice-Chairman of this Committee have been briefed. The proposed changes have been discussed with them and the following five points noted:
 - (a) The refusal of an application contrary to the wishes of a Parish Council does not preclude the Parish from continuing to express its support either at a subsequent appeal or if a new revised application is submitted;
 - (b) Reasons for refusal should explain what objective(s) of a Development Plan Policy is not achieved by the proposed development; it is not sufficient simply to quote the relevant policy(s);
 - (c) It is important to stress that a Member can still request that an application is reported to Committee, albeit in writing. This maintains the role and responsibility of the Members;
 - (d) A request in writing by a Member to refer an application to Committee need only identify the material planning reason(s)/issue(s) warranting consideration by Committee. Members should not prejudice their position at the Committee Meeting by expressing an opinion on the merits of the application; and
 - (e) For the avoidance of doubt, a recommendation to the ChDM by a Member that an application should be referred to Committee will not automatically be accepted. It will be considered at the Meeting and a decision made at the discretion of the ChDM.
- 10.1 The Council's Legal Director has been consulted upon the proposed revisions to the Delegation Scheme.

Summary and Conclusions

11. "Delivering Delegation" recommends that schemes are regularly reviewed and that an effective scheme of delegation will ensure economical use of time and allow focus on the more complex or contentious applications.
- 11.1 Although the Council achieved the three application determination performance indicator targets for the first time in the year ending March 2006 (Majors 62%, Minors 69% and Others 84%), there is a need to sustain that level of achievement. If the targets are not met, staff and IT resources will be lost and this would lead to an overall decline in performance.

Recommendation

12. That the revised scheme of delegation for determining applications be adopted.

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

- "Delivering Delegation": ODPM and LGA, March 2004

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 10th May 2006
AUTHOR/S: Development Services Director

RECYCLING FACILITIES AT CAMBOURNE

Purpose

1. To consider a request to remove / not provide some of the neighbourhood recycling facilities at Cambourne.

Effect on Corporate Objectives

2. Quality, Accessible Services	Whilst there would be some reduction in the neighbourhood level recycling service, it can be argued that facilities are overprovided now that the Council has introduced its kerbside scheme. Therefore, the population still has access to a household level service as well as a community facility that would be retained at Morrisons car park.
Village Life	Recycling facilities would still be provided at Morrisons and by the kerbside recycling scheme, and the removal of the facilities from the village greens would prevent the nuisance and danger presently experienced, thereby improving people's enjoyment of these public open spaces.
Sustainability	Negligible as the Council's kerbside collection scheme has since been introduced, and there would still be a community facility at Morrisons.
Partnership	None

Background

3. I have received a request from the Cambourne Consortium of developers to remove the recycling "igloos" from Great Cambourne village green, and not to be required to provide them at Lower and Upper Cambourne village greens. (The facility at Morrisons supermarket will remain). The reason given is that they are apparently not felt to be needed and that complaints have been received about broken glass and general untidiness. Additionally the Council's kerbside recycling scheme has been introduced since these communal locations were decided.

Considerations

4. Recycling facilities were required to be provided by the original Cambourne Section 106 Agreement, and were originally allocated on a site north of the business park near the entrance to Cambourne. However, at a very early stage in the development it was decided between the Developer and the District Council that it was more practical for a development of this size to spread the recycling points around, locating them more centrally to where people live. As such, it was decided that there should be permanent recycling facilities by the supermarket and by all of the village greens. This would encourage at least local people to walk to these recycling centres rather than drive, obviously more sustainable and is common practice in all of our villages.

A set of “igloos” has been provided at Greta Cambourne Village Green, and was programmed for the car park at lower cambourne village green, to be installed once the cricket pavilion was complete. A more extensive facility, including clothing, books and plastics recycling, has been installed at Morrisons car park.

5. Subsequently, the Council has introduced its successful kerbside recycling scheme, thereby duplicating the service provided. Whilst the facilities that have been provided are well used, there are alternatives as described above. The developers’ consortium has agreed to provide a bench on the site of the facility at Great Cambourne village green, and the site allocated at Lower cambourne would be turned over to additional car parking.

Options

6. A reduction in provision would require an amendment to the main Cambourne S106 Agreement but this is considered acceptable in the light of changed policy.

Financial Implications

7. To be reported.

Legal Implications

8. A formal change to the Section 106 Agreement (deed of variation) is not necessary, a simple letter outlining the Council’s decision will suffice.

Staffing Implications

9. None.

Risk Management Implications

10. The actual and perceived risk to public safety caused by the proximity of glass and litter in the vicinity of children’s play would be removed.

Consultations

11. Cambourne Parish Council – “The Parish council would like the recycling centre on Monkfield Lane removed as its use has diminished since the introduction of doorstep collections and the siting of the new recycling centre at the Morrisons car park. The Parish Council’s other concern is over children’s safety as it is adjacent to an open space and they tend to use them as an extension of the play equipment. Fortunately there have not been any injuries yet.”
12. The comments of the Council’s recycling and waste minimisation officer will be reported verbally.

Conclusions/Summary

13. The removal / non-provision of the recycling facilities from Cambourne’s three village greens would appear to be popular locally, and have little effect upon actual recycling opportunity.

Recommendations

14. To **APPROVE** the amendment to the requirement for land at the village greens for recycling facilities, subject to the developers' Consortium submitting for approval, and subsequently implementing, alternative uses for the sites already used /allocated at Great and Lower Cambourne village greens.

Background Papers: the following background papers were used in the preparation of this report: Letter from cambourne Consortium requesting removal / non-provision of facilities on the village greens.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

10 May 2006

AUTHOR/S: Head of Legal Services

S/0682/95/O – LONGSTANTON

B1050 Bypass for Longstanton and Related Road Works together with Housing (21ha), Business Park 6.3ha), Extension to Village Recreation Area (2.8ha), Village green Including land for local shop and surgery, Open Space, Landscaping and Related Infrastructure Report on Enforcement Action in relation to provision of Open Space and Landscaping on Phase 2 of the Development.

Purpose

1. At the April meeting of DCCC Members requested a report from officers on pursuing enforcement action, specifically by serving a Stop Notice preventing further occupation of dwellings in Phase 2 of the residential development at Home Farm, Longstanton.

Effect on Corporate Objectives

2.	Quality, Accessible Services	None specific
	Village Life	
	Sustainability	
	Partnership	

Background

3. In 2000 planning permission was granted for the development of Home Farm, Longstanton. The relevant open space and landscaping conditions are:-
Condition 1: Approval of the details of the siting, design and external appearance of any building, the means of access thereto and landscaping of each phase of the development of the site shall be obtained from the LPA in writing before any development of the relevant phase as commenced.
4. Condition 4 defines the scope of the landscaping for the site as
 - a) a structural landscaping and planting scheme for
 - i) the Landscaping/Woodland Tree planting areas;
 - ii) the Central Open Space;
 - iii) the Village Green;
 - iv) Extension to the Recreation Ground
 - b) separate landscaping schemes appropriate to each phase of residential and business development or part thereof (referred to as “area landscaping schemes”).

5. Condition 5 relates to the timing of the planting to be carried out in accordance with the timing in the approved scheme except for the “area landscaping schemes” where planting shall be carried out in the first planting season following occupation of the buildings on the phase or the completion of development whichever is the sooner.
6. Conditions 6 and 7 require replacement planting of any trees or plants in the structural landscaping and planting scheme and in the “area landscaping schemes” which die within 10 or 5 years (respectively) of planting or at any time because of construction on site.
7. Condition 8 states that notwithstanding the provisions of Conditions 4 to 7 none of the dwellings shall begin to be constructed until a scheme for the phased laying out, equipping and subsequent management of the Village Green, Central Open Space, Incidental Areas of Open Space within the residential areas including children’s play areas; and the Road margins not being adopted by the local highway authority has been submitted to and approved in writing by the LPA. In respect of each phase, none of the dwellings shall be occupied until all of the approved works have been implemented in accordance with a programme to be agreed with the LPA and arrangements to secure the future management of these areas in accordance with the approved scheme have been put into effect.
8. Members will note that Condition 8 does not require such a scheme for the extension to the Recreation Ground.
9. Members will also note that the schemes requested in the reserved matters condition (Condition 4) and the phasing and future management condition (Condition 8) are dependant on the agreement of the LPA to the scheme details.

The Legislation

10. The stop notice procedures under Section 183 of the Town and Country Planning Act 1990 allow an authority where they consider it expedient that any relevant activity should cease before the expiry of the period for compliance with an enforcement notice, when they serve the copy of the enforcement notice or afterwards, to serve a “stop notice” prohibiting the carrying out of that activity on the land to which the enforcement notice relates, or any part of that land specified in the stop notice. This allows the LPA to impose a ban, almost immediately, on activities that are being carried on in breach of planning control. A stop notice directs that any specified activity being carried out on land in respect of which an enforcement notice has been served shall stop, notwithstanding that the enforcement notice itself has yet to come into effect. It is thus essentially a provisional procedure, and a stop notice is entirely parasitic upon the enforcement notice to which it relates. It ceases to have effect when the enforcement notice is quashed or withdrawn, or when the period allowed for compliance with the enforcement notice expires. Its use is in some circumstances subject to liability to pay compensation under Section 186 of the 1990 Act.
11. Taking action under this section is discretionary, and the potential compensation liability under this provision has caused local planning authorities to be extremely cautious in their use of the power.
12. Current advice on use of stop notices is contained in DOE Circular 10/97 which covers Enforcing Planning Control and advises LPAs to carry out a cost/benefit assessment before serving a stop notice, and to ensure that its requirements do not prohibit anything more than is essential to safeguard amenity or public safety in the neighbourhood or prevent serious or irreversible harm to the environment in the surrounding area (para. 3.20). The precise effect of prohibiting any particular activity

should always be carefully examined. Moreover, the LPA “should consider how many people are likely to benefit, and how adversely their amenities will be affected if a stop notice is not served (on the assumption that the enforcement notice will eventually take effect on expiry of the compliance period specified in it).”

13. Any person who has an interest in, or occupies land, when a stop notice is served, is entitled to compensation in respect of any loss or damage directly attributable to the prohibition contained in the notice in the following circumstances:
- where the enforcement notice does not take effect in relation to the activity prohibited by the stop notice by virtue of having been quashed, varied or withdrawn (otherwise than in accordance with the grant of planning permission authorising the activity), or
 - the stop notice is itself withdrawn.

The current position on compliance with landscaping conditions at Longstanton.

14. The Village Green scheme has been submitted and approved and a scheme for future maintenance has been agreed between Persimmon and the Parish Council. This scheme was approved as part of Phase 1 of the Development and hence this information is provided by way of background at this stage. Completion of the Village Green (which has been set out and grassed but requires landscaping and provision of a play area) is dependant on completion of a Deed of Variation to the Section 106 agreement which obliges Persimmon to construct a road across this area. That Deed of Variation is expected to be completed within the next 3 weeks.
15. The planning department has received schemes for approval from developers for the Central Open Space and at the date of writing this report the details of the scheme were very close to approval. The design of the incidental areas of open space within Phase 2 has been agreed but there is still discussion on some of the planting details. However, there is no agreement with the Parish Council on the future maintenance of these areas at this stage. Officers will update Members at Committee on the latest position with regard to compliance with relevant Conditions and the developers’ positions. Officers will also advise on the extent of occupations on Phase 2 of the development. Agreement on detailed planting and landscaping is a lengthy process because of the involvement of a number of officers and departments including conservation, community services and development control.

Conclusion

16. Given that schemes have been submitted and negotiations are taking place between developers and officers a stop notice may not be considered expedient at this time. It is suggested that the situation be monitored and a further report brought to DCCC in July when it is likely that further details will have been agreed. In any event no action can be taken on the phasing, equipping and future management of the extension to the recreation ground as this is excluded from the relevant Condition 8 – it is only the landscaping scheme which is enforceable for this area of open space.

Background papers: None

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