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25 July 2006

To: Chairman – Councillor NIC Wright
Vice-Chairman – Councillor SGM Kindersley
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, 2 AUGUST 2006** at **10.00 a.m.**

Yours faithfully
GJ HARLOCK
Chief Executive

AGENDA

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

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

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To authorise the Chairman to sign the Minutes of the meeting held on 5 July 2006 as a correct record, subject to the further consideration of Minute no. 31 (Moor Drove, Histon) – the Assistant Solicitor to clarify at the meeting. The Minutes as a whole will be available on the Council's website, but a copy of Minute no. 31 is attached to the agenda.	
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The following items are included on the agenda for information and, in the main, are available in electronic format only (at www.scams.gov.uk and in the Weekly Bulletin dated 26 July 2006) Should Members have any comments or questions regarding issues raised by the reports, they should contact the appropriate officer.

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Summaries of Decisions of interest attached.

Contact officers:

Gareth Jones, Head of Planning – Tel: 01954 713155

John Koch, Appeals Manager (Special Projects) – Tel: 01954 713268

24.	APPEALS STATISTICS	
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Contact officers:

Gareth Jones, Head of Planning – Tel: 01954 713155

John Koch, Appeals Manager (Special Projects) – Tel: 01954 713268

25. PERFORMANCE CRITERIA

Contact Officer:

David Rush - Development Control Quality Manager - Tel: (01954) 713153

The Performance Criteria charts on the Council's website are available both in PowerPoint and PDF format. To view the PowerPoint presentation, you must have Microsoft PowerPoint on your computer. If you do not have the full program, you can download and install the PowerPoint Viewer by following this link: <http://www.microsoft.com/downloads/details.aspx?FamilyID=428d5727-43ab-4f24-90b7-a94784af71a4&displaylang=en>

EXCLUSION OF PRESS AND PUBLIC

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

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

PLEASE NOTE!

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

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Extract from the Draft Minutes of the Development and Conservation Control Committee meeting held on 5 July 2006

Moor Drove, Histon (Minute 31)

Draft

This item had not been published with the original agenda and, therefore, had not been in the public domain for the statutory period. However, in view of the timescales involved, the Chairman considered that waiting until the next scheduled meeting of the Development and Conservation Control Committee would be impractical, and agreed that the Committee should consider the report at this meeting on the ground of its urgency.

The Assistant Solicitor cautioned Members against predetermining the planning aspects of the case and reminded them that, should they decide to overturn their previous decision not to determine the application, they could be required to give evidence. She gave advice on the implications of paragraphs 45 and 46 of Circular 1/2006 in response to a request from Councillor Kindersley.

Officers advised that, in their view, the application was a similar application to the previous one and, therefore, that the question as to whether or not there had been a significant change in the relevant considerations had to be considered. A number of Members gave their view that the application was similar.

A vote was taken and the Committee unanimously **AGREED** paragraph 46, which stated that the “ application was “similar” to the application rejected on appeal last year.”

Councillor Mason, a local Member for Histon, expressed his full agreement with the points raised in paragraph 47 and concluded that the objections which led to the rejection of the application on appeal a year ago had not lost any relevance.

A vote was taken and the Committee unanimously **AGREED** paragraph 47, which stated that “there has been no change in the physical circumstances of the site, nor in the nature of the development, with the result that none of the previous objections has diminished in force.”

The Deputy Director of Development Services asked the Committee to consider the impact of the new guidance on the new application and consider whether the Secretary of State would now take a different view. The Assistant Solicitor asked the Committee to consider whether the new guidance in Circular1/2006 significantly altered the weight of any planning consideration of importance in the original decision, especially as it was clear that there was unmet need for traveller sites.

Councillor Mason asserted that the Secretary of State’s view would be unaffected by the new guidance, as the access, harm to neighbours’ amenity, and green belt issues remained the same. Councillor Kindersley agreed with this assessment for the following reasons that were laid out in the report:

- Paragraph 18 detailed that County Highways had reaffirmed that access was unacceptable since the rejection of last year’s appeal;
- Paragraph 28 detailed that the Council’s officers still considered that it was inconceivable that the present site will be allocated as a permanent gypsy site;

- Paragraph 33 detailed that common sense and judicial authority determines that there are sites which are so unacceptable that the post-C1/2006 prospects of a grant of temporary planning permission are still remote;
- Paragraph 35 detailed that officers were still likely to recommend the refusal of the application, even accepting that significant weight has been given to the unmet need in the District.

A vote was taken and the Committee unanimously **AGREED** that the new guidance did not significantly alter the weight of any planning consideration of importance.

The Deputy Director of Development Services asked the Committee to consider whether the application sought to put pressure on the Council and whether the application was a “doubtful” case.

Councillor Mason stated that this application undoubtedly sought to put pressure on the Council. Councillor Kindersley agreed with this assessment, as the application was identical to the previously rejected application.

A vote was taken and the Committee unanimously **AGREED** that the present application sought to put pressure on the Council in the manner suggested in paragraph 5 of Annex 2 of Circular14/91.

Members considered the second point raised in paragraph 50 of the Report, and voted that the points there raised would not cause them to determine the application.

Councillor Kindersley proposed and Councillor Mrs Roberts seconded that the Committee should not determine this application. A vote was taken and the Committee unanimously **AGREED** not to determine the application.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

S/0951/06/F – Sawston

Erection of 44 Houses Following Demolition of 28 Existing Dwellings at 1, 3 & 9-15 Churchfield Avenue, 1-15 Holme Way, 3, 4 & 11-14 Dale Way, and 2-8 & 14-20 Sunderlands Avenue - for Circle Anglia Housing Group

Recommendation: Approval

Date for Determination: 9th August 2006 (Major Application)

Site and Proposal

1. The 1.21 hectare application site comprises 6 parcels of land situated within a block of 45 dwellings in Churchfield Avenue, Holme Way, Dale Way and Sunderlands Avenue. These areas of land are occupied by a total of 28 semi-detached two storey prefabricated concrete Airey houses.
2. The full application, submitted on 10th May 2006 and amended on 12th July 2006, seeks to demolish the 28 existing Airey houses and to erect 44 two storey dwellings in their place. These would comprise 4 x 1-bed, 23 x 2-bed, 15 x 3-bed and 2 x 4-bed properties. The proposed houses would comprise a mix of rendered, weatherboard and red brick walls and tiled roofs. The houses on the corners of the roads and a number of other dwellings (namely plots 1, 7-14, 15, 21, 22, 29, 30, 31, 36, 37, 42, 43 and 44) would be 7.1 metres high whilst the remaining houses would be 8.5 metres high; all dwelling types are approximately 5 metres high to eaves and incorporate 37.5 degree roof pitches. The proposal would result in the overall density of the developed areas being increased from 23 to 36 dwellings/hectare.
3. The application has been accompanied by a tree survey, flood risk assessment and details of pre-application consultation with local residents.

Planning History

4. **S/0012/05/F** - Planning application on the same site for 45 houses following the demolition of the 28 existing dwellings was withdrawn.

Planning Policy

5. 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, amongst other matters, the development would be sensitive to the character of the village and the amenities of neighbours.
6. **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.

7. **Policies P5/2, P5/3 and P5/5** of the Structure Plan 2003 encourage new dwellings on previously developed land, densities of at least 30 dwellings per hectare and small scale housing developments in villages, respectively.
8. **Policy HG10** of the South Cambridgeshire Local Plan 2004 states 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 landscape and townscape. Schemes should also achieve high quality design and distinctiveness. The supporting text to the latter policy states that, in line with the guidance set out within Planning Policy Guidance Note No.3 (Housing) and within the Structure Plan, new residential development should be constructed at a density of 30-50/hectare in order to make best use of land.
9. **Policy HG7** of the South Cambridgeshire Local Plan 2004 requires affordable housing to be provided at a rate of up to 30% on sites within village frameworks with a population in excess of 3000, such as Sawston.
10. **Policy CS5** of the Local Plan requires the flood risk implications of new development to be considered.
11. **Policy CS10** of the Local Plan requires proposals for 4 or more dwellings to be subject to a financial contribution towards education facilities if required.

Consultation

12. **Sawston Parish Council** initially recommended refusal stating:
 - i. Parking solidly along fronts of all properties is dangerous to pedestrians;
 - ii. Sunderlands Avenue proposal is overdevelopment and is overbearing to the existing neighbours;
 - iii. Residents views have not been listened to and acted upon;
 - iv. More public consultation needed.

Following a consultation meeting with residents, the Parish Council supported the application in principle but the following items were felt to be important before a decision is made:

- a. The houses to be built between existing houses should all be in alignment with the existing properties instead of either behind or in front. This is to give all concerned privacy in the gardens;
 - b. Sunderlands Avenue, Churchfield Avenue and Holme Way are all quite narrow and are all on the bus route. As the new properties will only have one and a half designated parking spaces it is likely that there will always be cars parked on all these roads. The Parish Council and residents would like to request that the verge on one side of each road be removed and the road widened to allow bus and traffic to pass each other.
13. **The Local Highways Authority** states that all parking spaces where they take direct access from the public highway should be a minimum length of 5 metres and comprise 1.5 metre x 1.5 metre pedestrian visibility splays each side. The widening

of Dale Way must be completed prior to the occupation of the new dwellings that take access from it. This will need to be the subject of a Section 106 Agreement with the LHA once permission has been granted (and an informative advising the applicant as such should be added to any consent). The Local Highways Authority considers the amended plan, which clearly identifies the dimension of parking bays together with pedestrian visibility splays, is acceptable.

14. **The Trees and Landscape Officer** raises no objections stating that the root protection zones afforded to the horse chestnut tree in front of plots 9/10 and the beech tree to the rear of plots 39/40 are acceptable. A condition requiring protective fencing around these trees would be required.
15. **The Ecology Officer's** raises no objections subject to a condition requiring a scheme of nest box provision upon the new buildings. The provisions of further nest sites and suitable landscaping should sustain the local house sparrow population, credit is given to the applicants for the provision of house sparrow terraces on buildings retained within the local area.
16. **The General Works Manager** initially objected to the application, stating that there needs to be space for the equivalent of three 240 wheeled bins per property. Each leg of the hammerhead off Sunderlands Avenue must be at least 11 metres long in a 6 metre wide road for the Council's collection vehicles. This junction should have at least 6 metre radii and the access road must be constructed to adoptable highway standards to withstand 26 tonne collection vehicles. The refuse storage and collection arrangements shown on the amended plans are considered to be acceptable.
17. **The County Education Officer** states that, on the basis that 10 of the dwellings would be market dwellings, an education contribution for two secondary school places at £12,500 per place (ie - £25,000 total) is appropriate.
18. **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.
19. **The Cambridgeshire Fire and Rescue Service** has advised that additional water supplies for firefighting are not required. Access and facilities for the Fire Service should be provided in accordance with BR Document B5 Section 17.
20. **The Police Architectural Liaison Officer** is generally supportive of the application but would like to see small areas of clearly identifiable defensible space, as in the form of planting strips, to the exposed side elevations of plots 4 and 13 to reinforce the semi private nature of space adjacent dwellings.
21. **The County Archaeologist** states that the site lies in an area of high archaeological potential and it is likely that archaeological deposits survive on the site that could be damaged or destroyed by the development. The site should therefore be subject to a programme of archaeological investigation (a specification has already been agreed) to be secured through the inclusion of a condition in any planning consent.
22. **The Environment Agency** advises that there are no Agency related issues in respect of the application and that this Authority will be required to respond on surface water drainage related issues. Nevertheless, clarification should be sought in

respect of surface water drainage as the Flood Risk Assessment states this would be to 'soakaways' whilst the application form says 'mains'.

23. The majority of the above responses relate to the application as originally submitted. Any responses received in respect of the amended plans will be reported verbally at the Committee meeting.

Representations

24. Letters of objection have been received from 7 local residents, Nos. 6, 7 and 17 Churchfield Avenue and Nos. 9, 10, 11 and 17 Sunderlands Avenue. These objections relate to the initial plans rather than to the amendments. The main points raised are:
- a. The roads are used as a regular bus route and are already too narrow to accommodate the number of vehicles using them and to allow a bus and car to safely pass. Extra housing will, due to the insufficient amount of parking provided, lead to a greater number of vehicles parking along and using the road thereby further obstructing buses and emergency vehicles and making it difficult to pass along the roads safely. The roads should be widened or the bus route changed;
 - b. Increase in density/traffic without upgrade to roads, footpaths and services will lead to congestion problems, loss of amenity to adjoining residents, and loss of value of surrounding properties;
 - c. Plots 37-42 will reduce daylight to No.6 Churchfield Avenue. They should be set further back from road;
 - d. Plot 42 would result in a loss of light to front of No.7 Churchfield Avenue to the north;
 - e. Trees in front of plots 37 and 42 will obstruct visibility when exiting Nos. 17 and 7 Churchfield Avenue respectively;
 - f. No windows should be put in the side elevation of plot 42;
 - g. Plots 5/6 would result in a loss of outlook, loss of light and overlooking of No.10 Sunderlands Avenue;
 - h. The houses should be built in a line;
 - i. Parking blocks will lead to increased crime;
 - j. Who will maintain long rear gardens?;
 - k. What sort of fencing is to be used?
 - l. Tree at front of plot 37 is close to main sewer;
 - m. What is happening regarding sewage and water?

Planning Comments – Key Issues

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

- a. Impact upon character and appearance of the area;
- b. Residential amenity;
- c. Highway safety;
- d. Impact on trees;
- e. Flood risk/drainage issues.

Impact upon the character of the area/general layout issues

26. The proposed development would make a more efficient use of the area encompassed by the six parcels of land, increasing the density of development from 23 to 36 dwellings/hectare and introducing a greater number of small units of accommodation and a better mix of dwelling sizes to the area.
27. Given that the application seeks to develop separate parcels of land, with a number of dwellings between these parcels being retained, it is essential to ensure that the development strongly reflects the character of the area. The application proposes houses that are simple in form, incorporating gable ends and a palette of materials that reflects the materials of surrounding dwellings. In the initial application the dwelling types were 7.7 metres and 9.6 metres high and incorporated approximately 45 degree roof pitches. The existing houses in the area are between 7 and 8 metres high and it was considered that the higher properties would be too dominant and out of character with the street scene. The plans have been amended to reduce the heights of the dwellings to 7.1 metres and 8.5 metres respectively. The lower dwelling types are proposed for the corner plots, thereby helping to integrate the development into the existing street scene. In the amended scheme, these lower corner plots have also been set back 450mm from the front elevations of the higher dwellings so that they effectively have the appearance of extensions to the larger houses, helping to break up the massing of the development. In addition, plots 1-4 at the northern end of Sunderlands Avenue were originally proposed to be sited well forward on their plots and were extremely prominent in the street scene – these have since been pulled back so that they are in line with the existing dwellings on these plots.
28. One strong characteristic of the area is the open nature of the corners of the roads. In the initial scheme, plots 21 and 22 on the corner of Holme Way and Dale Way were too close to the corner whilst a number of the boundary treatments to other corner plots resulted in an unacceptable level of encroachment into these open areas. I am satisfied that the amended scheme has overcome these concerns by easing plots 21 and 22 as well as boundary fencing on all corner plots further away from the edges of the plots.
29. The Parish Council has requested that all dwellings be in alignment with existing properties. This has been achieved on the majority of plots. However, I would have strong reservations about aligning plots 43/44 with the adjoining dwellings to the south as this would harm the amenities of No.20 Babraham Road to the north. In addition, if plots 37-42 were set further back, this would result in the loss of a beech tree (to the rear of plots 39 and 40) that the Council's Trees Officer considers of sufficient quality to require its retention.
30. The 28 existing dwellings are all Council owned 'affordable' properties. To comply with this Council's policies for affordable housing, 28 of the replacement dwellings together with 30% of the additional 16 houses (ie – 5 houses) must be affordable

properties. A total of 33 affordable dwellings will therefore need to be provided and this will need to be secured by way of a Section 106 agreement.

Residential amenity issues

31. Concerns have been raised by No.10 Sunderlands Avenue in respect of the siting and scale of plots 5 and 6. In the original plans, these were 9.6 metre high dwellings set well back from the road and sited entirely beyond No.10's rear elevation, and I concur that these dwellings were extremely harmful to No.10's light and outlook. The amended plans have, in my opinion, overcome these issues by siting plots 5/6 in line with No.10 Sunderlands Avenue. A previously proposed parking court at the front of plots 5/6 has also been deleted and replaced with parking spaces serving plot 6 only, thereby appearing to overcome the neighbour's concerns about noise and disturbance from this communal parking area.
32. Objections have been raised by No.7 Churchfield Avenue to the position of the dwelling on plot 42. Although No.7 does have windows serving habitable rooms in the front elevation, I am satisfied that the proposed dwelling on plot 42 is sited sufficiently far away to not result in a loss of light or outlook to these windows. I also consider the dwellings on plots 37-42 to be sufficiently far from No.6 Churchfield Avenue (sited to the north-west on the opposite side of the road) not to result in a serious loss of light to this property.
33. In all other respects, I consider the relationship of the proposed houses with existing dwellings and to each other to be satisfactory from a residential amenity point of view. A condition should be attached to any consent to prevent the insertion of first floor windows in elevations where this would cause serious overlooking of adjoining properties (eg – in the side elevations of plots 9-12). On this point, the plan showing the rear elevations of plots 15-36 does not tally with the floor plans and therefore does not show the correct position of first floor bedroom windows to plots 15, 31 and 36 – these have been shown close to the flank ends, a relationship that would result in overlooking of existing dwellings to the north. Amended plans to address this error have been requested.

Highway safety issues

34. Concern has been raised by the Parish Council and by local residents on the basis of the narrow width of the existing roads, which are on the main bus route. The Local Highways Authority is aware that these roads are on the bus route but has not raised any objections to the application or requested any widening of the roads beyond 5 metres. On this note, the submitted plans indicate that the only road that is less than 5 metres wide is Dale Way and it is proposed to widen this in accordance with the Local Highways Authority's requirements. Objections have also been raised on the grounds of insufficient parking. The initial application proposed 1¹/₂ parking spaces per dwelling. This has been increased to 1.75 spaces per property and the application therefore complies with the parking standards set out in the Local Plan which require a maximum average of 1.5 spaces + 0.25 visitor spaces per dwelling. The amended plan has shown the provision of 5 metre deep parking spaces with 1.5 metre x 1.5 metre pedestrian visibility splays and the Local Highways Authority considers the application to be acceptable from a highway safety viewpoint.

Other issues

35. The Council's Trees Officer considers the horse chestnut tree in front of plots 9/10 and the beech to the rear of plots 39/40 need to be retained, and is satisfied that,

subject to a tree protection condition, they would not be compromised by the development.

36. With regards to drainage issues, the applicant's agent has clarified that surface water will be discharged to soakaways as stated within the Flood Risk Assessment rather than to the mains as stated within the application form. This would comply with the Environment Agency's standing advice relating to surface water discharge.
37. Conditions need to be added to any consent requiring an archaeological investigation and the provision of an education contribution. Fencing/boundary treatment details would also need to be conditioned as part of any permission.
38. The amended plans have provided an area of defensible space adjacent to plot 13 and therefore appear to address the Police Architectural Liaison Officer's concerns. This would no longer be required adjacent to plot 4 as a previously proposed communal parking block at the front of plots 5/6 has now been deleted from the application.
39. The applicant's agent has clarified that space for 3 bins for each property has been provided, whilst the turning area in front of plots 9-12 has been increased in size to accommodate refuse vehicles. In addition, radii at the junction with Sunderlands Avenue have been increased to 6 metres and it has been confirmed that the shared surface to this areas will be constructed to adoptable standards. I am awaiting further comments from the Council's General Works Manager in respect of these amendments.

Recommendation

40. Approval, as amended by drawings date stamped 12th July 2006, subject to the following conditions:
 1. Standard A – Time limited permission (Reason A);
 2. Sc5a – Details of materials for external walls and roofs (Rc5aii);
 3. Sc5f – Details of materials to be used for hard surfaced areas;
 4. Sc51 – Landscaping (Rc51);
 5. Sc52 – Implementation of landscaping (Rc52);
 6. Sc56 – Protection of trees during construction (Rc56);
 7. Sc60 – Boundary treatment details (Rc60);
 8. Save for the windows approved by this permission, no further windows, doors or openings of any kind shall be inserted at first floor level in the following elevations of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:
 - a. Side elevations of plots 2, 4-12, 14, 16-18, 20, 23, 25, 26, 28-30, 32-35 and 37-44;
 - b. Rear elevations of plots 1, 13 (south), 15, 21, 22, 31 and 36;
 - c. Front/north elevation of plot 13.

(Reason – To safeguard the privacies of occupiers of adjoining properties and of future occupiers of the dwellings hereby permitted);

9. The widening of Dale Way to 5 metres, as shown on drawing number p-22/A date stamped 12th July 2006, shall be completed prior to the occupation of any one of the dwellings on plots 22-30 inclusive, hereby permitted.
(Reason – In the interests of highway safety);
10. Visibility splays shall be provided on both sides of each access and shall be maintained free from any obstruction over a height of 600mm within an area of 1.5 metres x 1.5 metres measured from and along respectively the highway boundary.
(Reason – In the interests of highway safety);
11. No development shall begin until a scheme and completed Section 106 Agreement for the provision of an education contribution of £25,000 has been submitted to and approved in writing by the Local Planning Authority; the contribution shall be provided in accordance with the approved scheme.
(Reason – To ensure the provision of a financial contribution towards education facilities as required by Policy CS10 of the South Cambridgeshire Local Plan 2004);
12. No development shall commence until a scheme and completed Section 106 Agreement to secure the provision of affordable housing on a minimum of 33 of the plots has been submitted to and approved in writing by the Local Planning Authority.
(Reason – To ensure the provision of affordable housing as required by Policy HG7 of the South Cambridgeshire Local Plan 2004);
13. Sc66 – Archaeological investigation (Rc66);
14. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions (Reason – To minimise noise disturbance to adjoining residents);
15. No development shall commence until a scheme for the provision of nest boxes upon the new buildings has been submitted to and approved in writing by the Local Planning Authority; the nest boxes shall be provided in accordance with the approved scheme (Reason - To sustain the local house sparrow population).

Informatives

Reasons for Approval

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

- **Cambridgeshire and Peterborough Structure Plan 2003:** P1/3 (Sustainable design in built development), P5/2 (Re-using previously developed land and buildings), P5/3 (Density) and P5/5 (Homes in Rural Areas).
 - **South Cambridgeshire Local Plan 2004:** SE2 (Development in Rural Growth Settlements), HG7 (Affordable Housing on Sites Within Village Frameworks), 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:
- Impact on character of area;
 - Amenities of residents including loss of light, loss of outlook and overlooking issues;
 - Highway safety;
 - Flood risk/drainage issues.

General

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
3. Before the existing properties are demolished, a Demolition Notice will be required from the Environmental Health Department establishing the way in which the properties will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.
4. The applicant will need to enter into a Section 106 Agreement with Cambridgeshire County Council (the Local Highways Authority) to secure the widening of the carriageway of Dale Way.
5. The applicant's attention is drawn to the Environment Agency's comments set out in the attached letter dated 12th June 2006.

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
- File references S/0951/06/F and S/0012/05/F

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 2nd August 2006

AUTHOR/S: Head of Planning Services

S/1193/06/F – Great Abington
Extension and Conversion of Underground Tank and Associated Pumping Station into Dwelling at Former Cambridge Water Company Covered Reservoir and Pumping Station, North Road for Mr and Mrs N Griffiths

Recommendation: Refusal
Date of determination: 10th August 2006

Members will visit the site on Monday 31st July

Departure Application

Site and Proposal

1. The application relates to a 0.1 hectares/0.25 acre site occupied by a single storey brick and felt roof former pump house and a grass covered, partly underground covered reservoir. The site is enclosed by a 1.2m high chain linked fencing. There are paddocks beyond the track to the southwest, beyond an area of trees to the east and beyond a caravan and trees to the south. Agricultural buildings and No.45 stand beyond the track to the northwest. There is an existing vehicular access to the site off North Road to the north and a hardstanding to the front/north of the pump house building.
2. This full planning application, registered on the 15th June 2006 and amended by plan date stamped the 20th July 2006, proposes to convert the existing former covered reservoir and pump house to a dwelling including the erection of a glazed walls and zinc roof single storey link between the two. An entrance hall, kitchen and utility would be provided in the converted pump house, which would be roofed in zinc, a dining room would be provided in the new link between the pump house and covered reservoir and 3 bedrooms with en-suites, a further w.c, a study and a lounge would be provided in the former covered reservoir. A new internal floor would be provided. Rooflights would be installed in the roof and solar collectors would be installed on the south side of the former reservoir. The southwestern corner of the former reservoir would be removed to provide a terrace and light into the living room. The density equates to approximately 10 dwellings to the hectare.
3. A letter submitted as part of the application states that the reservoir became redundant around 2000. It also states that: the proposed 'eco-home' would seek to achieve a low energy solution to today's environmental concerns with the massive concrete structure with its earth and turf covering and high level of internal insulation providing very high levels of thermal insulation to keep the building warm in winter and cool in summer; mechanically assisted ventilation would enable the reclaim of heat normally lost through natural ventilation; around 70% of the dwelling's hot water demand would be provided by solar hot water collecting panels; ground source pump technology would also be investigated with a view to providing full self-sufficiency for heating and hot water; grey water would be recycled for garden watering and rainwater would be harvested for washing clothes and flushing toilets; it is intended

that the dwelling would meet the highest BREAM eco-home standards; and the applicant is agreeable to removing the existing caravan (S/0072/03/LDC – see planning history below) on occupation of the new dwelling.

Relevant Planning History

4. Planning permission for the change of use of the pumping station to light industrial (Class B1) was refused in April 2002 under reference **S/0472/02/F** for the following reason:

“The introduction of a commercial development unrelated to agriculture, horticulture, grazing or other uses appropriate to a rural area would be contrary to Policy Abington 2 of the Approved South Cambridgeshire Local Plan 1993 (Policy Abington 1 of the Deposit Draft Local Plan as amended 2001) and, if allowed, would set a precedent for the change of use of other buildings on the Abington Estate which would be difficult to resist. The cumulative effect of such changes would have an adverse impact on the character of the area and result in an unacceptable increase in traffic along the single track estate roads to the detriment of residents and smallholders on the estate.”

5. A Lawful Development Certificate for “Use for the stationing of one caravan (with associated foul drainage) for the purposes of storage, and daytime rest and shelter associated with the lawful use of the adjoining land. The lawful use does not include any domestic or residential use or habitation” on land in the applicant’s ownership to the south of the former pump house and covered reservoir site was issued in 2003 under reference **S/0072/03/LDC**.

Relevant Planning Policy

6. The site is within the countryside as defined in the Local Plan 2004 and the Local Development Framework Submission Draft 2006 and within the former Land Settlement Association Estate as defined in the Local Plan 2004.
7. Local Plan 2004 **Policy Abington 1** states that within the former Land Settlement Association Estate planning permission will not be granted for housing or commercial development unless it is directly related to the effective operation of local agriculture, horticulture, forestry or other uses appropriate to a rural area. The supporting text states that the reason for this policy is that the roads are of poor standard, being single carriageway with passing bays and are privately owned and maintained.
8. 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.
9. Local Plan 2004 **Policy SE8** states that residential development outside village frameworks will not be permitted.
10. Local Plan 2004 **Policy EN1** states that planning permission will not be granted for development which would have an adverse effect on the character and local distinctiveness of Landscape Character Areas (the East Anglian Chalk Landscape Character Area in this instance).
11. Local Development Framework Development Control Policies Submission Draft January 2006 **Policy HG/8** relates to the conversion of buildings in the countryside for residential use and states:

1. Planning permission for 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:
 - 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:
 - c. The buildings are structurally sound;
 - d. 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;
 - e. The buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside;
 - f. The form, bulk and general design of the buildings are in keeping with their surroundings;
 - g. Perform well against sustainability issues highlighted by 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 of such buildings will not be permitted. Incidental uses such as car parking and storage should be accommodated within any group of buildings, or on well related land where landscaping can reduce the visual impact of the new site.
 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. The cumulative impact of the conversion of a number of buildings on adjoining sites or the local area will also be considered.
 5. Residential conversion permitted as a subordinate part of a scheme for business re-use, will be secured by planning condition or agreement to ensure the occupation of the dwelling remains directly related to the operation of the enterprise. The dwelling part of the unit must be interdependently linked with the commercial part. A live-work unit should have a minimum of 40m² of definable functional workspace in addition to the residential element. Internal uses may be horizontally or vertically split. The workspace must be flexible, and capable of accommodating a range of employment uses.
12. Local Plan **Policies HG22 and EN44** state that, subject to other policies and proposals in the Local Plan, the District Council will look favourably upon residential schemes which include measures to conserve energy and the District Council will support and encourage proposals for the use of renewable energy resources, water efficiency and for developments using energy efficient and energy conservation technologies.

Consultations

13. **Great Abington Parish Council** recommends approval stating “The Parish Council is minded to approve this application, which is on a brown field site, subject to NOT setting a precedent for housing development on other brown field sites on the LSA and, if SCDC approves, planning conditions MUST ensure that the basic structure of the old reservoir is retained in its entirety.”
14. The **Environment Agency** recommends that conditions relating to foul and surface water drainage are attached to any approval.

Representations

15. Occupiers of 44 North Road support the application stating that, not only does the present design make excellent use of a redundant site, but it also adds a much needed house in the area.

Planning Comments – Key Issues

16. The key issues in relation to this application are whether the principle of converting and extending the buildings to form a dwelling is acceptable in principle in this countryside and former Land Settlement Association Estate location, including the suitability or otherwise of the road network to serve a new dwelling; and the visual impact of the proposed development on the character and appearance of the former Land Settlement Association Estate. With regard to other issues, it is considered that the proposal would not have any serious harm on the amenity of neighbours.
17. With good reason, Policy Abington 1 seeks to resist residential and commercial development on the former Land Settlement Association Estate as the Estate is not only in the countryside but also as the existing highway network (being single carriageway with passing bays, privately owned and maintained and public footpaths) is not suitable to serve additional development. In addition to the limitations of the internal highway network itself, there is restricted visibility from the main access onto Pampisford Road. At a recent appeal hearing for the change of use of the former Cambridge Salad Producers building on the Estate to B1 and/or B8 uses, the visibility at this junction was agreed to be only 2.4m by 15m in both directions (planning reference S/1111/04/F). The agent for this application contends that as adjacent land is already used for recreational purposes and with the removal of the caravan, the development will not lead to significantly increased traffic generation. Whilst an interesting and imaginative scheme which I may have been able to support in another location, even another countryside location, I consider that the dwelling would result in additional vehicular movements to and from the Estate and the proposal is therefore contrary to Policy Abington 1.
18. Whilst the application indicates that the dwelling would be an eco-home (see paragraph 3 above) and Local Plan Policies seek to encourage such development, these policies also make it clear that such development should not necessarily be supported where they are contrary to other policies of the Plan. With this in mind, I do not consider that any material considerations indicate that Policy Abington 1 or Policy SE8 should be set-aside in this instance.
19. The proposal is also considered to be contrary to Policy P1/2 as it has not been demonstrated that the development is essential in this particular rural location. Like the Parish Council, I would be particularly concerned if any approval was used by

others as a precedent for the conversion of any of the many other buildings on the Estate.

20. The character of the Estate is somewhat different to many other rural areas in terms of its linear character and density. However, it retains a rural character and, in particular, is distinctive in that few residential curtilages are clearly defined. Boundaries between residential curtilages and areas of smallholding/agriculture are often blurred and informal. The existing unkempt appearance of the site and low chain linked fence do little to detract from this character. In contrast, due to the relative small size of the site and the likely requirement by future occupiers for boundary treatments to provide a degree of privacy, the use of the site for residential purposes is likely to result in a more formal and manicured appearance than other development in the area. The proposed glazed link, rooflights and glazed living room, particularly when lights are on at night, would also result in the site detracting from the rural character and appearance of the Estate.

Recommendation

21. Refusal (as amended by plan date stamped the 20th July 2006).
1. The proposed development involves the creation of a new dwelling in the countryside and on the former Land Settlement Association Estate and no information has been submitted to demonstrate that it is required for the effective operation of local agriculture, horticulture, forestry or other uses appropriate to a rural area. It is therefore contrary to: South Cambridgeshire Local Plan 2004 Policy Abington 1 which states that, within the former Land Settlement Association Estate, planning permission will not be granted for housing development unless it is directly related to the effective operation of local agriculture, horticulture, forestry or other uses appropriate to a rural area; South Cambridgeshire Local Plan 2004 Policy SE8 which states that residential development outside village frameworks will not be permitted; and Cambridgeshire & Peterborough Structure Plan 2003 Policy P1/2 which states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location.
 2. As a result of the relative small size of the site compared to others on the Estate and the likely requirement by future occupiers for boundary treatments to provide a degree of privacy, the use of the site for residential purposes is likely to result in a more formal and manicured appearance than other sites in the area to the detriment of the rural character and appearance of the Estate. Furthermore, the proposed glazed link, rooflights and glazed living room, particularly when lights are on at night, would result in the site detracting from the rural character and appearance of the Estate. The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy EN1 which states that planning permission will not be granted for development which would have an adverse effect on the character and local distinctiveness of Landscape Character Areas (the East Anglian Chalk Landscape Character Area in this instance).

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 Local Development Framework Submission Draft
January 2006
- Planning file Refs: S/1193/06/F, S/1111/04/F, S/0072/03/LDC and
S/0472/02/F

Contact Officer: Andrew Moffat – Area Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

S/1152/06/F – Little Abington
Extensions to and Conversion of Agricultural Buildings into 4 Dwellings at
Ley Rectory Farm - for Mr G Boswell

Recommendation: Approval
Date of determination: 8th August 2006

Departure Application**Site and Proposal**

1. The application relates to a 0.4 hectare (1 acre) site containing a group of agricultural buildings constructed from brick, flint, boarding, corrugated sheeting and slate located to the north of Ley Rectory Farmhouse, a two-storey gault brick and slate dwelling. Corrugated sheeting agricultural storage buildings are located to the north. No.3 Hildersham Road, accessed from the farm access alongside Ley Rectory Farmhouse, which also serves the application buildings, lies to the south east. The A1307 and Hildersham Road are to the southwest and southeast respectively.
2. This full planning application, registered on the 13th June 2006, proposes to extend and convert an L-shaped range of buildings into 4 dwellings (2 no. 3-bedroom units and 2 no. 4-bedroom units) and to demolish the remaining buildings within the site. An office would be provided within each of the units to facilitate working from home. It is also proposed to erect the new car ports and stores for Units 1-3 approved under reference S/0070/05/F but now not build the approved car port for Unit 4. Garaging for Unit 4 would be provided by converting an existing building. The density equates to 10 dwellings to the hectare.

Relevant Planning History

3. Planning permission for the change of use of farm buildings to Business Use (Class B1) and erection of agricultural building was granted in August 2002 (**S/0842/02/F**). The scheme involved the creation of a new farm access onto Hildersham Road.
4. An application submitted in July 2004 to convert the buildings into 4 dwellings and erection of garaging was withdrawn (**S/1522/04/F**).
5. Planning permission for the conversion of this L-shaped range of buildings into 4 dwellings (3no. 3-bedroom units and 1no. 4-bedroom unit), each incorporating an office, the demolition of the remaining buildings and the silo within the site, the erection of new car ports and stores for the dwellings and the creation of a new farm access onto Hildersham Road was granted in October 2005 under reference **S/0070/05/F** following the completion of a S.106 Agreement requiring the payment of an affordable housing contribution of £16,000 (index linked) in lieu of on-site provision.

6. An application submitted in February 2006 to extend and convert the buildings into 4 dwellings was withdrawn (**S/0345/06/F**).

Relevant Planning Policy

7. The site is within the countryside as defined in the Local Plan 2004 and the Local Development Framework Submission Draft 2006.
8. 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.
9. Local Plan 2004 **Policy SE8** states that residential development outside village frameworks will not be permitted.
10. Local Plan 2004 **Policies HG7** and **HG8** relate to affordable housing and exceptions sites respectively.
11. Local Plan 2004 **Policy EM9** states that the District Council will support proposals for teleworking schemes which bring home and workplace physically together by conversion of rural buildings outside village frameworks provided there would be no adverse impact on residential amenity, traffic, character and the environment generally.
12. Local Plan 2004 **Policy EN1** states that planning permission will not be granted for development which would have an adverse effect on the character and local distinctiveness of Landscape Character Areas (the East Anglian Chalk Landscape Character Area in this instance).
13. Local Development Framework Development Control Policies Submission Draft January 2006 **Policy HG/8** relates to the conversion of buildings in the countryside for residential use and states:
 1. Planning permission for 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:
 - 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:
 - c. The buildings are structurally sound;
 - d. 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;
 - e. The buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside;

- f. The form, bulk and general design of the buildings are in keeping with their surroundings;
 - g. Perform well against sustainability issues highlighted by 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 of such buildings will not be permitted. Incidental uses such as car parking and storage should be accommodated within any group of buildings, or on well related land where landscaping can reduce the visual impact of the new site.
 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. The cumulative impact of the conversion of a number of buildings on adjoining sites or the local area will also be considered.
 5. Residential conversion permitted as a subordinate part of a scheme for business re-use, will be secured by planning condition or agreement to ensure the occupation of the dwelling remains directly related to the operation of the enterprise. The dwelling part of the unit must be interdependently linked with the commercial part. A live-work unit should have a minimum of 40m² of definable functional workspace in addition to the residential element. Internal uses may be horizontally or vertically split. The workspace must be flexible, and capable of accommodating a range of employment uses.
14. The Government's Planning Policy Statement 7: "Sustainable Development in Rural Areas," states at PARA 17 "The Government's Policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning authorities should therefore set out in LDDs their Policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses.

Consultations

15. **Little Abington Parish Council** recommends approval stating "We note that there is no provision within the scheme for affordable housing and would be interested to know if there is any possibility of a financial contribution towards affordable housing to benefit the village."
16. At the time of application S/0070/05/F, the **Environment Agency** raised no objections to the proposal but recommended that conditions relating to surface and foul water drainage were attached to any approval. It also made advisory comments and recommended that Anglian Water be consulted.
17. At the time of application S/0070/05/F, the **Anglian Water** was consulted but did not make any comments.
18. At the time of application S/1522/04/F, the **Local Highway Authority** raised no objections but commented that the existing access should serve the residential

development only and an alternative access should be provided to cater for the agricultural traffic leaving the farm.

Representations

19. None received. The statutory consultation period expires on 25th July.

Planning Comments – Key Issues

20. The principle of converting these buildings into 4 dwellings was established by the granting of permission under reference S/0070/05/F and I consider that the principle of converting the buildings into residential use is supported by LDF Policy HG/8. Information submitted as part of application S/0070/05/F demonstrated that there was no prospect in the foreseeable future of letting these buildings as business units at a rental that would justify the associated conversion costs.
21. The differences between this scheme and the scheme approved under reference S/0070/05/F are that: it is now proposed to extend the main barn by providing a first floor over the existing single storey lean-to at the western end; a 14.7m x 7.8m x 5.2m high single storey extension is now proposed extending to the north from the western end of the main barn; revisions are proposed to the approved external alterations to the buildings; and it is not now proposed to erect the car port for Unit 4 approved under reference S/0070/05/F.
22. The main issues to consider in relation to this application are therefore:
- a. Whether there is any justification for the proposed extensions to the buildings, particularly in terms of HG/8 which sets out a presumption against any increase in floor area except where it is necessary for the benefit of the design, or in order to better integrate the development with its surroundings; and
 - b. Whether the proposed external alterations maintain the rural character and appearance of the buildings.
23. A statement submitted as part of the application states that: the existing scheme is poorly planned and not well thought out, including the offices taking up large chunks of the living and dining rooms; and the removal of the existing buildings to the north of those to be converted will visually open up the site from the open countryside to the west and A1307 to the southwest allowing views of the access and car ports. A photograph has also been submitted which purports to show the boarding and pantile roof barn/stables that stood where the proposed single storey extension is now proposed prior to the erection of the 1960s concrete frame building and the statement also contends that the extension would maintain the farmyard enclosure. Having considered these points, as the approved car port for Unit 4 is now not to be erected and, with the demolition of those buildings shown to be demolished, the scheme now proposed would still result in a significant reduction in buildings on the site, I consider the proposal to be acceptable.
24. The approved scheme (S/0070/05/F) involved an irregular arrangement of openings. The current scheme maintains this character and is considered to satisfactorily maintain the rural character and appearance of the buildings.
25. Other matters, including the provision of a new farm access, should be secured by safeguarding conditions. In relation to the comments of the Parish Council, the S.106 Agreement entered into at the time of permission S/0070/05/F, to which any approval

of this application would also be subject, requires the payment of an affordable housing contribution in lieu of on-site provision.

26. As it is considered that approval of this application would not significantly prejudice the implementation of the development plan, it would not be necessary to refer the application to the Secretary of State should Members be minded to approve it.

Recommendation

27. Approval

1. Standard time condition A (3 years) (Reason A);
2. Any material variations to the approved 'Schedule of Proposed Works' received 20.5.05 under reference S/0070/05/F considered necessary as work progresses shall be submitted to and approved in writing by the Local Planning Authority (RC To ensure that the scheme extensively involves only the conversion of the buildings by ensuring that the Local Planning Authority retains control over the extent of any rebuilding);
3. No development shall commence until details of the new bricks and the colour of the new weatherboarding referred to in the approved 'Schedule of Proposed Works' received 20.5.05 under reference S/0070/05/F and details of the joinery have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details (RC To ensure the satisfactory appearance of the development);
4. Standard condition 51 (RC51); Landscaping scheme.
5. Standard condition 52 (RC52); Implementation of landscaping.
6. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme (RC To prevent the increased risk of pollution to the water environment);
7. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme (RC To ensure a satisfactory method of surface water drainage);
8. Standard condition 60 (all) (RC To protect the rural character and appearance of the area) - Details of the site boundaries.
9. Standard condition 21 Withdrawal of Permitted Development (Part 1 Classes A, B, C and E (Enlargement and alterations to dwellings and erection and maintenance of buildings and enclosures) and, with the exception of the means of enclosure approved pursuant to condition 8, Part 2 Class A (Erection, construction, maintenance, improvement or alteration of means of enclosure) (RC To protect the rural character and appearance of the area);
10. During the conversion and construction period, ... standard condition 26 (0800, 0800, 1800, 1300) (RC26);
11. None of the dwellings hereby permitted shall be occupied until the new farm access, farm track, fencing and gate shown upon drawing no. 01-98/09A approved under planning reference S/0842/02/F has been laid out. The access shall thereafter be retained (RC In the interests of highway safety);
12. Before development commences, precise details of a scheme of sound insulation of the buildings shall be submitted to and approved in writing by the

Local Planning Authority. The approved scheme shall be implemented before the use commences (RC To protect future occupiers from noise and disturbance generated by the adjacent farm activities);

13. The existing buildings on the site shown to be removed on drawing no. 214-A3-02a shall be demolished before any of the hereby permitted dwellings are first occupied (RC To ensure that the development does not detract from the rural character and appearance of the area);
14. Details of any external lighting to be installed on the site shall be submitted to and approved in writing before it is first operated. No lighting other than in accordance with approved details shall be operated (RC To ensure that lighting does not harm the visual amenities of this countryside site);

Reasons for Approval

1. Although the development is not in accordance with South Cambridgeshire Local Plan 2004 Policy SE8, it is considered to be acceptable as a departure from the development plan for the following reasons: the proposal represents a suitable new use for these buildings and thereby ensure their future.
2. The development is considered to generally accord with the Development Plan in all other respects and particularly the following policies:
 - Cambridgeshire and Peterborough Structure Plan 2003: P1/2 (Environmental Restrictions on Development)
 - South Cambridgeshire Local Plan 2004: EM9 (Teleworking) and EN1 Landscape Character Area)
3. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise:
 - financial contribution towards affordable housing

Informatives

This site is subject to a Deed of Unilateral Covenant and Undertaking pursuant to S.106 of the Town and Country Planning Act dated 3rd October 2005.

A guidance document on the procedures for dealing with potential land contamination is available from the District Council's Environmental Health Department.

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

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

The applicant's attention is drawn to the Environment Agency's advisory comments contained in its 24th January 2005 letter enclosed with this Decision Notice.

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 Local Development Framework Submission Draft January 2006
- Planning file Refs: S/1152/06/F, S/0345/06/F, S/0070/05/F, S/1801/04/F, S/1522/04/F and S/0842/02/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

**S/1195/06/F – Steeple Morden
Change of Use of Land to Station Car Park, Land at Station Road, Odsey
for Mr C J K Fordham**

**Recommendation: Delegated Approval
Date for Determination: 11th August 2006**

Departure Application**Site and Proposal**

1. This application, registered on 16th June 2006, proposes the change of use of land to a station car park to serve Ashwell and Morden Station.
2. The site, which has an area of 0.36ha, is located to the east of Station Road, Odsey. It is part of a larger field, the remainder of which is in agricultural use. Vehicular access is gained at the northern end of the site. There is a pedestrian path within the site leading from the southern end to link into an existing bridleway that joins Station Road approximately 130m to the north of the road leading down to the Station itself. There is no footpath on the east side of Station Road. The site is well screened from Station Road.
3. The main part of the site, which is already hardsurfaced is currently being used as a car park for a trial period by the applicant and can accommodate around 40 cars. The application shows provision for 50 vehicles with a controlled gateway with CCTV although no details of this are provided.
4. Opposite the site in Station Road are residential properties.
5. The site is in the countryside and the application has been advertised as a departure from the Development Plan.

Planning History

6. The application site was used as the vehicular access to and hardstanding for works in association with the construction of an earth bund on the applicants land to the east of the application site.
7. At that time the entrance was upgraded from an agricultural access. A condition attached to that application (a County Matter) (**Ref: S/2101/99/CW**) required the restoration of the access to a condition suitable for agriculture in accordance with a scheme to be agreed with the County Council.

Planning Policy

8. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) - Environmental Restrictions on Development states (in part) that development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location.
9. **Policy P1/3** of the County Structure Plan - Sustainable design in built development states (in part) that a high standard of design and sustainability for all new development will be required which minimises the need to travel and reduces car dependency.
10. **Policy P9/9** of the County Structure Plan - Cambridge Sub-Region Transport Strategy outlines the transport strategy for the Cambridge Sub-Region.
11. **Policy TP1** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) - Planning for More Sustainable Travel states (in part) that the Council will seek to promote more sustainable transport choices, to improve access to major trip generators by non-car modes, and to reduce the need to travel, especially by car.
12. **Policy EN5** of the Local Plan 2004 requires landscaping schemes for new development, where appropriate.

Consultation

13. **Steeple Morden Parish Council** recommends approval but makes the following comments. “Whilst welcoming the formalisation of the additional parking area after its trial period, we are concerned that it might attract commuters from railway stations outside the Parish with even less parking availability, adding to traffic flows. We also wonder whether the introduction of a parking charge (which the Parish Council assumes will occur) would cause commuters to revert to roadside parking.
14. We also have concerns regarding the type and after-care of the additional screening foliage around the parking area, and the means of accessing the rest of the field for agricultural purposes. To cover these points the following conditions are suggested.
 1. If a charge is to be made for parking, some concessionary price should be available for users from the Parishes of Steeple Morden, Guilden Morden, Ashwell and Litlington.
 2. The indicated screening should comprise local species of tree and bushes, to be agreed with the District Council’s Trees Officer together with an after-care programme that would also include the stretch of roadside hedge along one side of the car park, all to be maintained to a suitable standard.
 3. The means of accessing the remainder of the field for agricultural purposes to be agreed.
 4. Should the area no longer be required for this new use, it should revert to its previous use.”
15. The **Local Highways Authority** requests the submission of amended drawings that address issues of improvements to visibility splays and access width. The provision of the required visibility splays to the north is likely to require slight alteration to the

boundary enclosure north of the access point and will require some regarding of the highway verge together with clearance of vegetation.

16. The **Environment Agency** has no objection but requests that various informatives are attached to the decision notice.
17. The **Chief Environmental Health Officer** has considered the application in terms of noise and environmental pollution and concludes that there are no significant impacts from the Environmental Health standpoint.
18. Given the concerns of local residents set out below in respect of safety issues a copy of the application has been sent to **Police Architectural Liaison Officer, Cambridgeshire County Council** and any comments will be reported to the meeting.

Representations

19. The occupiers of 94 Station Road object to the proposal stating that they moved to the Odsey for the peace and tranquillity that Station Road affords. There has previously been two years of construction traffic when the owner of the land constructed an earth bund. The application for the bund contained a condition requiring that the vehicular access from Station Road be returned to its previous condition and that there would be planting on the mound. The concrete access has not been dug up and the planting, which was severely delayed, has nearly all died. The temporary car park has confirmed worst fears as it attracts thieves during the day and a place at night that because of its obscurity attracts all sorts of undesirable activity and noise. The place for a car park is adjacent to the station with proper lighting and security cameras, with proper management and control and not 100m up the road in a field that has no security control and will soon become a problem for the local police and council.
20. The occupiers of 100 Station Road have concerns in respect of drainage, additional traffic and car park charges. The letter states that Odsey is not on mains drainage and the field where the car park is located contains the soakaways and at three septic tanks for at least five houses in Odsey and there is concern that building work could damage or disrupt drainage/sewage flow. There is concern that the development of a car park may encourage commuters from further away to come to Ashwell and Morden Station thus creating extra traffic on an already busy road. The success of any charging scheme that might be introduced is questioned, as the reason for much of the parking along the verges in Station Road was to avoid paying the parking fees at the existing Station car park.
21. The occupier of 102 Station Road objects to the application. There is the potential of light pollution affecting local residents and wildlife, in an area which is used to darkness. There is no mention of the type of lights to be provided. There will be increased traffic due to commuters coming from further a field to use the improved facilities. There will be increased hazardous parking on Station Road as a result of charges being levied, resulting in additional hazards to other road users and pedestrians. There will be increased litter and maintenance requirement as a result of higher volume usage. The letter states that the objection would be reviewed if environmentally friendly low level low brightness lighting installed that switched off automatically shortly after the last train; if the parking is priced reasonably, with a subsidy for local users; if arrangements are made for yellow lines along Station Road to stop commuters parking on the verge and reducing the speed limit to 30mph; clearly identify the maintenance arrangements.

Planning Comments – Key Issues

22. The site is located in the countryside and the proposal is therefore contrary to Policy P1/2 of the Structure Plan. It is therefore necessary for Members to consider whether there is sufficient justification for supporting this application as a departure to that Plan, having regard to issues of visual impact, highway safety and neighbour amenity.
23. Over the years there have been a considerable number of cars parked on the highway verge along the east side of Station Road, to the north of Ashwell and Morden Station. The recent introduction of traffic calming measures along part of this stretch of road has reduced the ability of vehicles to park. However there are regularly some 20 vehicles parked on a daily basis on a 90m stretch of the road to the north of the railway bridge. The loss of this parking from the verge offers a possible environmental gain to the area.
24. There is an existing small Station car park to the east of the Station itself. Whilst planning consent was granted for an extension to the car park in 1989 that consent was not implemented. Access to the Station car park is immediately to the north of the railway bridge and visibility to the south is severely restricted, with very little opportunity for improvement. In the 1990's an appeal was lodged against the Council's decision to take enforcement action against a series of unauthorised uses on the land to the east of the current Station car park. In dismissing the appeal the Inspector commented that any increase in vehicular traffic using the Station Road entrance raised issues of highway safety.
25. I have passed the comments of the Local Highway Authority onto the applicant and have invited the submission of revised drawings which incorporate the amendments requested. At the present time visibility to either side of the entrance to the site is below that required by the Local Highway Authority, and whilst to some extent this can be addressed by maintenance of the highway verge, there is a need to assess the works needed to improve visibility to the north to ensure that they do not detract from the character of the area. When planning consent was granted for the upgrading of the former agricultural access to serve the works in association with the creation of the earth bund a condition was attached requiring the access to be returned to its former condition once work on the bund was complete. Whilst that condition has not been enforced by the County Council, there is no reason why the owner cannot seek to apply to retain the access in association with the proposed use.
26. I have asked the applicant to comment on the point raised by the Parish Council as to how access will be obtained to the remainder of the agricultural land.
27. In terms of the visual impact the site is well screened from Station Road. At the present time the remaining three boundaries are open. However the applicant has included space within the application site for new planting and this can be increased if it is considered necessary. The area for parking is already hardsurfaced. The application proposes the installation of CCTV, the details of which can be controlled by condition. Whilst I am of the view that the basic use of the land as a car park need not, with appropriate additional landscaping, be visually intrusive I have asked the applicant to comment on the need for lighting. Given the position of the car park it is difficult to see how it could operate safely without the introduction of some form of lighting and this may, depending on how it is carried out, impact on the visual character of the area.

28. The car park, being well screened from Station Road, has no natural surveillance and concerns have been expressed about the potential for crime etc. The view of the Police Architectural Liaison Officer will be reported on this point.
29. I have asked the applicant to supply details of the proposed controlled entrance gateway and comment on the Parish Councils comment that reduced parking fees should be available to residents of adjoining villages. There has been no charge for the car park during the trial period.
30. If consent is granted details of planting would be required by condition and agreed with the Councils Trees and Landscapes Officer, as required by the Parish Council. A condition can be attached to any consent requiring the land to return to agricultural use should its use as a car park cease.
31. I have asked the applicant to comment on the question raised by a local resident about existing septic tanks within the site and will report the response. The Environment Agency has not objected on drainage grounds.
32. There is local concern that the introduction of car parking charges will result in more cars parking on the verges. In discussions prior to the submission of the application the applicant indicated that he would only wish to pursue the project if parking restrictions were introduced by Cambridgeshire County Council prohibiting the current parking on the grass verges. Whilst the introduction of such restrictions does not fall within the powers of this Authority I am of the view that if the use of land as a car park is to be supported as a departure from the Development Plan it could only be on the basis that, having considered all material issues, members are of the view that the proposal will result in a significant overall environmental gain to the area. In my view this could only be achieved if parking along the grass verges is prohibited. I have asked the applicant to comment on this point and will explore with the Councils Legal Officer of possibility of restricting any consent in this way.
33. If the above issues can be satisfactorily resolved and the use of the car park can be made dependant on the restriction of existing car parking on the highway verge I would support the application as a departure from the Development Plan.
34. Given the need for such parking and the potential to remove existing parking from Station Road, I do not consider that it will be necessary to refer the application to the Secretary of State as a Departure. The proposal, by reason of its scale and nature is not considered to significantly prejudice the implementation of the Development Plan's policies and proposals.

Recommendation

35. Subject to the provisions of the preceding paragraph that delegated powers be given to approve the application subject to safeguarding conditions, regarding landscaping, highway safety, details of CCTV and lighting and restoration of the land if the use of the land for parking ceases, and Environment Agency informatives.

Reasons for Approval

1. Although the use of land as a car park is contrary to Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 the Local Planning Authority is of the view that the environmental gain to the area resulting from the creation of an off street car park and the loss of existing car parking from the grass verge in Station Road, outweighs the harm to that policy.

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

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/1195/06/F & S/2101/99/CW

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

REPORT TO: Development and Conservation Control Committee2nd August 2006**AUTHOR/S:** Head Of Planning Services

**S/0695/06/F – Waterbeach
Erection of 4 Houses, One Bungalow and Associated Garaging Following the
Demolition of the Existing Dwelling at
19 High Street, for B. Cook Esq.**

**Recommendation: Approval
Date for Determination: 2nd June 2006**

Site and Proposal

1. Number 19 High Street is a residential property in a central location in the village of Waterbeach. This application, registered on 7th April 2006 and amended on 14th July 2006, seeks to demolish the existing dwelling and to erect 4 Victorian style houses on the road frontage with garaging and a bungalow on the land to the rear. The density proposed is 29.6 dwellings per hectare (site area 0.169 hectare).
2. The application site is within Waterbeach and is therefore within the development boundary framework and within the Conservation Area, but has no other planning policy constraints.
3. The dwelling to be demolished is of 20th Century construction and is a 1-½ storey property. The road frontage boundary is currently defined with a 1.8 metre high fence.
4. Outbuildings and garages currently stand in the northwestern corner of the application site, it is proposed that these are also to be demolished.
5. To the south of the application site number 17a High Street has extant consent for use as Class B2 Business (General Industry). To the rear of 17 High Street planning permission was granted in 2004 for the erection of 2 bungalows. This permission has now been implemented and the dwellings constructed. The shared boundary is defined with a 1.8 metre high wall. (Ref. S/2117/88/F and S/2545/03/F respectively).
6. It is proposed that the 4 dwellings fronting the road will have access to a shared parking and turning area to the rear of the properties. Each dwelling would be provided with an outside parking space and a garage. The proposed bungalow is to have an integral double garage. All dwellings are 3 bedroomed.
7. The houses would be finished in cream facing brickwork under a natural slate roof, whilst the bungalow would be finished in a red reclaimed brick under a red clay pantile roof.

Planning History

8. The application site has not been subject to a previous application for residential re-development. Conservation Area Consent was granted on 12th June 2006 for the demolition of the bungalow and outbuilding (**S/0833/06/CAC**).

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003

9. It is provided in **Policy P1/2** that development will be restricted where there could be damage, destruction or loss to areas that should be retained for their historic or architectural value.
10. **Policy P1/3** requires that all new development is of high standards of design and sustainability, provides a sense of place, makes efficient use of energy and resources and takes account of community requirements.
11. South Cambridgeshire District Council is required to develop 37% of new dwellings on previously developed land or through the reuse of existing buildings under **Policy P5/2**.
12. **Policy P5/3** states that densities of less than 30 dwelling per hectare are not acceptable.
13. **Policy 5/5** permits small scale housing developments in villages only where appropriate, taking into account, amongst others, the character of the village and its setting.
14. **Policy P7/6** requires that Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

South Cambridgeshire Local Plan 2004

15. **Policy SE2**, lists the rural growth settlements of which Waterbeach is one. It is provided in this policy that the development and re-development of unallocated land within village frameworks will be permitted provided:
 - 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 and 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 **EM8**. (Policy EM8 relates to the redevelopment of land in employment use).

It is further considered that dwellings should provide a mixture of types, sizes and affordability and should achieve a density of 30 dwelling per hectare unless there are strong design grounds for not doing so.

16. The criteria for the requirement of affordable housing is set out in **Policy HG7**. It is explained that in villages with a population greater than 3000 residents, it is only developments of 10 dwellings or more which will be required to contribute to affordable housing (Waterbeach is one such village).
17. It is provided in **Policy HG10** that residential development will be required to contain a range of units, in terms of types, sizes and affordability, this is to include 1 and 2

bedroom dwellings. Schemes are also to achieve high quality design and distinctiveness as well as promoting energy efficiency.

18. **Policy HG11**, states the criteria which backland development is to be assessed against. Development will only be permitted where it would not:
 - a) Result in overbearing, overlooking or overshadowing of existing residential properties;
 - b) Result in noise and disturbance to existing residential properties through the use of its access;
 - c) Result in highway dangers through the use of the access; or
 - d) Be out of character with the pattern of development in the vicinity.
19. **Policy TP1** sets out the Council's standards relating to the maximum provision of car parking facilities to be incorporated into new developments, i.e. average of 1.5 spaces per dwelling plus 0.25 spaces per dwelling provided with 2 parking spaces for the short term parking of visitors.
20. It is explained in **Policy EN30** that development within the Conservation Area should be accompanied with sufficient detail for the impact of the proposal to be assessed. Proposals are expected to preserve or enhance the special character and appearance of the Conservation Area, especially in terms of the scale, massing, roof materials and wall materials.
21. In addition it is explained in **Policy EN31** that the Council will expect a high quality of design, planting and materials for hard and soft landscaping in private spaces connected with development in Conservation Areas.
22. **Policy CS10** of the Local Plan requires education financial contributions, when needed, for development of 4 or more dwellings.

Consultation

23. **Waterbeach Parish Council**, re-consultation, recommends refusal: It comments: "Excessive development of site, particularly in that area of the conservation area. Proposed design has too greater impact on area and neighbours specifically with the inclusion of the bungalow, its size and its change from the existing building. The resulting loss of privacy to neighbours due to the removal of buildings to the rear of the plot and the provision of a close boarded fence instead of the existing wall would give more privacy."
24. **Conservation Manager**, re-consultation, no objection in principle to the development, but request that further details relating to the design of the properties be submitted and approved before the commencement of any development (bay windows, windows including sub-cills, tiles and brick, brick bond pattern and hard landscaping).
25. **Local Highways Authority**, the submitted layout plans satisfactorily address the highway issues. However, five conditions are requested relating to the access road and visibility splays.
26. **Chief Environmental Health Officer**, no objection to the proposals, but requests one condition and two informatives be attached should planning permission be granted relating to the demolition of the existing building and construction methods.

27. **Cambridgeshire County Council Financial Planning Officer-** seeks a contribution of £10,000 from the developer, to meet the potential pre-school and primary school needs from the net additional of dwellings.
28. **Waterbeach Internal Drainage Board**, no objection to the proposal. If any means of disposal of surface water other than soakaways is proposed, the Board must be re-consulted.

Representations

29. None received.

Planning Comments – Key Issues

30. The principle, scale and density of development is acceptable in this Rural Growth Settlement. The planning application was subject of pre-application discussion between the applicant and officers. It is explained in a letter to the applicant that there is some merit in exploring development of the site.
31. The scheme was amended on 14th June 2006. These amendments altered the design of the bay windows on the front of the terrace of 4 houses, the siting and design of the bungalow to the rear of the property, and the materials to be used for the bungalow.
32. The amendments largely redesigned the bungalow, however did not fully encompass the additional concerns relating to the design features of the terraced houses along the frontage. However, these issues relate to detailed design matters which can be dealt with through conditions.
33. The amended plans also relocate the bungalow, which is now to be sited hard to the rear boundary of the site. This is the current location of the outbuildings on the site, which stand at 1½ storeys in height. There are no windows in the rear, west elevation.
34. The scheme proposes 13 car parking spaces; this includes one visitor car parking space. The Scheme proposes that six of the spaces are to be provided in the form of covered garages, with the additional six to be marked parking spaces.
35. There are no overlooking windows from the development which would overlook neighbours. In my opinion the replacement of the existing dwelling by the terrace of 4 Victorian style houses would enhance the Conservation Area.

Recommendation

36. Subject to the prior completion of a S106 Agreement in regard of a financial contribution to education capacity, Approval, subject to conditions.
1. Standard Condition A – Time limited permission (Rc A);
 2. Sc5a – Details of materials for external walls and roofs (Rc5aii);

3. No development shall commence until details of the design of the bay windows to units 2 and 3, have been submitted to and approved in writing by the Local Planning Authority,; the development shall be carried out in accordance with the approved detail.
(Rc – To ensure that the design enhances or protects the character and appearance of the Conservation Area).
4. No development shall commence until details of ground floor kitchen windows of units 1 and 4 have been submitted to and approved in writing by the Local Planning Authority, this is to include details of the cill level; the development shall be carried out in accordance with the approved details.
(Rc - To ensure that the design enhances or protects the character and appearance of the Conservation Area).
5. Sc5f - Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas. (Rc - To minimise disturbance to adjoining residents and to enhance or protect the appearance of the Conservation Area);
6. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.
(Reason - To minimise noise disturbance to adjoining residents.)
7. B9 - access road min 5.0 metres (Rc 10 Safety)
8. B10 - access road (Rc 10 Safety)
9. D1 - visibility 2.4m x 90.0m to the south, 2.4m x 84m to the north (Rc 10 Safety)
10. D3 – visibility (Rc 10 Safety)
11. D5(a) – Visibility 2.0m x 2.0m (Rc 10 Safety)

Informatives

During demolition and construction there shall be no bonfires or burning of waste on site except with prior permission of the 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 Environmental Health Department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation. This should be brought to the attention of the applicant to ensure the protection of the residential environment of the area.

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
 - P1/2** (Environmental Restrictions on Development)
 - P1/3** (Sustainable design in built development)
 - P7/6** (Historic Built Environment)
 - P5/3** (Density)
 - P5/5** (Homes in Rural Areas)
 - **South Cambridgeshire Local Plan 2004:**
 - SE2** (Development in Rural Growth Settlements)
 - HG10** (Housing Mix and Design)
 - EN30** (Development in/adjacent to Conservation Areas)
 - HG11** (Backland Development)
 - TP1** (Planning More Sustainable Development)
 - EN31** (Development in Conservation Areas)
 - 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
 - Impact upon setting of adjacent Conservation Area

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Applications ref: S/0695/06/F, S/2117/88/F and S2545/03/F

Contact Officer: Area 2

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

S/1119/06/F - Landbeach**Proposed Additional Residents Parking Area at Beche way, South Cambridgeshire District Council**

Recommendation: Approval
Date for Determination: 2nd August 2006

Adjacent Conservation Area**Site and Proposal**

1. This application, received on the 7th June 2006, proposes an additional residents parking area within Beche Way. It is proposed to form a further three parking spaces on the estate which is currently under pressure in parking terms.
2. It is proposed to locate the parking bays on an area of grassland that at present acts as a buffer area between the access road of Beche Way and the rear gardens of the dwellings to the east. At present on the site there exist two small trees and a mature lime tree. It is proposed to remove the two smaller trees and retain the larger lime tree.
3. The application site lies within the village framework of Landbeach and adjacent to the designated Landbeach Conservation Area.

Planning History

4. There is no relevant planning history to the application site.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003.

5. **Policy P1/3** states that a high standard of design and sustainability for all new development will be required which provides a sense of place that responds 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.

South Cambridgeshire Local Plan 2004.

6. **Policy HG10** explains that residential development will be required to promote a sense of community which reflects local needs, and that the design and layout of schemes should be informed by the wider character and context of the local townscape and landscape.

Note: Whilst Policy HG10 relates more to new residential development, the proposed car parking bays are linked to existing dwellings in Beche Way. There are existing

parking bays further to the north of the application site and the current proposals reflect the location and layout of this parking area.

7. **Policy EN30** notes that application proposals will be expected to preserve or enhance the special character and appearance of Conservation Areas, especially in terms of their scale, massing, roof and wall materials.
8. **Policy EN5** of the Local Plan requires trees to be retained wherever possible in proposals for new development.

Consultation

9. **Landbeach Parish Council** - Recommends approval of the application proposals.
10. **Trees and Landscape Officer** - The lime is significant in the location, however there are no objections to the car parking area providing care is taken not to damage the stem and crown.
11. **Conservation Manager** - No objections
12. **Waterbeach Level Internal Drainage Board** - No comment from a drainage point of view.

Representations

13. The owner/occupiers of number 42 Green End, Landbeach object to the positioning of the car parking bays, as they would find it difficult to reach their back garden. In addition, cars parked outside the access gate could provide a hiding place for thieves. If the large tree were removed and the bays relocated, then this would be a more appropriate arrangement.
14. The owner/occupiers of number 2 Spaldings Lane, Landbeach have no objection to the parking bays, but are concerned about the proximity of these to their boundary fence, as damage could occur to the fence if a car collided with it.

Planning Comments – Key Issues

Justification for proposals

15. Justification has been sought from the applicant to demonstrate the need for the additional car parking spaces in Beche Way. The Local Authority's Housing Officer undertook further consultation with residents in Beche Way, who have commented that there is a need for the additional parking bays as the number of properties has increased, and there has been an increase in car ownership. The parking bays are essential as there are health and safety issues regarding access at the current time as parking takes place on paths in Beche Way, and there is therefore limited access for emergency vehicles.

Noise and disturbance to adjacent properties

16. There has been some concern that the application proposals could result in noise and disturbance to number 2 Spaldings Lane, as the three parking bays would be located behind this property.

17. However, the bays would be located approximately 10 metres from the rear of the house, which together with the 1.8-metre high larch-lap fence leads me to conclude that there would not be significant noise or disturbance to the occupiers of this property.

Protection of rear fence

18. At the moment to the rear of the application site there is a 1.8-metre high larch-lap fence. Concerns have been raised that cars could collide with this fence, resulting in damage. However, the application drawings indicate that block paving will be used for the parking bays, with an upstanding kerb to the rear. This will result in a reduced likelihood that cars could collide with the fence, and it is considered that adequate protection is provided.

Loss of trees

19. The application proposals would necessitate the loss of two small existing trees, which are located to the south and centre of the application site. However, the existing large lime tree located to the north of the proposed parking bays would be retained.
20. It is considered that the loss of the two smaller trees would not be detrimental to the street scene, and that a condition relating to the protection of the stem and crown of the large lime tree is appropriate.

Conclusions

21. It is considered that there is a need for the proposed additional car parking spaces in Beche Way, and that sufficient justification has been provided by the applicants. The proposals are acceptable in relation to the loss of two small trees and the amenities of nearby residents.

Recommendation

22. Approve subject to conditions.

Conditions

1. Standard Condition A – Time limited permission (Reason A);
2. No development shall commence until details of measures to protect the lime tree located to the north of the site have been submitted to and approved in writing by the Local Planning Authority.
(Reason- To protect the stem and crown of the tree which is worthy of retention in accordance with Policy EN5 of the South Cambridgeshire Local Plan 2004.)

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3** (Sustainable design in built development)

- **South Cambridgeshire Local Plan 2004:**
HG10 (Housing Mix and Design),
EN30 (Development in/adjacent to Conservation Areas)
Policy EN5 (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:

- Impact on amenities of neighbouring properties

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/1119/06/F.

Contact Officer: Area Team 2

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

**S/1155/06/F - Over
Extension to Dwelling, 1A Willingham Road, for Mr J Wynn**

**Recommendation: Approval
Date for determination: 8th August 2006**

Adjacent Conservation Area**Site and Proposal**

1. The dwelling at 1A Willingham Road is two-storey with an attached single garage. The adjoining dwelling to the west, No.1, is also two-storey. Adjoining its eastern boundary, No.3 is a bungalow, as is No. 5 further east. To the north, the site adjoins a bungalow at 2, Fen End. To the south, the dwelling faces the village recreation green.
2. The full application, dated 30th May 2006, proposes the erection of a first floor extension over the garage to provide a 4th bedroom and en-suite WC. The ridge height is shown to match the existing main house, at 7.0m. The extension would come no closer to the eastern boundary with No.3. The ridge height would increase from 4.9m at present to 7.0m. The eaves height would rise from 2.5m to 4.4m. The length would enlarge from 5.5m to 7.8m. The extension has been designed to have a low dormer window in the front elevation and a similar window plus a velux-type window in the rear elevation.

Planning History

3. In 2002, planning permission was granted for the demolition of the then existing bungalow and its replacement with two dwellings (**S/2151/01/F**). Condition 3 required the ridge and eaves height of the nearest part of the new dwelling on Plot 2 to match those of the bungalow at No.3. Amended house types were approved subsequently (**S/1724/02/F**). This consent has been implemented.
4. Planning permissions have been granted, last year, for the extension of the bungalow at No.3 to form a two-storey dwelling (**S/0451/05/F**) and this year, for the demolition of the bungalow and its replacement with a house (**S/0092/06/F**). Neither of these permissions has been implemented to date.

Planning Policy

5. The site lies outside but adjacent to the Over Conservation Area.

Cambridgeshire and Peterborough Structure Plan 2003:

6. **P1/3** (Sustainable Design in Built Development) A high standard of design and sustainability for all new development will be required

South Cambridgeshire Local Plan 2004

7. **HG12** – (Extensions and Alterations to Dwellings within Frameworks): Planning permission will not be permitted where:
1. The design and use of materials would not be in keeping with local characteristics;
 2. The proposals would seriously harm the amenities of neighbours;
 3. There would be an unacceptable loss of off-street parking or garden space within the curtilage;
 4. There would be an unacceptable visual impact upon the street scene; boundary treatment would provide an unacceptable standard of privacy and visual amenity.
8. **EN30** (Development in Conservation Areas) – proposals in conservation areas, or affecting their setting, 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.

Consultations

9. **Over Parish Council** – recommendation of refusal. The PC has commented, “We understand that the original planning consent stipulated a lower roof line in keeping with neighbouring properties. As a result of creeping development, the street scene around The Green (a conservation area) is changing”.
10. **Conservation Manager** – No objection. He comments that the dwellings along the north side of Willingham Road have the potential to affect the setting of the Conservation Area. The Recreation Ground is a relatively large piece of open ground, and the increase in two storey dwellings on Willingham Road has the potential advantage of providing greater enclosure to this space. The Victorian houses on the west side of Long Furlong already achieve this effect.

Representations

11. None received.

Planning Comments

Impact on No.3 Willingham Road

12. The proposal should be assessed against both the existing bungalow at No.3 and the replacement house consented on this site under S/0092/06/F. The existing bungalow has no openings in the gable end facing the site. The proposed rear extension will align with the rear elevation of the existing bungalow. In my opinion this will not result in any undue loss of daylight, sunlight or overbearing impact to this property. Overlooking of the garden area of No.3 from the proposed rear-facing bedroom window would be at an oblique angle and would not be seriously harmful to privacy. The consented house is shown to extend further at the rear and to have no windows to habitable rooms in its facing elevation. Again, it is unlikely that any harm to the amenities of future occupiers of this dwelling would result from the proposed extension.

Effect on the street scene and setting of the Conservation Area

13. The existing dwelling sits well with the bungalow at No.3, as the design was carefully controlled under planning permission S/2151/01/F. The increase to two-storey on this side will result in a less harmonious relationship when viewed from Willingham Road, as noted by the Parish Council. However, with the varied mix of dwelling heights on this section of Willingham Road, and the benefit of an increased enclosure to the setting of The Green and the Conservation Area, on balance I do not consider that a refusal of planning permission could be sustained in this instance.

Recommendation

Approval, subject to the following conditions:

1. Standard Condition A – Time limited permission (RcA);
2. Sc19 (matching materials) Rc19

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003**
P1/3 (Sustainable Design in Built Development)
 - **South Cambridgeshire Local Plan 2004**
HG12 (Extensions and Alterations to Dwellings within Frameworks)
EN30 (Development in Conservation Areas)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Visual impact on the locality
 - Impact upon setting of adjacent Conservation Area

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/1155/06/F, S/2151/01/F, S/0451/05/F, S/0092/06/F, S/1724/02/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

S/0982/06/RM - West Wrattling
Dwelling at Land Rear of 4 High Street for Mr & Mrs J Osbourne

Recommendation: Approval
Date for Determination: 7th July 2006

Site and Proposal

1. The application site is a 0.09 hectare plot of land located to the rear of, and forming part of the garden area to No 4 High Street, a 2 storey detached dwelling with a secondary kitchen window, fencing and hedges at the side facing the existing driveway. The driveway runs along the northwestern boundary of the site providing access to a detached double garage sited at the side of the dwelling. Beyond the existing garage is a shed and in the rear elevation of No 4 is a conservatory. Part of the rear garden is outside the village framework.
2. Surrounding development is a mix of 2 storey and single storey dwellings. To the northwest is No 6, a 2 storey house. It has a ground floor side door facing the boundary hedges adjacent to No 4's driveway. The distance between the side of No 6 and that driveway is approximately 11m. To the north of the site is a field with over 2m high hedges along the field boundary. To the southeast is No 2, a 2 storey house with an outbuilding in the garden adjacent to the common boundary with the application site and the 2m high fencing and 2.2m high hedges.
3. The application, registered on 12th May 2006, seeks approval of reserved matters for siting of building, design and external appearance, and landscaping of the site. The proposed dwelling is a 6.4m high chalet style three-bedroom dwelling with weatherboarding and concrete interlocking tiles. The existing garage at No 4 would be demolished to form an access from the existing driveway at No 4 leading to the new dwelling.
4. Amended plans date stamped 16th June 2006 show the rooflights in the east side elevation and front elevation to be high-level velux.
5. The proposed development represents a density of 11.1 dwellings per hectare

Relevant Planning History

6. **S/0900/83/O** - Planning permission was granted for one dwelling
7. **S1449/84/F** - Planning permission was granted for a house
8. It is considered that a recent permission granted for backland development at High Street is relevant to the consideration of this application:
S/2121/03/F – Permission for house and garage at land rear of 3 High Street

9. **S/1056/05/O** – Outline permission was granted for a dwelling at land rear of No. 4 High Street (August 2005 committee - item 4). Means of access was approved at that time.

Planning Policy

10. **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.
11. **Policy SE5** of the South Cambridgeshire Local Plan 2004 states that residential development within this infill village will be restricted to no more than two dwellings provided the site does not form an essential part of village character and development is sympathetic to the character and amenities of the locality.
12. **Policy HG10** of the Local Plan states that the design and layout of residential development should be informed by the wider character and context of the local townscape and landscape.
13. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
- a) Result in overbearing, overlooking or overshadowing of existing residential properties;
 - b) Result in noise and disturbance to existing residential properties through the use of its access;
 - c) Result in highway dangers through the use of its access; or
 - d) Be out of character with the pattern of development in the vicinity.

Consultation

14. **West Wrattling Parish Council** recommends refusal and states that 'The Parish Council's views remains same as for the original application. Although this is within policy the general view was that the proximity to fronting house and adjacent properties increase the density on the edge of village envelope. With no garage and very very small garden parking would have to be on the road thus causing a road hazard and being visually intrusive. It breaks the overall "ribbon development" nature of the village and is back-fill.'

Representations

15. Residents at Nos 2, 6 and 52 High Street, object to the proposal on the following grounds:
- a. Boundary dispute that the rear part of the application site is not owned by the applicants and that this part is outside the village framework;
 - b. The proposed dwelling is too big for the plot and represents overdevelopment;
 - c. Residential amenity interests: overlooking to the garden of No 4 from the proposed balcony and bedroom 3 rooflight;
 - d. The new hedge would restrict light to the rear garden at No 4 and the garden area at No 6;
 - e. Noise disturbance during construction and the use of the driveway along the boundary with No 6;
 - f. The proposal is being overbearing, overshadowing and overlooking to existing residential properties;
 - g. Increase in flooding with more development;

- h. The proposal is a 2 storey structure but not a bungalow as shown on the original plans; and
- i. There is a large road junction near No 4 and busy public house car park opposite No 4.

Planning Comments – Key Issues

16. The key issues in relation to this application are backland development, details of sitting of building, design and external appearance, and landscaping of the site, and residential amenity interests.

Backland development

17. An outline planning application was granted for the principle of erecting a dwelling on this area of garden land at No 4 High Street under reference S/1056/05/O. The proposed new dwelling is considered to be sited carefully that it will be set 5m from the rear boundary of No 4 and 3m from the side boundary with No 2. The scheme includes a garden area of a depth of 18m, whilst the rear garden of No. 4 varies in depth from 11m to 14m.

The amenity of neighbours

18. The design of the dwelling with a gable (5.8m high to the ridge and 2.5m high to the eaves) and a high-level bedroom rooflight facing the garden area of No 4 will not harm the amenities of occupiers at No 4. The proposed dwelling includes two 6.4m high full gables facing the garden areas of Nos 2 and 6. Given the distance between the proposed dwelling and the boundary with No 6 (appropriately 8.5m) and that a gable will face the rear part of the garden area at No 2, I consider that the proposal will not seriously harm the amenities of occupiers at Nos 2 and 6 through being unduly overbearing in terms of its mass when viewed from the garden of these 2 neighbouring properties.
19. The revised scheme includes changes to the rooflight in the east side elevation so that it will be a high-level velux. The proposed balcony will be facing the garden area of the new dwelling and in an oblique angle to the bottom of the garden area at No 2. I do not consider that the proposal would result in any serious overlooking of No 2.
20. No 4 has a secondary kitchen window at the side facing the driveway leading to the proposed new dwelling. I do not consider that the use of the access will cause undue noise and disturbance to the occupiers of No 4. The distance between the side elevation of No 6 and the driveway would be approximately 11m. Given that only a small part of the access will be shared by No 4 and the new dwelling, and the parking for the existing house will be relocated to the front, the use of the driveway is not likely to increase significantly, and therefore, I do not consider that the use of the driveway would cause unacceptable disturbance to the occupiers at No 6. Moreover the driveway will have a tarmacadam surface.

Design and external appearance

21. The proposed dwelling is a 6.4m high chalet style three-bedroom dwelling with accommodation in the roof. The building materials will be weatherboarding and concrete interlocking tiles. I consider that the height, design, size and appearance of this 1½ storey dwelling is acceptable and will not have an adverse impact in the wider character and context of the local area.

Landscaping of the site

22. The site is well screened by existing hedgerow and trees along the side and rear boundaries. No trees or hedges are to be removed from the scheme. The proposed

laurel hedgerow along the common boundary with No 4 is acceptable. A Condition could be added to any consent to cover the implementation of landscaping.

Other issues

23. Regarding the boundary dispute, there is no information received from the applicants and other parties indicating the applicants do not own part of the application site. This application is considered as it is submitted in connection with the outline planning permission (ref S/1056/05/O) on this site.
24. The site is not within the medium or high risk flood zones on the Environment Agency's indicative floodplain maps and I do not consider that the proposal would increase the flood risk.
25. In light of the above considerations, I believe that the proposal complies with the criteria set out in Local Plan Policies HG10 and11 for backland development.

Recommendation

26. Approval of reserved matter (siting, design and landscaping) in accordance with outline planning permission ref: S/1056/05/O dated 3rd August 2005, as amended by drawings number 1C, 2C, 3C and 4C date stamped 16th June 2006 and subject to additional conditions:
 1. SC 52 – Implementation of landscaping (RC 52);
 2. SC 5 – the materials to be used for the external walls and roof (RC 5ai & aii);
 3. No further windows, doors, openings of any kind shall be inserted at first floor level in the front and side elevations of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning authority in that behalf (RC 22);

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
Policy P1/3 (Sustainable design in built development)
 - **South Cambridgeshire Local Plan 2004:**
Policy SE5 (Development in Infill Villages);
Policy HG10 (Housing Design); and
Policy 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 interests, noise disturbance, impact upon the character and appearance of the area.

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

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- File references: S/0900/83/O, S/1449/84/F, S/2121/03/F, S/1056/05/F and S/0982/06/RM.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

S/2309/05/F – West Wickham
Erection of Farm Manager's Dwelling Following Demolition of Existing Dwelling at
Skippers Hall Farm, Withersfield Road for B B Ratford

Recommendation: Refusal
Date for Determination: 27th January 2006

Site and Proposal

1. The application site is part of Skippers Hall Farm, an arable holding which lies in open countryside between the villages of West Wickham to the north-west and Withersfield to the south. The site, which is occupied by a vacant single storey timber structure previously used as a dwelling, lies adjacent to and on the west side of the main road and on the north side of the access serving the farm. The farm complex comprises a farmhouse and range of barns and stables. Public footpath No. 17, West Wickham runs along the farm roadway of Skipper's Hall Farm.
2. The full application, submitted on 2nd December 2005 and amended by business plan dated 14th February 2006 and plans date stamped 28th June 2006, seeks to demolish the existing timber building and to erect a farm manger's dwelling on the site. The proposed dwelling would be a low two storey (6.5 metre ridge height; 3.9 metres high to eaves) 3-bedroomed timber and pantile property that would utilise energy efficient methods of construction.
3. A covering letter, and subsequent supporting information, explain that the dwelling is needed in order to provide accommodation for a full time farm manager (the owner's son) and his family. The present owners (the applicant, Mr Ratford, and his wife) live in the main farmhouse, are fully retired from farming, no longer involved in the day-to-day running of the farm, and are often away for extended periods. The house is not available for the farm manager who has been running the farm for a number of years but lives 4 miles away in Withersfield. This makes it impossible to ensure the security of the premises or the proper care of the farm's horses. In addition to managing the farm itself, the farm manager also supervises the nearby warehouses. It is argued that the farm is a well established agricultural enterprise. The equine operation is already established (for personal use only) but there is no possibility of this side of the business expanding without on-site accommodation, as potential customers insist on proper 24 hour supervision of horses.
4. The supporting information also states that the existing dwelling on the site itself is dilapidated and unsuitable for human habitation and that there are no suitable existing buildings within the farm complex that are capable of conversion to provide a dwelling. The site is the only viable location for the new dwelling, as all other areas within the curtilage of the farm are taken up with operational buildings and working yards. It is argued that the application should be assessed against Policy HG15 of the Local Plan which supports the principle of replacing dwellings in the countryside.

5. A business plan in respect of the equine venture has also been submitted. This explains that the farm currently has some equine facilities. During the past 5 years, £43,000 of capital has been invested in Skippers Equine to provide stabling (7 boxes), a foaling facility (2 boxes), a horse walker, ménage and 10 acres of paddocks. This has been in operation on a non-commercial basis for over three years. Commercial operation will generate income from livery, hire of walker, hire of ménage and foaling facilities. The cashflow projection shows £40,000 profit in trading year 1 – this profit will be reinvested in the business to fund a stud farm comprising 15 more foaling boxes, 5 new stallion boxes and an extra 30 acres of paddocks. The facilities that have already been provided create a profitable business and generate sufficient working capital to allow it to expand in the future

Planning History

6. There is no planning history specifically relating to the application site. On Skippers Hall Farm itself, an application was submitted in 2004 seeking to change the use of a large agricultural building to an indoor riding arena. This application was withdrawn. (Reference: **S/1427/04/F**).

Planning Policy

7. **Planning Policy Statement 7 ('Sustainable Development in Rural Areas')** states that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:
 - a. There is a clearly established existing functional need;
 - b. The need relates to a full time worker, or one who is primarily employed in agriculture;
 - c. The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so;
 - d. The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - e. Other planning requirements, eg in relation to access or impact on the countryside, are satisfied.
8. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
9. **Policy P1/3** of the Structure Plan stresses the need for a high standard of design for all new development.
10. **Policy HG15** of the South Cambridgeshire Local Plan 2004 states that proposals for the replacement of a dwelling in the countryside will be permitted where:
 - a. The proposed replacement is in scale and character with the dwelling it is intended to replace; and
 - b. The proposed replacement would not materially increase the impact of the site on the surrounding countryside.
11. **Policy HG16** of the Local Plan states that, in the countryside, new dwellings will only be permitted on well-established agricultural units where it can be demonstrated that there is a clear, existing functional need relating to a full-time worker, and that

suitable existing buildings in the area are not available or the conversion of appropriate nearby buildings would not provide suitable accommodation. Any new dwelling permitted would be subject to an agricultural occupancy condition.

12. **Policy HG20** of the Local Plan states that permission will not be granted for dwellings in the countryside for the on-site security of horses, stabling and ancillary uses unless the applicant has proven an essential functional need for and financial justification of the dwelling in the location proposed having regard to other policy considerations concerning design and site layout.
13. **Policy HG22** of the Local Plan states that the Council will look favourably upon residential schemes that include measures to conserve energy subject to other policies in the plan.
14. **Policy EN1** of the 2004 Local Plan states that permission will not be granted for development which would have an adverse effect on the character and local distinctiveness of Landscape Character Areas.
15. **Policy EN3** of the 2004 Local Plan requires the scale, design, layout and landscaping of new development in the countryside to be appropriate to the Landscape Character Area.

Consultations

16. **West Wickham Parish Council** recommends approval, stressing that there is strong support from all the Parish Councillors for the dwelling providing it is subject to an agricultural tie. The Parish Council does, however, state the following:

“In section 6 of the Planning Application they have answered YES to “Do you propose to alter or divert a Public Right of Way”. They have answered NO to “Is the site adjacent to a Public Right of Way”. There is no map to show the proposed amendments and the answer to the second part is incorrect. Footpath 17 exits to the road through the farm entrance and therefore adjacent to the site! I suspect they have actually answered this section the wrong way round and they intended to answer NO to the first question and YES to the second. However, it would actually be a good idea to make an amendment to footpath 17, so that it doesn't run through the farmyard. This would give greater security to the Fairheads, make a more pleasant walk (I seem to have been threatened by dogs every time I have walked this path!) and also make a circular walk if joined to footpath 21. I have drawn this on the map and put it forward for consideration as part of the conditions for planning approval. It would be even better if footpath 22, which disappears at the County/Parish boundary, could be extended via a new route northward along the County/Parish boundary to come out at the road near the end of footpath 22. This is also marked on the map.”

17. **Acorus**, the Council's agricultural consultants, objects to the application, stating that it does not comply with either the functional or financial tests. The application has been considered as a second agricultural dwelling on the basis that the existing farmhouse is owned and occupied by the owner of the business. Although the owner is effectively retired from the business he still controls the capital assets including the main farmhouse and agricultural business, running the business as a sole trader. This means he could make the main farmhouse available to the business for any 24 hour supervision required. If, however, the owner was retired from the business and the land and business assets were separate from the house, it could be argued the house was unavailable to the business. Acorus would expect to see some evidence of a separate ownership of the dwelling from the farm, or confirmation of how the

applicants occupy the land for the operation of their business, and that they are not purely employees of a business controlled by Mr Ratford Senior.

As a background for its assessment, Acorus states that the farm holding extends to around 121 hectares consisting of arable, grass and woodland production. In addition, the farm runs a firewood business, there is a small equestrian unit currently being developed into a separate enterprise, and storage/distribution space is rented out in a redundant aircraft hangar owned by the farm. The owner of the farm, who runs the business as a sole trader but is effectively retired, lives in the farmhouse. He has handed the management and day to day labour to his son who runs the arable, firewood and business units and to his daughter who intends to develop the equestrian enterprise. The applicants state that the new dwelling is required for security reasons, to monitor the grain dryer and out of hours collection of grain and to supervise and monitor the horses on site.

With regards to the functional need for the dwelling, Acorus states that the supervision requirements of the enterprise principally concern the welfare and security of the horses on site, as the arable crops grown have little requirement for on site presence. There could be a functional requirement for on site supervision for aspects of the proposed equestrian development. However, the information supplied suggests an emerging enterprise which is not clearly established and all other on site requirements for out of hours work could be serviced by the existing dwelling, (although Acorus states that this would need to be reviewed if the owner was no longer part of the business and the house was unavailable to the business).

If there was a functional requirement for a second dwelling, Acorus accepts that it should be on the farm given its isolated location.

With regards to the financial test, Acorus notes that the agricultural business as a whole is well established and therefore likely to be profitable, although no accounts or business plans have been available for assessment. The equine element, however, fails the financial test which requires the unit to be established for 3 years and profitable for at least one of them. If the Authority is convinced regarding the separation of the dwelling from the holding, some form of temporary accommodation would be more appropriate to allow the equine business to establish itself. To back this up, a more detailed business plan than that provided, with profit and loss projection for at least 3 years, would be required.

18. **The Trees and Landscape Officer** raises no objections stating that any trees that would be lost are of an insignificant nature.
19. **The Chief Environmental Health Officer** raises no objections.
20. **The Ramblers Association** raises no objections providing the footpath is not obstructed during building works.
21. **The County Footpaths Officer** raises no objections providing informatives are attached to any planning consent to draw the applicant's attention to the need to avoid any obstruction of the footpath and to gain consent to use the footpath for vehicular access to the site.

Representations

22. None

Planning Comments – Key Issues

23. The key issues to consider in the determination of this application relate to:
 - a. The justification for the dwelling;
 - b. The impact of the dwelling upon the countryside.
24. Although the proposed dwelling would replace an existing property, it has been vacant for some years and is also in a poor state of repair. Without further information, it is unclear whether the use of the building has been abandoned and whether it can be brought into habitable use without works requiring planning permission. As such, the application contains insufficient information to demonstrate whether a replacement dwelling on this site would be acceptable in principle. Given this factor together with the presence of another dwelling on the holding (under the same ownership as the farm), the application needs to be considered as a proposal for a second agricultural dwelling.
25. Based on Acorus' comments, the proposed dwelling fails to meet the functional and financial tests set out in PPS7, given that the equine element, for which the need for a permanent on-site presence could potentially be argued, is not established and profitable as a business concern. The erection of a second dwelling to serve the needs of the holding would therefore be contrary to Policies P1/2 of the Structure Plan and HG16 and HG20 of the Local Plan. A need for a dwelling may arise in the future if, subject to planning permission for stabling etc, the equine business expands and becomes commercially viable, but the application needs to be, and has been, assessed on the basis of the existing situation. I have a lot of sympathy with the farm manager's situation – ie – that without on-site accommodation and a 24 hour presence, the business will not be able to become established and it will therefore be impossible to meet the required financial tests in the future. However, in such scenarios involving an emerging business, planning policies would only support, at the most, the provision of a mobile home for accommodation for a groom, thereby overcoming security concerns in the short-term during the initial years of establishing the equine business.
26. The applicant's agent has argued that the scheme should be supported as the dwelling incorporates energy-efficient methods of construction. However, Policy HG22 makes it clear that this only applies if a proposal would not conflict with other planning policies which is clearly not the case in this instance.
27. The proposal seeks to replace a single storey structure with a low two storey dwelling. The application has been amended to reduce the height of the dwelling by 1 metre, from 7.5 metres to 6.5 metres, and to reduce the total number of bedrooms from 4 to 3. However, due to the open nature of the surrounding landscape and the lack of substantial screening around the site, the proposed dwelling (even as amended) would have a significantly greater visual impact upon the surrounding landscape than the existing structure. In the absence of any accepted justification for the dwelling based on agricultural need, the increase in the impact of the site upon its surroundings would not be acceptable.
28. The proposal cannot be considered under Policy HG15 of the Local Plan as an unrestricted replacement dwelling in the countryside given that it has not been accompanied by the information referred to in the above paragraph. Even if such justification had been submitted, however, the development would, in any case, be contrary to this policy due to the size and visual impact of the dwelling compared to the existing property.

29. With regards the Parish Council's comments, the applicant's agent has already confirmed in writing that the application form is incorrect. The comments made regarding footpaths 17, 21 and 22 are not directly applicable to this application, given that no diversion is proposed, and should be referred to the County Council's Footpaths Section.

Recommendation

30. Refusal, as amended by business plan dated 14th February 2006 and plans No. 003C, 004B, 005A and 006A date stamped 28th June 2006:

In the absence of any supporting information, it is unclear whether the use of the existing dwelling on the site has been abandoned and whether the building is capable of being occupied as a dwelling without works requiring planning permission. The proposal has therefore been considered as an application for a new (rather than replacement) second agricultural dwelling:

1. The erection of a second agricultural dwelling to serve the needs of Skippers Hall Farm would not meet the functional and financial tests set out in Planning Policy Statement 7. Consequently, the development would be contrary to Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 which restricts development, including new housing, in the countryside to that which requires a rural location, Policy HG16 of the South Cambridgeshire Local Plan 2004 which states that agricultural dwellings will only be permitted on well-established agricultural units where it can be demonstrated that there is a clear, existing functional need relating to a full-time worker and Policy HG20 of the 2004 Local Plan which requires a proven essential functional need for and financial justification of new dwellings in the countryside proposed for the on-site security of horses, stabling and ancillary uses.
2. The proposed development would, by virtue of the height and scale of the dwelling, be a more prominent feature in the landscape than the existing structure. In the absence of any agricultural justification for the dwelling, there is insufficient reason to set aside the harm to the character of the countryside. Consequently, the development would be contrary to Policies EN1 and EN3 of the South Cambridgeshire Local Plan 2004 which state that permission will not be granted for development which, by virtue of its scale, design, layout and landscaping, harms the character of the area.

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

- Planning Policy Statement 7 – Sustainable Development in Rural Areas
- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning application references S/2309/05/F and S/1427/04/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

**S/1127/06/O - Lolworth
 Erection of Two Houses following Demolition of Existing Bungalow
 Park View, Redlands Road, for Sir Francis Pemberton**

**Recommendation: Delegated Approval
 Date for determination: 3rd August 2006**

Site and Proposal

1. The application relates to 0.2 hectares land located on the western fringe of the village. There is an existing bungalow on part of the site, the remainder is wooded. To the east, the site is adjoined by a pair of semi-detached houses, Nos 1-2 Redlands Road. The village hall lies opposite the site.
2. The outline application, dated 24th May 2006, proposes the demolition of the bungalow and the erection of two houses. The application is accompanied by a simple red-lined location plan with no indication of siting of the buildings or point of vehicular access. The applicant does not envisage the removal of trees or hedges. All matters are reserved for future consideration. An amended plan was required 20th July 2006 to revise the size of the application site to avoid encroachment into the countryside.

Planning History

3. Planning permission for the existing bungalow was granted in 1972 (**C/0974/71/O**).

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003:

4. **P1/1** (Approach to Development) – provision of development within settlements will be preferred over the use of land outside the settlement.
5. **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.
6. **P1/2** (Environmental Restrictions on Development)- development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
7. **P5/3** (Density) Local Planning Authorities should seek to maximise the use of land by applying the highest density possible which is compatible with maintaining local character. As a guideline, densities of less than 30 dwellings per hectare will not be acceptable.

8. **P5/5** (Homes in Rural Areas) – 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.
9. **P7/4** (Landscape) – Development must relate sensitively to the local environment and contribute to the sense of place, identity and diversity of the distinct landscape areas.

South Cambridgeshire Local Plan 2004:

10. **SE5** (Infill-Only Villages) Residential developments within the village frameworks of these villages will be restricted to not more than two dwellings comprising:

1. 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
2. The redevelopment or sub-division of an existing residential curtilage; or
3. The sub-division of an existing dwelling; or
4. Subject to the provisions of Policy EM8, the conversion or redevelopment of a non-residential building where this would not result in a loss of local employment.

Provided the site in its present form does not form an essential part of village character, and development is sympathetic to the historic interests, character, and amenities of the locality. In very exceptional cases a slightly larger development may be permitted if this would lead to the sustainable recycling of a brownfield site bringing positive overall benefit to the village.

11. **SE8** (Village Frameworks) states that there will be a general presumption in favour of residential development within the frameworks of villages.
12. **SE9** (Village Edges) - development on the edge of villages should be sympathetically designed and landscaped to minimise the impact of development on the countryside.
13. **EN5** (Trees, Woodlands and Hedgerows): the District Council will require trees, hedges and woodland and other natural features to be retained wherever possible in proposals for new development.

Consultations

14. **Lolworth Parish Meeting** – Recommendation of refusal to the application as originally submitted. LPM comments: “It is not immediately apparent if the proposed plot lies partly outside the village envelope (the two plans are dissimilar). We object most strongly if it does – we believe this to be the case. There has been extensive recent tree felling. There are some fine Scots Pines adjacent to the proposed plot. We consider these should be the subject of tree preservation orders. The privacy of adjacent properties and the control of construction traffic is essential if permission is granted”.
15. **Chief Environmental Health Officer** – Recommends a condition to minimise noise disturbance to neighbours during the construction period.

16. **Trees and Landscape Officer** – Comments awaited.
17. **Environment Agency** – notes that the site is in an area of little to no flood risk. The applicant should be required to demonstrate that an adequate surface water sewerage exists to serve the development.

Representations

18. None received.

Agent's Comments

19. The agent considers that the proposal will make better use of the area of land. The existing bungalow, known as 'Park View', has serious structural problems having suffered from subsidence. There is quite a large area of unused land to the side of the property where he believes it would be appropriate to build a second house.

Planning Comments

20. The site lies as amended within the designated village envelope. The amended site has a frontage length of 40m and plot depth of between 40m and 50m. This represents a density of 12.4 dwellings per hectare, which is similar to the adjoining development at 1 & 2 Redland Road. Subject to the comments of the Trees and Landscape Officer, I consider that the proposal represents an acceptable rounding off site that satisfies the criteria of Policies SE5 and SE8.

Recommendation

21. Subject to the comments of the Trees and Landscape Officer, approval subject to the following conditions:
 1. Standard Condition B– Time limited permission, (Rc B);
 2. SC1 - All reserved matters, (Rc1);
 3. Sc5a – Details of materials for external walls and roofs; (Rc5aaii);
 4. SC55 - Tree survey, (Rc55);
 5. Sc52 – Implementation of landscaping; (Rc52);
 6. SC58 – Protection of hedge, (Rc58);
 7. SC56 – Protection of trees during construction, (Rc56);
 8. Sc60 – Details of boundary treatment, (Rc60);
 9. Highways C2 - Parking of construction vehicles, (Rc - In the interests of highway safety);
 10. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme, (Rc To ensure a satisfactory method of surface water drainage);

11. SC26 – Restriction of hours of use of power operated machinery – *Add at beginning* “During the period of construction...”, *then* “8am/8am/6pm/1pm”. (Rc26).

Informatives

Standard surface water drainage notes.

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:**
 - P1/1** (Approach to Development)
 - P1/3** (Sustainable Design in Built Development)
 - P1/2** (Environmental Restrictions on Development)
 - P5/3** (Density)
 - P5/5** (Homes in Rural Areas)
 - P7/4** (Landscape)
 - **South Cambridgeshire Local Plan 2004:**
 - SE5** (Infill-Only Villages)
 - SE8** (Village Frameworks)
 - SE9** (Village Edges)
 - EN5** (Trees, Woodlands and Hedgerows)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Safeguarding of trees
 - Setting of the village

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/1127/06/O and C/0974/71/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

**S/1069/06/F – Bassingbourn-Cum-Kneesworth
Change Of Use Of Buildings To Class B1(C), B2 & B8 Use
Wireless Station, Chestnut Lane, for E W Pepper Ltd**

**Recommendation: Delegated Approval/Refusal
Date for Determination: 24th August 2006**

Major Application**Site and Proposal**

1. This 5ha site comprises a group of agricultural buildings that are accessed from Chestnut Lane to the east of Kneesworth. The buildings consist of a range of different types and sizes, some of which are modern, relatively large, sheet clad buildings. Some of the buildings are already used for commercial purposes under a planning consent granted in 2002 (see History below).
2. This application, registered on 25th May 2006 proposes the change of use of all buildings within the site to business uses within Class B1(C), B2 and B8. The application site includes those buildings that already benefit from consent so that the site can be dealt with comprehensively. The total floor area amounts to 10,000m².
3. A concrete access serves the site leading to the buildings and the large area of hardsurfacing that surrounds them. The site is partly screened by an earth bund and landscaping on the north and east sides.
4. To the north of the site, fronting Chestnut Lane, are two pairs of semi detached houses that are owned by the applicant.
5. The application is accompanied by a Traffic Impact Assessment which can be viewed as part of the background papers and will displayed at the meeting.

Planning History

6. Planning consent was granted in 2002 for the change of use of 3350m² of buildings within the site to Class B1(c), B2 and B8 use (**Ref S/2335/00/F**). That consent required demolition of certain buildings and the retention of other open buildings for use for covered car parking. The consent was subject to various conditions, including restricting certain buildings to specified use classes in order to limit the potential traffic generation from the site, and requiring upgrading works to be carried out to the vehicular access.
7. Planning permission was granted in 2003 for the extension and change of use of buildings within the site, covered by the earlier consent, to B2 use (**Ref S/1762/02/F**). That consent was not implemented.

8. Earlier this year an application identical to the one now under consideration was withdrawn in order that a Traffic Impact Assessment could be carried out (**Ref: S/0130/06/F**).

Planning Policy

9. **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.
10. **Policy P1/3** of the County Structure Plan states that a high standard and sustainability for all new development will be required.
11. **Policy P2/6** of the County Structure Plan states that sensitive small-scale employment development in rural areas will be facilitated where, amongst other objectives, it enables the re-use of existing buildings.
12. **Policy EM10** of the South Cambridgeshire Local Plan 2004 (“The Local Plan”) states that planning permission will be granted for the change of use and conversion of rural buildings to employment use provided that the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality; the form, bulk and general design of the buildings, both before and after conversion are in keeping with their surroundings; the buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside; safe and satisfactory vehicular access can be provided together with adequate space within the curtilage to accommodate ancillary requirements such as car parking and lorry manoeuvring without significant detriment to the setting of the building or the landscape within which it is located; the scale and frequency of traffic generated by the proposal can be accommodated on the road system without undue adverse effects.
13. The text to the Policy states that because most rural buildings in South Cambridgeshire are small the potential scale of activity in converted buildings will usually be similarly modest.
14. **Policy TP1** of the Local Plan states that where a proposal is likely to have ‘significant transport implications’ the Council will require the preparation of a Transport Assessment and a Travel Plan. The latter can be secured by condition.

Consultation

15. **Bassingbourn-cum-Kneesworth Parish Council** recommends refusal. “No further business use until the site conforms to existing consents. Can a meeting be arranged on site with Parish Councillors to look at proposals?”
16. The **Local Highways Authority** comments that the Traffic Statement infers that the County Council has confirmed that the existing access would be satisfactory to serve the proposed change of use. It is stated that this is not the case and the improvements to the access required in respect of the earlier planning consent have not been fully implemented. At that time development was restricted in terms of change of use footprint to restrict the level of daily traffic likely to be generated, to avoid the necessity for a right turn facility in Chestnut Lane.

The floorspace contained in the application has the potential to generate a considerable daily vehicular trip rate. If each building is not to be limited to a specific use class the worst-case scenario in terms of traffic generation must be assumed, which in this case would be a general industrial use (B2) which generates 9-22 vehicle trips per 100m².

The Transport Assessment fails to provide the total daily traffic likely to be generated by the scheme nor does it address the suitability or otherwise of the access/junction with Chestnut Lane. At the very least it would be expected that the access road should be a minimum of 7.3m wide and comprise junction radii of 15.0m. In addition the central island within the access, anti-skid surfacing and street lighting required in respect of the earlier permission must be installed. The daily level of traffic to be generated now is likely to require the provision of a right turn facility within Chestnut Lane.

17. The **Chief Environmental Health Officer** has considered the application in terms of noise and environmental pollution and concludes that there are no significant impacts from the Environmental Health standpoint.

Representations

18. None received at the time of writing the report

Applicant's Representations

19. In a letter accompanying the application the applicant's agent points out that the Wireless Station site currently has a mix of both business and agricultural uses (including residential accommodation for seasonal workers, which is now the subject of a separate application to relocate at Wyndmere Farm, Steeple Morden, which gives rise to obvious operational and management difficulties. The applicant would therefore like to move towards business uses only at the Wireless Station site, which can now be more easily assessed in the light of experience to date with the existing business users at the site.

The letter states that the applicants are an existing farming company with extensive agricultural and business interests who are seeking to obtain certainty for the long term future of the business use of the Wireless Station site, (within Classes B1(c), B2 and B8). They have decided that due to health and safety reasons, as well as traffic generation concerns, they are concerned at having a mixed-use site and feel that given they already own more suitable premises with existing buildings that lend themselves well to the required uses, they would prefer to relocate.

During flower packing months and potato storage, the use of the existing agricultural buildings increases significantly and involves large agricultural vehicles using Chestnut Lane often during anti-social hours. The removal of the agricultural use from the site would make a considerable improvement to the residential amenity of the occupants of Chestnut Lane.

The application site is the remainder of the applicant's Wireless Station Farm holding, where planning permission already exists for some business uses and a farm managers dwelling. The proposal is that there should be a change of use of the remainder of the site from agricultural to business use (Classes B1(c), B2 and B8). The application is drafted to include the whole of the site (including those buildings with the benefit of commercial use), in order for there to be some uniformity with regard to conditions.

The letter states that the buildings in question are substantial former agricultural buildings and that they lend themselves to the proposed change of use without affecting the character of the area, or causing demonstrable “harm” to the locality.

The letter states that the access complies with current highway standards and the site is well related to the road network, and is particularly suited to low key B8 or similar uses.

20. The conclusion of the Traffic Impact Assessment submitted with the application states that at present the site is operating in mixed use being half agricultural produce and distribution and half low key business use in conversions of the agricultural buildings. The agricultural usage is very noticeable at various seasonal times of the year by the high numbers of large heavy goods vehicles that service the site. All of these large vehicles pass along Chestnut Lane and the A1198.

The likely traffic impact of the proposed redevelopment is predicted to be less than half a vehicle per minute in the evening peak hour. This would be practically undetectable despite the low flows along Chestnut Lane. There would be no perceptible change to traffic flows in the morning peak hour.

The proposed change of use would have no significant adverse impact on the highway. However, the removal of 62 large agricultural heavy goods vehicles and the tractors with trailers each day would have a noticeable benefit for the residential frontages along Chestnut Lane. There would also be a benefit in terms of reducing road maintenance and congestion along this stretch of road.

Planning Comments – Key Issues

21. The key issues to be considered with this application are whether the buildings are capable of conversion without materially changing, appearance or impact on the countryside; whether the proposal would have an adverse impact on the area in terms of traffic generation, including whether safe and satisfactory access can be provided; and whether the activities generated by the proposal would have an adverse impact on the amenity of residential properties. It is also necessary for Members to consider whether the scale of the proposed development is appropriate in this location.
22. The buildings are of sound construction and those that have already been converted have been done so without materially changing their character or altering the appearance on the surrounding countryside. I anticipate the remaining conversion could be carried out in a similar way, although buildings 16 and 17 are currently open sided and should remain so.
23. The application is accompanied by a Traffic Impact Assessment. Although the previous consent required improvement works required to be carried out in respect of the existing vehicular access to the site the Local Highway Authority is of the view that this has only partly been carried out, although the number of persons currently employed in the converted buildings falls well below the level that might have been anticipated from the amount of floorspace involved. As a result the level of traffic using the site has not been at the level that was suggested by the County Council trip rate figures at the time.

24. The Local Highway Authority has commented that the proposed scheme has the potential to generate a considerable amount of additional traffic and is of the view that the transport statement submitted fails to address this and the suitability, or otherwise of the access/junction. It points out that further improvement to the entrance will be required as a result of the proposed development and further information/supporting plans have been requested.
25. When this additional information is received the Local Highway Authority and Parish Council will be given the opportunity to make further comment. It will also be necessary for officers to take a view as to whether the required highway works are appropriate in this rural area in terms of the impact on its character and appearance.
26. I have also asked the Local Highway Authority if it is satisfied that the potential level of traffic that might be generated by the proposal can be accommodated on the surrounding road network and in particular the suitability of Chestnut Lane.
27. Adequate car parking and turning provision can be made within the site without have an adverse effect on the character of the surrounding countryside.
28. In terms of the potential impact on adjoining residential properties the Chief Environmental Health Officer has considered the application and has raised no objection.
29. Development Plan policies that refer to re-use of rural buildings infer that such uses will normally be small scale. In this case because of the scale of buildings within the site this will not be the case. The proposal does however comply with the aims of rural diversification and if it can be achieved without adverse harm to the issues identified above then in my view the proposal can be supported. The ability to satisfactorily address highway issues will be the key to this support being forthcoming.
30. A site meeting has been arranged with members of Bassingbourn Parish Council as requested. There is concern that the existing conversion scheme has not been carried out in accordance with the approved plans. I am aware that there are areas of open building that were to be used as car parking that are now being used for employment floorspace and there may be buildings where the occupiers are not in compliance with the use restrictions imposed on the original consent. By including all buildings within the site this application seeks to address these issues. I will report the outcome of that meeting verbally.
31. If consent is granted it may be necessary to consider restricting the use of buildings within the site to specified use classes to further control potential traffic generation. This approach was adopted on the previous consent. Any consent should contain a condition requiring the submission of a Green Travel Plan. This was a requirement of the previous consent but a Plan has not been submitted to date.
32. At present there is an extant consent for the erection of a farm managers dwelling within the site. If consent is granted to a change of use of buildings away from agricultural use the need for this dwelling is removed. The applicant should be asked to enter into a Section 106 Agreement as a condition of any consent, revoking, without compensation, the extant consent for that dwelling.

Recommendation

33. That, subject to the submission of additional information that demonstrates that a safe and satisfactory access to the site can be provided in a way which will not have an adverse impact on the character of the area, delegated powers of approval be granted subject to safeguarding conditions, to include the following:
- Standard time limit
 - Details of surface water and foul water drainage
 - Landscaping (SC51 and SC52)
 - No outside storage (SC36)
 - Highway Improvements
 - Restriction of Uses
 - Section 106 Agreement in respect of the farm mangers dwelling
 - Green Travel Plan
 - Car Parking Provision

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **County Structure Plan 2003:**
P1/3 (Sustainable Design in Built Development)
P2/6 (Rural Economy)
 - **South Cambridgeshire Local Plan 2004:**
EM10 (Development in Rural Growth Settlements)
TP1 (Planning for More Sustainable Travel)
 2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Highway safety
34. If satisfactory access details are not submitted it is recommended that the application be refused.

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/1069/06/F; S/0130/06/F and S/2335/00/F
- Traffic Impact Assessment dated May 2006

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

**S/0938/06/F – Caldecote
Extensions and Conversion of Barn and Cartshed into Dwelling
Erection of Garage/Outbuilding at Manor Farm, Main Street for W Kamper**

**Recommendation: Refusal
Determination Date: 4th July 2006**

Conservation Area

Departure Application

Members will visit the site on Monday 31st July 2006.

Site and Proposal

1. The site lies to the south of St Michael's church, a Grade II* Listed Building and to the north of Manor Farmhouse, a Grade II Listed Building. It lies in the countryside to the south of Caldecote village approximately 2km south of the Caldecote settlement framework, 700m north of the Kingston settlement framework and 1km west of Toft settlement framework.
2. The site contains a group of run down agricultural buildings that historically were curtilage buildings to Manor Farmhouse and are curtilage listed.
3. The full planning application, received 9th May 2006, proposes to demolish some of the buildings, convert a chaff barn and cartshed and erect new buildings to form a single 5 bedroomed dwelling approximately 4.5m-5.5m in height with an inner courtyard and detached triple bay garage and store.
4. The works to the chaff barn include removal of existing roof material, new pitched roof structure above eastern bays, timber weather boarding removed, new windows to be inserted, walls re-clad and new roofing materials, open fronted lean-to to be infilled, new ground floor slab in lean-to, insulated timber floor installed, new mezzanine floor and spiral staircase installed and internal partitions.
5. The works to the cartshed include a new pitched roof structure, timber weatherboarding removed from walls, timber frame supported whilst new brick plinths and oak sole plates constructed, open fronted east facing elevation enclosed with aluminium framed glazed screens, wall re-clad, new concrete slab formed, new openings.
6. The footprint of the barns to be converted is approximately 139m². The finished dwelling would be approximately 498m² of footprint. Taking account of the new garage and store building the converted footprint area will be approximately 23% of the overall footprint of the scheme. I.e. 77% of the development (463m²) will be new build.

Planning History

7. There is no history of relevance to the application.

Planning Policy

8. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 (the Structure Plan) states (in part) that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location or where there could be damage, destruction or loss to areas that should be retained for their biodiversity, historic, archaeological, architectural, and recreational value.
9. **Policy P1/3** of the Structure Plan states (in part) that a high standard of design and sustainability will be required for all new development which minimises the need to travel and reduces car dependency, provides a sense of place which responds to the local character of the built environment, conserves important environmental assets of the site and pays attention to the detail of forms, massing, textures, colours and landscaping.
10. **Policy P7/6** of the Structure Plan – Historic Built Environment - “Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.”
11. **Policy SE8** of the South Cambridgeshire Local Plan 2004 (the Local Plan) – Village Frameworks states (in part) that residential development outside of village frameworks will not be permitted.
12. **EN20** of the Local Plan – Unsympathetic Extensions states (in part) that planning permission will be refused for extensions to Listed Buildings which are not necessary to ensure the continuing use of the building, would dominate or detract from the Listed Building in scale, form, massing or appearance, would imply the loss of building fabric of architectural or historic interest or would harm the well-being or setting of adjacent Listed Buildings.
13. **EN26** of the Local Plan – The Conversion of Listed Buildings to New Uses states (in part) that in judging applications for planning permission to change the use of listed buildings the Council will consider whether or not the existing use can continue with reasonable utility or life expectancy, all other options for less damaging uses have been explored, the proposed use can take place without the necessity of extensive alterations or extensions which would be harmful to the fabric, character or setting of the building or the proposal would harm the setting and amenity of adjacent buildings.
14. **EN28** of the Local Plan – Development within the Curtilage or Setting of a Listed Building. This policy states (in part) that proposals will be refused which would dominate the Listed Building or its curtilage buildings in scale, form, massing or appearance, would damage the setting, well-being or attractiveness of a Listed Building or would harm the visual relationship between the buildings and its formal or natural landscape surroundings.
15. **EN30** of the Local Plan – Development in Conservation Areas states (in part) that proposals will be expected to preserve or enhance the special character and appearance of Conservation Areas especially in terms of their scale, massing, roof materials and wall materials. The District Council will refuse permission for schemes which do not specify traditional local materials and details and which do not fit comfortably into their context.
16. **Policy DP/1** of the Local Development Framework Submission Draft 2006 is concerned with the sustainability of development, DP/2 the design of new

development, **DP/3** development criteria, **CH/3** Listed Buildings, **CH/4** development within the curtilage or setting of a Listed Building and **CH/5** Conservation Areas. These policies do not materially differ from the Development Plan policies highlighted above in so far as they relate to the proposal.

17. **Policy HG/8** of the Local Development Framework Submission Draft 2006 is a new policy concerned with the conversion of buildings in the countryside for residential use. It states:
1. Planning permission for 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:
 - 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:
 - c. The buildings are structurally sound;
 - d. 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;
 - e. The buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside;
 - f. The form, bulk and general design of the buildings are in keeping with their surroundings;
 - g. Perform well against sustainability issues highlighted by **policy SP/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 of such buildings will not be permitted. Incidental uses such as car parking and storage should be accommodated within any group of buildings, or on well related land where landscaping can reduce the visual impact of the new site.
 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. The cumulative impact of the conversion of a number of buildings on adjoining sites or the local area will also be considered.
 5. Residential conversion permitted as a subordinate part of a scheme for business re-use, will be secured by planning condition or agreement to ensure the occupation of the dwelling remains directly related to the operation of the enterprise. The dwelling part of the unit must be interdependently linked with the commercial part. A live-work unit should have a minimum of 40m² of definable functional workspace in addition to the residential element. Internal uses may be horizontally or vertically split. The workspace must be flexible, and capable of accommodating a range of employment uses”.

18. **Government Planning Policy Statement 7: “Sustainable Development in Rural Areas”**, states at Paragraph 17:

“The Government’s policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning Authorities should therefore set out in LDDs their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses.”

Consultation

19. **Caldecote Parish Council** - Recommends approval. It states:

“The Council considers that this proposal should be approved. The proposal retains the style of the existing buildings. It will tidy up the area and offers the community the chance to gain improvements to car parking for the church and connections to the sewer for the church which we are assured the owner is willing to offer.

Wildlife, all development should make due consideration of problems associated with wildlife disturbance.

Consideration of any effect to any Site of Special Scientific Interest (SSSI)

Observation of the Crime and disorder act Section 17.

Any construction should specify good quality materials.

Any rights of way effecting any development should be the responsibility of the applicant to move.

Any access should not be allowed to increase risks.

Conditions should be applied on the following during construction.

No work should be carried out before 8am and should finish by 6pm. (1pm Saturdays)
No work on Sundays or Bank Holidays.

Any spoil removed should not be used to raise ground levels and create neighbouring flood problems.

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.

Parking and site compounds should be provided to ensure that disturbance to nearby properties is kept to a minimum.

Planting plans should be agreed before any construction is started to ensure existing planting is preserved if possible”.

20. **Conservation Manager**

“Background

1. The site is to the north of Manor Farmhouse, is within the Caldecote Conservation Area and is located in the countryside.
2. Currently in separate ownership, the buildings were historically in the same ownership and are therefore within the curtilage of Manor Farm. The buildings

comprise a small timber frame barn with a corrugated iron roof, possibly a former granary of 19th or early 19th century date, a collection of poor quality sheds which are of no historic interest and a timber framed outbuilding, formerly an open fronted cartshed with a truncated corrugated iron roof.

3. The boundary between the farmhouse and the farm buildings is defined by a post and rail fence. Along this boundary two modern outbuildings have been erected adjacent to the listed building.
4. The site is visible from the road and although set back from the entrance, the existing barn and outbuildings are prominent within the street scene.

Key Issues

1. The main considerations are the physical impact on the historic fabric and the character of the curtilage listed buildings and the impact on the setting of the grade II listed farmhouse.
2. The demolition of the sheds will be an enhancement and there are no objections to this element of the scheme, however the proposed scheme of conversion to a residential use would involve significant alteration and extension both internally and externally. Flooring over part of the chaff barn and installing a spiral staircase will affect the spatial quality of the interior thereby harming its architectural character and resulting in damage to the historic fabric of this timber framed barn. Externally the changes will be visually more intrusive. New openings and glazing existing openings will puncture the principal components of this agricultural building detrimentally altering its otherwise unaltered character and appearance as a building of special architectural and historic interest. In addition the new door openings may result in the loss of historic fabric.
3. The proposed extensions by virtue of their scale, form, massing and appearance are considered to detract from the special character and appearance of barn and cart shed and erode their historic plan and form. The proposal would visually and physically dominate all elevations of the barn and cart shed and as such would significantly change the appearance of these curtilage listed buildings to their detriment. In addition the design, which introduces untraditional materials and detailing including large glazed areas is not in keeping with the simple character and appearance of these former agricultural buildings.
4. For the above reasons the setting of the listed farmhouse would be compromised and the visual relationship between the farmhouse and its former agricultural buildings would be further eroded.
5. Clearly the best use of a building is that for which it was originally designed. In this case no compelling evidence has been presented to show that some form of agricultural or storage use could not be maintained. It is clear that an alternative non-agricultural use would be difficult to accommodate due to the close proximity of the listed farmhouse and other listed buildings. However conversion to a dwelling is not considered to be an acceptable alternative for the above reasons. Consequently a less intrusive use should be sought which does not require so much alteration and extension to the buildings and which avoids destroying their special character.
6. The proposed location of the garage would have a significant impact on the setting of the listed farmhouse, due to its close proximity and would obscure views of the former agricultural buildings. Although the form and materials are traditional the scale and appearance are not in keeping with a traditional outbuilding and would detract from the setting of the listed farmhouse and the curtilage listed barn

and cart shed. In addition the hard landscaping would result in a domestic appearance, which is not considered acceptable in a rural location and within the setting of listed buildings.

7. Finally the proposed alterations and extension to the barn and cart shed would neither preserve nor enhance the character of the wider Conservation Area. The barn is prominent within the street scene and the Conservation Area and the proposal, which is considered to be visually intrusive, would be detrimental to the character of the Conservation Area.

Recommendation: Refuse - For the above reasons the proposals are considered to have a significant impact on the character of the barn and cartshed and on the setting of the adjacent listed farmhouse and the wider Conservation Area. The proposals are therefore considered to be contrary to policies EN20, EN26, EN28, EN30, SE8 of the South Cambridgeshire Local Plan 2004 and policy P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003."

21. **English Heritage** - Comments are awaited

22. **Environment Agency**

The site falls within the low risk (Zone 1) flood zone.

It further comments: "the maximum allowable discharge to a local watercourse would be 3 litres per second, per impermeable hectare of development. This figure shall be divided pro rata by the developed, or positively drained, area (m²) of the site. An acceptable method of foul drainage disposal would be connection to the public foul sewer".

23. **Ecology Officer**

"No objection, however due to the presence of bat activity in the barns and a maternity roost in the workshop (which is not to be altered) a condition is required to provide a scheme of mitigation and compensation for the bats.

Furthermore, a pond is present on site. It is noted that the applicant intends to restore the pond. A condition is required to control this activity (i.e. a scheme of pond restoration). The applicant is also advised to check for great crested newts, why did the ecologists not investigate this? If they are found to be present then a Defra license will also be required.

I accept that no barn owls are present.

I welcome the fact that the applicant has investigated issues relating to protected species prior to submitting an application".

Representations

24. One letter has been received from the occupier of 30 Lyndewode Road, Cambridge. He states:

"I own the small field directly opposite the proposed conversion (known as Church Meadow) and would strongly urge South Cambs to grant the application.

1. The current state of the buildings is an eyesore in a Conservation Area. They are badly in need of repair and it is clear the only viable economic alternative is conversion to domestic dwelling.

2. The location of the site between the church and the Manor Farm lends itself to sympathetic development and would in my view be within the village envelope.
3. The proposed plans are an excellent example of conversion, which blend in well with the surrounding listed buildings.
4. The presence of residents in this proposed location will increase security for my property”.

25. **Further representations from the applicants**

Please see the comments attached as Appendix 1.

Planning Comments – Key Issues

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

1. The principle of residential development on the site.
2. The impact on Listed Buildings and their settings.
3. The impact on the character and appearance of the Conservation Area and the street scene.
4. The impact of the change of character of the site on the countryside.
5. The impact on neighbour amenity.

Principle of residential use

27. Residential use is resisted outside of settlement frameworks for sustainability reasons and to protect the countryside for its own sake. The proposal seeks to retain some elements of existing structures but 77% of the proposal is new build and is essentially a new dwelling in the countryside. In addition, the works to the cartshed amount to major reconstruction and the works to the chaff barn are significant as a conversion.
28. There is no policy support for the conversion of barns to residential use in the current 1994 Local Plan. The proposal is therefore contrary to the Development Plan in this respect. There is no policy support for new build for residential purposes in the countryside without agricultural or similar justification. County Structure Plan 2003 requires development in the countryside to be essential in any particular location. I do not consider the application has demonstrated that this development is essential. The new build is therefore contrary to the Development Plan.
29. Emerging policy HG/8 states that conversion to residential use will not generally be permitted but exceptionally where such a proposal satisfies various tests it may be acceptable. This is emerging policy but the tests are relevant material planning considerations:
30. *It must first be demonstrated that the site is inappropriate for any suitable employment use.* The application does not demonstrate this.
31. *Secondly it is inappropriate for employment with residential conversion as a subordinate part of a scheme for business re-use.* The application does not consider this.
32. *The buildings are structurally sound.*
Clearly most of the buildings are to be demolished in the scheme. The schedule of proposed works describes major works to the Chaff barn and the cartshed (see above).

33. *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.*
Clearly the majority of buildings are in such a poor state that they are to be demolished. The application fails in this respect.
34. *The buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside.*
The majority of buildings are not capable of re-use and are to be demolished. The character of the site at present is rural, agricultural and informal, typical of many similar groups of redundant farm buildings in the countryside. The proposal will dramatically alter the character of the site by the amount of building works proposed, the formalisation of the site, the introduction of residential paraphernalia and the definition of boundaries. In some conversion schemes it is possible to retain the informal rural appearance of the site typically by restricting gardens to inner courtyards and by careful elevational treatment. This site will undergo significant change such that the more formal residential use will replace the informal agricultural appearance which will be readily apparent when viewed from the road, the neighbouring properties and from the surrounding countryside. The application fails in this respect.
35. *The form, bulk and general design of the buildings are in keeping with their surroundings.* The form, bulk and general design is not considered to be sympathetic to the rural setting and I note the comments of the Conservation Manager in this regard. The application fails in this respect.
36. *Perform well against sustainability issues.* The site is not well related to the village and there are no services or facilities in the vicinity. The occupiers of this dwelling will be entirely dependant on the car. The application fails in this respect.
37. In my opinion the site is not appropriate for residential conversion in principle.

The impact on Listed Buildings and their settings

38. I note the objections of the Conservation Manager in relation to the impact on both the fabric of the buildings to be 'converted' and on the setting of the adjacent listed farmhouse.

The impact on the character and appearance of the Conservation Area and the street scene

39. Again I note the objections of the Conservation Manager. The barns are identified as being within a prominent position within the street scene and the Conservation Area. The change in character from informal, rural agricultural to formal domestic would neither preserve nor enhance the character and appearance of the Conservation Area.

The impact of the change of character of the site on the countryside

40. The countryside should be protected for its own sake. The proposal will result in the loss of this informal, rural, agricultural character to the visual detriment of the countryside.

The impact on neighbour amenity

41. I am concerned that the proposed triple bay garage building and garden store that is just under 6m tall is to be erected in close proximity to ground and first floor windows in the adjacent farmhouse. Apart from the identified harm this will cause to the setting

of this listed building I consider it will appear overbearing when viewed from these windows and on a site of this size could easily have been positioned so that it did not impact on these neighbours.

Ecology

42. I note the comments of the Ecology officer. There is no objection to the proposal in relation to ecological issues.

Departure

43. The application has not been advertised as a departure from the Development Plan. If Members are minded to approve the application the proposal would have to be so advertised and referred to the Secretary of State, given that the majority of the structure will be new build.

Recommendation

44. Refusal for the following reasons:
1. The proposal involves considerable new-build and seeks only to retain some elements of existing buildings. It is for a new dwelling in the countryside outside of any village framework defined in the Development Plan. No agricultural or similar justification has been given for the development and the proposal has not been demonstrated to be essential in this particular rural location. The site lies in an unsustainable location away from village services and facilities and is not in an accessible location with a choice of means of travel, including non-motorised modes. As such the proposal is contrary to Policies P1/2, P1/3 and P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy SE8 of the South Cambridgeshire Local Plan 2004.
 2. The barns were historically within the curtilage of the Grade II Listed Manor Farmhouse to the south of the site and are therefore curtilage listed. The proposal involves works both internally and externally to the buildings that will damage historic fabric and the character of these simple rural buildings. It has not been demonstrated that the works are necessary to ensure the continuing use of the buildings or that less damaging uses have been explored. As such the proposal is contrary Policy P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies EN20 and EN26 of the South Cambridgeshire Local Plan 2004.
 3. The alterations to the barns, the erection of the new-build elements, the location of the new triple bay garage and storage building close to Manor Farmhouse, the use of inappropriate detailing, including large glazed areas, and materials, the introduction of a formal residential use, hardstanding areas, formal gardens, boundary definition and residential paraphernalia will materially detract from the simple, rural agricultural character of this site to the detriment of the setting of the adjacent Grade II Listed Manor Farmhouse, the character and appearance of the Conservation Area, and the visual quality of the street scene and surrounding countryside. As such the proposal is contrary to Policies P1/2, P1/3 and P7/6 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies EN20 EN26, EN28, and EN30 of the South Cambridgeshire Local Plan 2004.
 4. The erection of the triple bay garage building and store will be in close proximity to ground and first floor windows in the north elevation of the adjacent Manor Farmhouse. This building will appear overbearing when viewed from within this property through these windows. As such the proposal is contrary to Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Local Development Framework Development Control Policies
- Development Plan Document Submission Draft January 2006
- Planning File reference S/0938/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

S/0371/06/O - Hatley
Erection of Dwelling and Provision of Access for Existing Dwelling
Touchwood, 38 East Hatley for Mr and Mrs D Ward

Recommendation: Approval
Date for Determination: 21st April 2006

Site and Proposal

1. Members may recall discussing this application at the May meeting following a site visit (agenda item 24). A copy of the officer report to that meeting is attached as Appendix 1.
2. Members resolved to grant delegated powers to officers to approve the application subject to, amongst other issues, a meeting with local residents to look at the concerns raised in respect of the exact line of the village framework in relation to the application site. Officers indicated that if it transpired that the line of the village framework had not been properly identified to Members that it might be necessary to bring the application back for further consideration.
3. A meeting has subsequently been held with the occupiers of 47 and 49 East Hatley. I am content that in respect of the line of the village framework in relation to the south west boundary of the site was correctly presented to Members there is an issue that has been identified that affects the depth of the site in relation to the framework boundary (see Planning Comments).

Planning History

4. An outline application for the erection of a dwelling and garage on a slightly larger site in 1995 was withdrawn (**Ref: S/0299/05/O**).
5. 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**). The Inspector considered the proposal to be an undesirable extension of the village and harmful to the appearance and setting of the Listed church building.

Consultation Update

6. At the May meeting officers reported the comments on the **Conservation Manager**. These are now set out in detail below.

“The proposed development site is understood to be within the village framework, although what I take to be indicative plans suggest that the dwelling would be on the edge of the defined village boundary.

The key conservation issues relate to the proposed development's impact on:

- (a) On the setting of the church and local built heritage
- (b) The agricultural character of the site and village.
- (c) The biodiversity of the surrounding area
- (d) The quality of design of any addition to the built form.
- (e) Access to the countryside

With regard to (a) the built heritage, it is considered essential to avoid any development on the meadow site which would compromise views across the meadow to the church, or which would alter the foreground setting and approach to the church. The outline proposal would appear to be tight enclosure of the development site within the boundaries of the existing property which could ensure that the development would not intrude into this important viewpoint.

However, it is not possible to determine the full impact of the development on the views to the church without more detailed design. The site is compact and would suggest a modest dwelling. The indicative plan on the contrary suggest that the development could be substantial, creating a hard edge to the meadow. While this may not necessarily intrude into the important views, I am of the opinion that it should be demonstrated before consent is granted. It is also unclear whether there will be any boundary treatment associated with the development. It is clearly important that the development does not erode the existing character by visually 'tidying' the edges or that any domestic elements, including access encroach upon the meadow.

With regard to (b), agricultural character of the site and village it will be noted that the site immediately adjoins a meadow which is within the ownership of the applicant, and which forms an important gap site within the linear village, as well being part of the agricultural setting of the Grade II * redundant church.

This meadow site effectively forms part of the amenity area of the existing property, and is currently managed as a meadow area by the applicant. With regard to the meadow site itself, I note that this is not included in the outline application and that the applicants are not seeking to change its agricultural use. It is the stated intention of the applicant to manage this site as a meadow for its biodiversity value.

While this is to be welcomed, given that it is actually no longer in active agricultural use, I would suggest that a detail is required. I would suggest that, should any consent be granted for this site that a, "scheme of ecological management and enhancement' should be developed to ensure that the site is not over-managed and that the site's potential biodiversity is well understood and improved. While this is not in the development site, given that it will actually form part of the 'amenity area' associated with the development I would suggest that such an ecological enhancement plan is a condition of any potential approval. This would also help ensure that issue. (c) the biodiversity of the surrounding area is appropriately addressed.

It is evident that issue (d) the quality of design of any addition to the built form can not be determined by this application but will be an essential factor in considering the appropriateness or otherwise of the development on such a sensitive village edge site. The scale of the site and hard onto the village edge would suggest that an innovative design would be necessary to avoid compromising existing character.

With regard to (e) access to the countryside I note that both the development site and the adjacent meadow is crossed by a public footpath, with another public footpath also extending from the road to the church. Clearly the footpath will need to be diverted to enable any development. This is fundamental to the consideration of the development and the alternative route which avoids significant diversion is not obvious. The construction of a diversion could also potentially impact on the character and biodiversity of the area. I would consequently suggest that this diversion should be demonstrated as part of a detailed planning application. Therefore, both the agreed route and design resulting from the bridging of the 'moat' should be subject to consideration and approval.

Conclusion:

I have significant concerns about the potential impact of this development on the above issues which I do not think could be satisfied by the level of information available within this **Outline** proposal. I am of the opinion that the proposal is premature without details to satisfy the above matters.

Should outline consent be granted I would suggest that:

- a. All matters are reserved, including location and design.
- b. A condition is added to require the submission of an "*ecological management & enhancement plan*" for the adjacent meadow site and moat edge.
- c. A condition is added to require details of the diversion of the footpath and details of any construction that result from the diversion for approval."

Representations Update

7. At the May meeting officers reported the receipt of additional letters from the occupiers of 47 and 49 East Hatley. Summarised below are any points raised in those letter which were not included in the written report to the May meeting.
8. There continue to be inaccuracies in respect of the representation of the village framework in respect of the south west boundary, which extends 1m less than that shown. As a result the proposed dwelling on the indicative drawing is on the village framework line rather than inside it.
9. It is questioned whether before the grid system was introduced the village envelope stop line ran along the fence between No38 and the adjoining meadow.
10. Although it is recognised that any building would be the subject of further detailed approval there is concern at any building being constructed up to the framework boundary and comparison is made to a site on the opposite side of the village when officers recommended refusal of a dwelling on a similar plot. This application would have similar implications
11. There is concern as to how agreement has been reached on the line of the village framework
12. There was concern that the comments of the Conservation Manager were not included in the previous report to Members. As a result there was no opportunity for local residents to comment on any observations made

13. There is concern that the Parish Council has been unable to comment on the application and that this would again be the case on any detailed application

Planning Comments

14. Members are asked to refer to the May report for a summary of the key issue.
15. The comments of the Conservation manager were considered by Members at the May meeting and it was resolved that the application could be dealt with in outline but that any planning consent should contain a condition requiring a scheme for the ecological enhancement on the adjoining meadow land. This would include future maintenance and would secure enhancement to the setting of the Listed church.
16. On the question of the position of the village framework officers explained at the May meeting the difficulty of giving precise measurements of exact position of a boundary when it does not follow an identifiable feature on the ground, given that the Local Plan map is produced at a scale of 1:5000. I am content however that the position of the south west boundary of the framework was correctly identified to Members during both the site visit and at the May meeting.
17. The Local Plan Inset Map for East Hatley shows the north east boundary of the village framework as running along the far side of the ditch that forms the property boundary of No 38. However on the current OS plan for the area the ditch is shown as being further from the rear of the dwelling by some 5m and as a result the village framework lies between the rear of the dwelling and the ditch. On site officers pointed out that the ditch represented the line of the framework and that it appears whilst that is the case on the Local Plan map it is no so on the ground. The applicant maintains that the ditch has not been re-aligned.
18. As a result the garden land of any proposed dwelling, whilst not extending beyond the ditch which currently marks the property boundary, would partly be outside the village framework as shown on the Local Plan 2004. Any reserved matters application would ensure that the dwelling itself is located within the framework.
19. I am of the view that the above does not alter my previous recommendation to Members that the site is suitable for a modest sized dwelling, the siting, size and design of which would be considered and determined at the reserved matters stage.

Recommendation

20. That outline consent is granted, with all matters reserved, and subject to additional conditions which, amongst other issues, preclude any development of the site unless a diversion of Public Footpath No 13 Hatley has been secured and require the submission of scheme for the ecological enhancement of the adjacent meadow land.

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)
 - P7/6** (Historic Built Environment)
 - P8/9** (Provision of Public Rights of Way)

- **South Cambridgeshire Local Plan 2004:**
 - SE5** (Development in Infill Villages)
 - SE8** (Village Frameworks)
 - SE9** (Village Edges)
 - EN28** (Development within the Curtilage or Setting of a Listed Building)

- 2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - 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, S/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/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/0286/87/0.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

**S/1198/06/F – Hardwick
Extensions of Bungalow to Form Two Storey Dwelling and Erection of Double Garage
at 67 St Neots Road for S Grain**

**Recommendation: Refusal
Determination Date: 11th August 2006**

Departure Application

Members will visit the site on Monday 31st July 2006.

Site and Proposal

1. The site lies well outside of the village framework for Hardwick within the Cambridge Green Belt and forms a small bungalow in the middle of a row of similar bungalows with pyramid roofs set back approximately 16m from the road. A mature hedge is planted on the roadside frontage and to the rear are a number of outbuildings.
2. The full planning application, received on 15th June 2006 proposes extensions to the bungalow to create a first floor and additional accommodation at the rear to form a 4 bedroom house. The existing bungalow is approximately 5.6m high to the ridge. The bungalow, as extended, would be approximately 7m high. The pyramid roof would be replaced by a pitched roof with gable ends to the front and rear.
3. The floor space will be increased by 92% over the existing. The age of an existing extension at the rear is not known. If this is not original and was erected as an extension after 1948 the floor space will be increased by 116% over the original.

Planning History

4. There is no history on this site of relevance to the application. Various planning permissions have been granted that extend properties along St Neots Road.

Planning Policy

5. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 (the Structure Plan) states (in part) that 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 states (in part) that a high standard of design and sustainability will be required for all new development which provides a sense of place and responds to the local character of the built environment, conserves important environmental assets of the site and pays attention to the detail of forms, massing, textures colours and landscaping.
7. **Policy P9/2a** – Green Belt of the Structure Plan states that a Green Belt will be maintained around Cambridge which will define the extent of urban growth. The purposes of this Green Belt are to:

1. Preserve the unique character of Cambridge as a compact, dynamic city with a thriving historic centre;
2. Maintain and enhance the quality of its setting;
3. Prevent communities in the environs of Cambridge from merging into one another and with the city.

Within the Green Belt, new development, including change of use, will be limited to that required for agriculture and forestry, outdoor sport, cemeteries, or other uses appropriate to a rural area.

8. **Policy HG13** of the South Cambridgeshire Local Plan 2004 (the Local Plan) – Extensions to Dwellings in the Countryside states (in part) that extensions to dwellings in the countryside (i.e. outside village frameworks defined in this Plan) will be permitted where:
 - (2) the extension does not exceed the height of the original dwelling;
 - (3) the extension does not lead to a 50% increase or more in volume or gross internal floor area of the original dwelling;
 - (4) 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;
 - (5) the proposed extension has regard to the criteria in Policy HG12 of this Plan.
9. **Policy HG12** of the Local Plan states (in part) that extensions to dwellings will not be permitted where:
 - (1) the design and use of materials would not be in keeping with local characteristics;
 - (2) the proposal would harm seriously the amenities of neighbours through undue loss of light or privacy, being unduly overbearing in terms of its mass, or would adversely affect surrounding properties by virtue of its design, layout, location or materials;
 - (3) there would be an unacceptable visual impact upon the street scene.
10. **Policy GB/2** of the Local Plan states (in part) that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated.

Development is defined as 'inappropriate' unless it comprises:-

3. Extensions and alterations to dwellings provided that the criteria in policy HG13 are met and that the overall impact of any extension does not result in the dwelling having a materially greater impact on the openness of the Green Belt.

This follows advice in Planning Policy Guidance 2, Green Belts, which states at Paragraph 3.6: "provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts."

11. **Policy DP/1** of the Local Development Framework Submission Draft 2006 is concerned with the sustainability of development, **DP/2** the design of new development, **DP/3** development criteria and **GB/1** development in the Green Belt. These policies do not materially differ from the Development Plan policies highlighted above in so far as they relate to the proposal.

Consultation

12. **Hardwick Parish Council**
Comments are awaited

Representations

13. No representations have been received. Councillor Stewart has requested that the application be considered by Committee.

Planning Comments – Key Issues

14. The key issues to consider in the determination of this application are:
1. The impact of the proposal on the openness of the Green Belt, countryside and street scene.
 2. The impact of the proposal on the amenity of neighbours.
 3. The impact of the proposal on the stock of small and medium sized dwellings in the countryside.

Green Belt, countryside and street scene

15. The bungalow sits between similar bungalows on either side as part of a row of five all of which are modest in scale with distinctive flattened ridge pyramid roofs. They are set back from the road and many have a good hedge on the front boundary but they are clearly visible in the street scene and do read as a row of very similar modest bungalows. The proposal to increase the height and significantly increase the bulk, extending this back into the plot, on this bungalow will introduce an incongruous element in the row that will harm the visual quality of the street scene, the openness of the Green Belt and the visual quality of the surrounding countryside.

The development is inappropriate in the Green Belt as defined in Policy GB/2. The application fails to demonstrate very special circumstances that would justify this inappropriate development in the Green Belt.

16. There may be scope for some extension to the dwelling to the rear to provide more modern standards of accommodation but I am concerned that the bulk and height of the proposal will only harm the visual quality of the area and would be contrary to the aim of protecting the street scene and the countryside held within policy.
17. The proposed extension is both higher than the existing dwelling and is not in scale and character with it. It would materially change the impact of the dwelling on its surroundings. As such I consider it to be contrary to Policy HG13 referred to above. The application does not demonstrate any other material circumstances that would demonstrate a justification for departure from this policy.

Neighbour impact

18. The additional height and bulk of the roof will impact on a side window to No. 69 St Neots Road. This window would appear to be the only window serving this habitable room. I am concerned that the proposal will result in a loss of light to this room and that it will appear overbearing when viewed from within it.

Loss of a small dwelling

19. Policy HG13 puts an upper limit of 50% on extensions to ensure that the stock of small and medium sized dwellings in the countryside is maintained.
20. The existing floorspace = 79m² which includes a rear extension of 16m². It is not known if this extension is part of the original dwelling or when it was added. However the total floorspace of the existing plus the extension would be approximately 152m² which represents an increase of 73m² over the existing floorspace = 92% increase. If the existing extension was built after 1948 the increase = 116%. In either case the extension well exceeds the 50% limit in Policy HG13.
21. I do not know how many bedrooms the existing dwelling has as this is not shown on the plans but a bungalow of this size is likely to be a 2 bed property and is certainly very modest. The proposal will result in a 4 bedroom 2 storey property and this small dwelling will be lost. This is contrary to Policy HG13 and the application does not demonstrate any other material circumstances that would demonstrate a justification for departure from this policy.

Departure

22. The application has not been advertised as a departure from the Development Plan. If Members are minded to approve the application it will have to be so advertised.

Recommendation

23. Refusal for the following reasons:
 1. The bungalow is positioned in a row of similar properties. The extension will significantly increase the height and bulk of the dwelling resulting in an incongruous and dominant element to the street scene. The proposal is not in scale and character with the existing dwelling and will materially change the impact of the dwelling on its surroundings causing harm to the visual quality of the surrounding countryside and the openness of the Cambridge Green Belt. Very special circumstances have not been demonstrated to justify inappropriate development in the Cambridge Green Belt. In addition the creation of a 4 bedroomed house through the addition of approximately 92% of additional floor area will result in the loss of this small dwelling in the countryside. As such the proposal is contrary to Policies P1/2, P1/3 and P9/2a of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies GB/2 and HG13 of the South Cambridgeshire Local Plan 2004.
 2. The proposed extension will seriously harm the amenities of the occupiers of the adjacent property, No. 69 St Neots Road, through undue loss of light and by being unduly overbearing because of its mass when viewed from the side east facing window of this property. As such the proposal is contrary to Policies P1/2 and P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policy HG13 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 Development Control Policies Development Plan Document Submission Draft January 2006
- Planning File reference S/1198/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

S/0844/06/F - Haslingfield
Conversion of Garage and Extension Above, 39 New Road for Mr and Mrs S Turner

Recommendation: Refusal
Date for Determination: 23rd June 2006

Site and Proposal

1. Number 39 New Road is a semi-detached property with a double garage to the side along the boundary of 1 College Crescent. The double garage backs onto the rear garden of 1 College Crescent, which is triangular in shape.
2. This full planning application was received on the 20th April 2006 and proposes to convert one of the garages and extend above it. The garage conversion will provide accommodation for dining room and the first floor element will accommodate a new bedroom with en-suite. The original plans proposed a window in the rear elevation and a roof light and window in the front elevation. Amended plans were received on 9th June 2006 omitting the first floor window in the rear elevation. At the front of the property the proposal will come forward to be in line with the existing front elevation as will the remaining garage. The two-storey element will have a ridge height 0.5m lower than the original dwelling.

Planning History

3. None relevant to this application

Planning Policy

4. **Policy HG12** of the South Cambridgeshire Local Plan 2004 sets out requirements for development of dwellings within frameworks having regard to impact upon neighbour amenity and the street scene.

Consultation

5. **Haslingfield Parish Council** – Recommends approval of the scheme as amended stating “the removal of the rear first floor window addresses our main concerns but we would like to request that the roof window at the rear is obscured glazed and non-opening.” It had recommended refusal of the application as originally submitted.

Representations

6. The Occupiers of 1 College Crescent – Raised objections. The window in the first-floor rear elevation would result in the loss of privacy. They had concerns whether the quality of the foundations would be able to withstand a two-storey development. They believe that there could be some damage to their property and also that there is a risk of subsidence and potential damage to the party wall. They are concerned that there were no detailed plans of the intended height of the new structure and how far

forward it will project. They believed that the new extension will be imposing and would reduce some light. They considered that the two-storey extension would be overdevelopment and that there is not enough information on roof drainage and the proposal could increase wind speed, which could increase risk of structural damage.

7. The Occupiers of 1 College Crescent made further comments with regards to the amended plans. They “have very strong objections to the double storey part of the proposal. It would be very imposing and intrusive even without any windows at the rear” and they considered this over development. They believe that the applicants have not addressed details of the foundations, the eaves would overhang the boundary of 1 College Crescent, and the plan does not specify how the walls would be indented to prevent imposition on 1 College Crescent. The original points raised in their first letter have yet to be resolved. The proposed works will cause long-term disruption to them; they would not be able to let their children play in the garden until works is completed. Their main concern is regarding the two-storey element of the proposal. They would not object to any change of use of the garage or extension forward. They state that there were no direct consultation by the applicants with them and they would have welcomed the chance to have discussed their concerns with the applicants sooner.
8. Occupier of 2 College Crescent – Raised concerns about increase overlooking of part of the garden of no. 2 College Crescent, which would render “any privacy non-existent”. Concerns were also raised about setting a precedent, which could lead to the whole appearance of the Crescent being spoilt.

Planning Comments – Key Issues

9. The key issue to be considered is the impact of the proposed works on the amenity of adjoining properties.
10. The layout of the properties along College Crescent and 39 New Road is very unusual. The double garage belonging to 39 New Road, backs immediately onto the garden of 1 College Crescent. The conversion one of the garage would not necessarily have a significant impact on the adjacent properties, however the addition of a two-storey element above the existing garage would cause serious harm to neighbour amenity through being unduly overbearing. The rear garden at No. 1 College Crescent is very small and the extension above the garage would enclose the rear garden even further on the north east side. The amended plans date stamped 9 June 2006 has addressed the loss of privacy issue by the omission of the window in the rear elevation. However the overbearing affect of the proposal is unacceptable.
11. Concerns regarding the impact of construction work upon the adjoining property is not a material planning issue.

Recommendations

12. Refusal:

The proposed extension, by virtue of its siting, height and mass would seriously harm the amenities of neighbours by being unduly overbearing. It would particularly affect the occupiers of No. 1 College Crescent as the proposed extension backs immediately onto their rear garden. The proposal is therefore contrary to Policy HG12 of the South Cambridgeshire Local Plan 2004, which states that planning

permission for the extension of a dwelling will not be permitted where the proposal would harm seriously the amenities of neighbours through being unduly overbearing.

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

- South Cambridgeshire local Plan 2004
- Planning File Ref: S/0844/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

S/1017/06/F – Impington
Change of Use of Former Egg Production Buildings, Including Alterations/Extensions for Industrial Uses (B1(C) Light Industrial and B8 Warehousing), Together with a New Vehicular Access, Car Parking and Servicing, Mereway Poultry Farm, Milton Road - For Walker Commercial Ltd

Recommendation: Approval
Date of Determination: 16 August 2006 (Major Development)

Member will visit the site on 31st July 2006.

Departure

Site and Proposal

1. Mereway Farm lies midway between Milton and Impington on the southern side of Milton Road, which links the A10, passed the Householder Waste Site, through to Impington Village College. The derelict battery egg production complex consists of 6 large timber clad poultry house totalling 6112m², interspersed with grain silos, with a packaging/office building of 264m² attached at the northern end. The buildings are surrounded by extensive hardstandings. A low grass bund runs to the west of the buildings. On the site frontage is the former farm manager's bungalow, surrounded by high conifer hedging. To the south and west is open arable farmland. To the east is Mereway, a Roman road, now a bridleway.
2. The full application, received on the 17th May 2006 and amended on the 24th July 2006, proposes the conversion of the existing buildings to light industrial/warehousing uses, involving the demolition of eastern ends of the poultry houses to improve vehicular access around the periphery of the site (284m²) and infilling between the sheds to create three main blocks (377m²). Units vary in size between 95m² and 647m².
3. A new vehicular access to the commercial part of the site is proposed, designed to prevent HGV's turning westwards towards Impington. The bungalow on the site frontage would continue to be served by the existing access. As part of the application Milton Road would be widened eastwards between the site and the Householder Waste Site and a footway/cycleway provided.
4. On the western boundary the existing earth bund is to be removed and replaced by a 17m wide landscaped belt with a reed bed on its outer edge which forms part of a sustainable drainage solution. The bungalow, an agricultural dwelling, will remain as such.
5. Accompanying the application are a planning statement, a design statement, a transport assessment, a building surveyor's report, and a market report.

Planning History

6. Planning permission was granted for the initial poultry house complex in 1972 followed by subsequent permissions for an agricultural bungalow and extensions.
7. In 1996 permission for a further 7 poultry buildings and bungalow was refused and dismissed at appeal because of the negative impact on the Green Belt.
8. In 2005 planning permission was granted to change the use of four of the poultry buildings to B8 storage/distribution use, which included the demolition of the two central buildings. The occupation of the bungalow was tied to the use of the site, and the permission subject to a Section 106 Agreement concerning the widening of Milton Road to provide a footpath/cycleway eastwards to the Householder Waste Site and to restrict permitted development rights for the erection of agricultural buildings on the remainder of the holding. The permission was not implemented.
9. A subsequent application to have the Condition tying the occupation of the bungalow to use of site in the 2005 permission was withdrawn.
10. In April 2006 an application was submitted to redevelop the site with new buildings of similar floor space as those existing for light industrial (B1(c)) /warehouse (B8) uses, involving some aspects of the current proposal eg a new access/landscaping/reed bed. The application was refused in June 2006 primarily as inappropriate development in the Green Belt where no very special circumstances had been advanced to overcome the presumption against such development.

Planning Policy

11. **Cambridgeshire and Peterborough Structure Plan 2003. Policy P1/2 – Environmental Restrictions on development** – states development will be restricted countryside unless the proposals can be demonstrated to be essential in a particular rural location.
12. **Policy P1/3 – Sustainable Design in Built Development** – requires a high standard of design and sustainability for all new development.
13. **Policy P2/6 – Rural Economy** - states sensitive small scale employment development in rural areas will be facilitated where it contributes to, inter alia, the re-use of existing buildings and maintaining the vitality of rural areas.
14. **Policy P6/4 – Drainage** – states all new development will be expected to avoid exacerbating flood risk locally by utilising water retention areas and other appropriate forms of sustainable drainage systems for disposal of surface water run – off.
15. **Policy P7/2 - Biodiversity** - states all new developments will seek to conserve and enhance biodiversity value of the area they affect.
16. **Policy 8/2 - Implementation Sustainable Transport for New Development** - states new development will be required to make provision for integrated and improved transport infrastructure to increase the ability to move by cycle, public transport and on foot.

17. **Policy P9/2a - Green Belt** - states within the Green Belt, new development including change of use will be limited to that required for agricultural and other uses appropriate to a rural area.

South Cambs Local Plan 2004

18. **Policy GB2 - Green Belt** - states planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated.
19. **Policy EN3 - Landscaping and design standards for new development in the countryside** - requires the scale, design and layout of a scheme, materials, and landscaping works are all appropriate to their particular "Landscape Character Area".
20. **Policy EN13 – Protected Species** – states the Council will not grant planning permission for development which could adversely affect the habitats of birds and plants.
21. **Policy EN14 – Protected Species** – states the Council will encourage developers to retain, enhance or provide roost sites for barn owls.
22. **Policy ES1 Contaminated Land** – requires a detailed investigation and risk assessment study to be undertaken.

Consultations

23. **Impington Parish Council** makes no recommendation but requests the following conditions:
- a. Redesign of highway access to prevent HGV's entering or leaving the site to and from Impington.
 - b. No access to the site by HGV's via Impington and Histon.
 - c. Landscaping needs to be carefully designed and alongside the Mereway.
 - d. Prefer a darker cladding colour, more appropriate for a rural environment.
 - e. During the build period, all site access from the A10.
 - f. No working Sundays or between the hours of 10pm and 7am other days.

Milton Parish Council "strongly" objects:

- a. There is no change from the previous application S/0728/06/F and the Parish support SCDC's reasons for refusal.
- b. Contrary to Policy P9/2a of the Structure Plan ie. within the Green Belt new development should be limited to that required for agriculture and forestry, outdoor sport or other uses appropriate to a rural area and Policy GB2 of the South Cambs Local Plan (inappropriate development within Green Belt).
- c. Outside Impington Village Framework and therefore contrary to Policy P1/2 of the Local Plan.

- d. Would have a detrimental visual effect on the countryside and therefore contrary to Policies EN1 and EN3 of the Local Plan. Visually overbearing from the rural byway.
 - e. This application for light industry is totally inappropriate within the Green Belt.
 - f. The Parish Council's concerns about traffic still apply.
24. **The Local Highway Authority** – requires amended plans
25. The omission of the right hand turn facility on Milton Road is queried, as this was included in the application submitted earlier this year.
26. The Transport Assessment does not provide total daily trip generation figures for the proposed use to support the lack of the right turn facility. The visibility splay dimensions of the new access are inadequately given the speed survey results, ie 215.0m not 160.0m shown, and it is not clear if they can be achieved.
27. Plans are also required demonstrating that the proposed carriageway widening to provide the required 2m wide footpath/cycling to the east of the site to link with that at the landfill site can be achieved. Larger scale drawings are required of the proposed access layout, showing in more detail the measures preventing HGV's turning left out of the site towards Impington.
- 29 **The Environmental Agency** - has no objection subject to standard conditions concerning surface and foul water drainage, and a condition requiring ground contamination investigation/remediation and an informative concerning the nearby landfill site.
30. **Anglian Water's** Comments have not been received.
31. **The County Council Minerals and Waster Group** has no objections but comments that historically landfill sits produce odours from time to time, which may be considered unacceptable to those that work close to the site.
32. **Cambridgeshire Fire and Rescue** requires the provision of fire hydrants.
33. **The Definitive Map Officer** (County Council) has no objections but points out that a Public Bridleway Open to All Traffic (No 3 Impington/Milton) runs along the south-eastern boundary of the site. Development must not encroach on the Bridleway, which must remain open and unobstructed at all times, and its surface must remain.
34. **The Ramblers** (Cambridge Group) has no objections subject to no damage to the surface of the bridlepath or its obstruction with materials/vehicles.
35. **The Chief Environmental Health Officer** suggests conditions to reduce potential noise disturbance:
- a. details of location and type of power driven equipment;
 - b. time limits on the use of power operated machinery during demolition and construction;

- c. if pile foundations to be used, a statement required of how noise and vibration to be controlled.
 - d. the bungalow on site shall be occupied by person or persons employed by the site owners and/or connected with one of the new companies;
 - e. an informative is required prohibiting bonfires.
36. **The Ecology Officer** has lodged a holding objection until a potential barn owl roost/nest site in one of the existing buildings has been investigated. The proposed provision of a cycleway will result in the loss of a grass verge and an equivalent area of grassland should be created as part of the landscaping of the site. The application provides several enhancement opportunities – the reed bed, new native planting and wildflower seeding. A barn owl box may be required.
37. **The Trees and Landscape Office** has no objections on the assumption that the access and car parking adjacent to the eastern boundary is the utilisation of the existing hardstanding. More space is desirable for planting in the southern corner of the site, between the proposed access road and the site boundary. A 10m strip for further planting is suggested.
38. **The Building Control Officer** has no adverse comments. Based on external viewing only the majority of the ground floor block walls appear in reasonable condition. However, cracking is evident to some areas, and the first floor structure is in a dilapidated state, with some of the walls bowing.

Planning Comments – Key Issues

39. The key issues are whether the proposal is appropriate development in the Green Belt, whether the buildings are capable of conversion/extension and the impact of the traffic likely to be generated.
- a. **Green Belt** Policy allows the re-use of existing buildings providing it does not have a materially greater impact on the openness of the Green Belt. The application also proposes extensions to the buildings in the form of infilling between the blocks. This is partly offset by reduction in the lengths of the existing blocks to facilitate improved access/parking on the eastern side, resulting in an overall increase in floor space of 93 sq m and a technical departure from Green Belt Policy, which requires strict control to be exercised over the extension of re-used buildings and over any associated uses of land surrounding the buildings because of possible conflict with the openness of the Green Belt. The site has the appearance of a factory farm with a serried rank of utilitarian poultry sheds and silos surrounded by large areas of hardstanding. Landscaping to the west is non-existent and the site is particularly visible from Impington across a flat fen landscape. The proposal includes removing the silos, which are particular prominent, re-cladding the poultry sheds to improve their appearance, the planting of a substantial tree belt and the creation of a reed bed on the western side. The extensions are sandwiched between the existing buildings and will not affect the openness of the Green Belt. Overall the package of measures will enhance the setting of the existing site which is somewhat of an eye sore. I consider the proposal to be appropriate development in the Green Belt.

- b. **Condition of the buildings and the appropriateness for conversion.** Green Belt Policy requires that the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction. The site has been unused for over a year and the buildings show signs of neglect although they are basically intact. The applicant's own Building Survey points out that the buildings were constructed as agricultural buildings to a poor standard with numerous inherent defects. A comprehensive building refurbishment, together with the strip out of asbestos containing materials is necessary. Although each of the individual defects highlighted in the survey are generally repairable, the extent of the repairs necessary means the buildings would be substantially renewed. The survey concludes that given the cost of full repair and refurbishment, it would not be economically prudent to retain and adapt the existing buildings. There is a strong preference for new purpose-built industrial units. Indeed the applicants submitted an application earlier this year, to redevelop the site with new industrial units, but this was refused under delegated powers primarily because it was deemed inappropriate development in the Green Belt. I am partly persuaded that the conversion of the buildings should be allowed because as recently as last year planning permission was granted to convert four of the poultry sheds to B8 (warehousing) use, and without a use the buildings are likely to remain a blot on the landscape for many years to come. It is the stated preference of the applicants to clear the site and redevelop it, the cost of conversion being considerable in this case but I am satisfied the buildings can be converted, albeit a condition will be required setting out the precise method of conversion to be undertaken.
- c. **Traffic impact** The Local Highway Authority has queried the dimensions of the proposed visibility splays and requested amended plans showing more detail of the proposed access and the footpath / cycleway eastwards to the landfill site. These details were submitted on the 24th July 2006 and a verbal report will be made. The new access has much better visibility than that existing and there will be an improvement in road safety. The site is relatively well located, being close to the A10 / A14 trunk road network and the proposed access has been designed similarly to the nearby landfill access, preventing HGV's from turning westwards out of the site towards Impington. Impington Parish Council also requests no access to the site by HGV's via Impington and Histon, but this will be difficult to achieve and it would be likely that most HGV's would use the trunk road network.
- d. **General** The applicants have commissioned a marketing report which highlights the need for small industrial units in the area, where there is a severe shortage of new units. The site is well located to meet the need for this type of floor space, and about 150 new jobs could be created by the proposed development. The proposed footway/cycleway will link through to Milton and provide good access. No mention is made in the application of the future use of the agricultural bungalow on the frontage of the site, which is to be retained and served by the existing access. Although it is quite well screened from the main body of the site by conifer hedges, I agree with the Chief Environmental Health Officer that given its proximity its use needs to be tied to the industrial use of the site, as there is potential for noise disturbance. A similar condition was attached to the recent permission for warehouse use.

Recommendation

40

Approval, as amended by plan franked the 24th July 2006, subject to the following conditions.

1. Standard Condition A (Reason A).
2. No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a. The materials to be used for external walls and roofs.
 - b. Hard surfacing materials.
 - c. Boundary treatment.The development shall be carried out in accordance with the approved details.
(RC - To ensure the development is appropriate to its rural location.)
3. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such times(s) as may be specified in the approved scheme.
(RC – To ensure a satisfactory method of surface water drainage and to prevent the increased risk of pollution to the water environment.)
4. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.
(RC - To prevent the increased risk of pollution to the water environment.)
5. Prior to the commencement of any development, a scheme for the provision and implementation of ground contamination investigation, assessment and remediation shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.
(RC - To prevent the increased risk of population to the water environment.)
6. Before development commences, a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service shall be submitted to and approved by the Local Planning Authority. No development shall take place otherwise than in accordance with the approved scheme.
(RC - To ensure adequate water supply is available for emergency use.)
7. Before development commences a method statement for the safe removal and disposal of asbestos from the site shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved scheme.
(RC - To prevent the increased risk of contamination.)

8. Details of the location and type of any power driven plant or equipment, including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the building(s) but excluding office equipment and vehicles and the location of the outlet from the building(s) of such plant or equipment, shall be submitted to and approved, in writing, by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.
(RC - To minimise the affects of the development on nearby residents.)
9. During the period of construction and demolition no power operated machinery shall be operated on the premises before 08:00 hours on weekdays and 08:00 hours on Saturdays nor after 18:00 hours on weekdays and 13:00 hours on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.
(Reason - To minimise noise disturbance to adjoining residents.)
10. Before the development commences, details of all external lighting shall be submitted to and approved by the Local Planning Authority.
(Reason – To minimise the effects of the development to nearby residents and the countryside in general.)
11. The existing bungalow on the frontage of the site shall not be occupied other than by a person or persons employed by the site owners/or connected with one of the companies on site.
(Reason – The close proximity of the bungalow to the main commercial part of the site means there is a high probability of noise disturbance occurring.)
12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft 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 and specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To enhance the quality of the development and to assimilate it within the area.)
13. 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.)
14. Prior to any form of development taking place a scheme of ecological enhancement including the provision of owl boxes shall be submitted for written approval by the Local Planning Authority. The approved scheme shall be fully implemented within an agreed timescale.

(Reason – PPS9: Biodiversity and Geological Conservation seeks the maintenance, enhancement and restoration of biodiversity.)

15. No demolition, site clearance or building operations shall commence until the trees on the eastern boundary of the site have been adequately fenced off in accordance with a scheme to be submitted in writing by the Local Planning Authority. The fence shall be erected in accordance with the approved scheme. (RC - To afford protection to the trees on the eastern site boundary during building works.)
16. Before development commences a method statement for the precise means of conversion of the buildings shall be submitted to and approved by the Local Planning Authority. The conversion shall be carried out in accordance with the approved scheme.
(Reason – To ensure the buildings are converted rather than demolished and replaced, which would be contrary to the Green Belt policy.)
17. No buildings shall be occupied until a Green Travel plan has been submitted to and agreed in writing by the Local Planning Authority. The Green Travel Plan shall be implemented as approved.
(Reason – To ensure the proposal is as sustainable as possible.)
18. The development, hereby permitted shall not commence until a binding undertaking prepared in accordance with the requirements Section 106 of the Town and Country Planning Act 1990 shall have been entered to ensure:
 1. The provision of a footway/cycleway from the application site eastwards to link with the existing footway/cycleway which currently terminates at the County Council landfill site.
 2. The payment of contribution to the Northern Corridor Area Transport Plan.
 3. The abrogation of permitted development rights for the erection of agricultural buildings on the land to the west of the application site also in the applicant's ownership.(Reason – To ensure the details of the development are satisfactory.)

+ conditions required by the Local Highway Authority

In formatives

1. The Environment Agency has the following comments
 - (1) The development site is adjacent to the Milton active gassing landfill site. However the gas is extracted from the landfill for power generation and monitoring data does not show any gas migration towards the development site (intervening geology is clay). In view of these factors the risk to the development is low and no precautionary measures appear to be necessary. If unusual odours are encountered during development contact the Environment Agency immediately for advice on gas monitoring and protection.
 - (2) Environment Agency Guidance is available via the following link:
http://www.environment-gency.gov.uk/commondata/acrobat/devguidev1_1155225.pdf

To assist in the presentation of satisfactory proposals, the following information is offered:

Surface Water Drainage/Flood Defence:

Full details of the proposed method of surface water drainage must be submitted for appraisal by our respective authorities

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

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

Soakaways will not be permitted in contaminated land.

Any surface water drainage scheme, which includes on site attenuation, must be accompanied by full details of design, design parameters, discharge control structures, adoption and maintenance proposals.

Any culverting or works affecting the flow of a watercourse requires the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting and its Consent for such works will not normally be granted except as a means of access.

Foul Water Drainage/Trade Effluent Disposal:

Details of any foul water drainage scheme must be submitted for appraisal by our respective authorities.

The Agency's prior Consent, under Schedule 10 of the Water Resources Act 1991 will be required to for any non mains sewage treatment system.

The above comments are made only on the understanding that no public foul sewer is available to serve this development.

Pollution Prevention

The application site shall be subject to a detailed scheme for the investigation and recording of contamination and a report submitted together with detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless of such contamination, as may be found. (Environment Agency guidance is available via the following Link:)
http://www.environment-agency.gov.uk/commondata/acrobat/devguidev1_1155225.pdf

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

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking area for fifty car park spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor.

The following comments are made on behalf o the Agency's conservation team

Surveyors

An Ecological baseline survey should be carried out to determine the habitat and species already present, including protected species listed under the Wildlife & Countryside Act 1981 (as amended), especially barn owls.

If the site is found to be occupied by any protected species, whether for roosting or breeding, English Nature should be consulted, regarding the potential effects on the protected species and their habitats within the proposed development area.

Guidance

The applicant should refer to the Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough and South Cambridgeshire's Biodiversity Strategy for guidance regarding habitat creation and enhancement and the inclusion of good Biodiversity design.

Habitat

Planning Policy Statement 9 requires that developments should conserve and enhance Biodiversity. This proposal offers a good opportunity to enhance the existing features and create new habitat that could optimise the Biodiversity value of the site.

The proposed planting along the site boundary should be suitable native tree and shrub species and any grass seeding should be of appropriate grass and wildflower seed mixes.

Additional habitat provision could include the provision of bat boxes and bird boxes. An appropriate management plan for the site should be in place which optimises its Biodiversity value and should include mowing and hedge trimming regimes. More details are required on the reed bed sustainable drainage system, which may also provide opportunities for habitat enhancement.

Water Conservation

A water conservation strategy for the site could include the use of saved rainwater for use in facilities on the site. This would also reduce the run-off from the buildings to soakaway. Further details are available on www.environment-agency.gov.uk.

2. The Council's Chief Environmental Health Officer comments:

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

3. The County Council's Definitive Map Offer comments:

Public Bridleway Open to all traffic (BOAT) No 3 runs along the South Eastern boundary of the site.

- i. The development must not encroach onto the BOAT, any encroachment would constitute an obstruction, which is an offence under S. 137 of the Highways Act 1990: if the developer requires advice on where the boundaries of the right of way they should contact the Definitive Map Officer for assistance;

- ii. The BOAT must remain open and unobstructed at all times. Building materials must not be store on it, and contractors' vehicles must not be parked on it:
 - iii. No alteration to the surface of the BOAT is permitted without our consent (it is an offence to damage the surface of a public right of way under S 1 of the Criminal Damage Act 1971).
4. The applicant is reminded that the development, hereby permitted, should not start until the S. 106 Agreement required by Condition 18 of this Decision Notice has been completed. Failure to complete the Agreement in advance of the development commencing, as with other similar Conditions, could result in Enforcement Action being investigated. In order to discharge this Condition, the applicant should contact the Case Officer in the Development Services Department to confirm that you wish to proceed with the Agreement. The Case Officer will advise you who is dealing with the drafting and completion of the Agreement on behalf of the Local Planning Authority. S. 106 Agreement negotiations can take time, particularly where it involves other authorities, so prompt replies to correspondence and draft documentation form you or those representing you would be appreciation.
5. **Reason for Approval**
 1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - a. **Cambridgeshire and Peterborough Structure Plan 2003:**
 - P1/2** (Environmental Restrictions on Development)
 - P1/3** (Sustainable Design in Built Development).
 - P2/6** (Rural Economy)
 - P6/4** (Drainage)
 - P7/2** (Biodiversity)
 - P8/2** (Implementing Sustainable Transport for New Development)
 - P9/2a** (Green Belt)
 - b. **South Cambridgeshire Local Plan 2004:**
 - GB2** - (Green Belt);
 - EN3** (Landscaping and Design Standards for New Development in the Countryside);
 - EN13** (Protected Species);
 - EN14** (Protected Species);
 - ES1** (Contaminated Land).
 2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 1. The openness of the Green Belt
 2. Condition of the Buildings and their appropriateness for conversion;
 3. Traffic Implications.

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 references: S/0728/06/O and S/1017/06/F

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

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

S/0856/06/F - Histon
Variation of Condition 3 of Planning Permission S/0242/01/F to Allow Hot Food
Takeaway Service Between the Hours of 17:00 to 23:00
at 44 Station Road for R. Dias

Recommendation: Refusal
Date for Determination: 27th June 2006

Conservation Area

Site and Proposal

1. An Edwardian building that has been previously extended, located on the corner of Station Road, New School Road and Saffron Road. It is a predominantly residential area where houses opposite the site sit close to the highway boundary. Station Road has been traffic calmed. The application site has a number of uses, which include a 3-bedroom flat at first floor, a small shop area selling cold food to takeaway (delicatessen), a cold and hot food delivery service which is not limited in terms of hours, and a 24 cover restaurant which has permission to be open between 08:00 and 23:30 hours, seven days a week. Following an appeal the site can now operate a lunchtime takeaway service between the hours of 11:00 and 14:30 hours.
2. This full application, received 2nd May 2006, seeks permission to extend the hours for the hot food take-away service to evenings. The suggested opening hours for the evening are 17:00 – 23:00 hours. The applicant has indicated that he would accept a temporary permission in order to trial the evening opening hours (as had previously been granted for the lunch time session) if it were considered necessary.
3. This application has been brought to committee at the request of a Local Member.

Planning History

4. There has been a long string of planning applications for this site over the last 13 years. A summary of the planning decisions most relevant to the current proposals are as follows:
 - a) **S/1775/92/F** – Change of use from retail to take-away, and extension. REFUSED.
 - b) **S/0871/93/F** – Extension to shop/dwelling and part use for food preparation and delivery. APPROVED.
 - c) **S/2036/94/F** – Change of use to take-away. REFUSED.
 - d) **S/1762/95/F** – Part use of shop as restaurant. APPROVED – hot food take-away excluded, limitation on hours and number of covers.
 - e) **S/1973/96/F** – Part use of ground floor for hot food takeaway (Class A3). REFUSED.

- f) **S/0551/98/F** – Change of use of shop to restaurant (Class A3). WITHDRAWN.
- g) **S/0850/98/F** – Part change of use to restaurant. APPROVED – temporary consent.
- h) **S/0222/99/F** – Use of restaurant made permanent with number of covers limited to 24 and hours restricted from 08.00 to 23.30. APPROVED.
- i) **S/1292/99/F** – Removal of conditions to allow hot food take-away. REFUSED.
- j) **S/0639/00/F** – Variation of condition 2 of planning permission S/0222/99/F to allow opening of restaurant from 8am to 11.30pm. APPROVED.
- k) **S/0242/01/F** – Permanent permission was APPROVED allowing a restaurant use with 24 covers and all day opening (08.00 – 23.30 hours).
- l) **S/0861/01/F** – Removal of conditions to allow hot food take-away. REFUSED – Appeal dismissed.
- m) **S/1603/02/F** – Variation of conditions to allow hot food take-away. A one-year temporary permission APPROVED for the lunch time period only (11.00 – 14.30 hours) – expired 29th February 2004.
- n) **S/2415/03/F** – Removal of condition 3 of planning permission S/0242/01/F to allow hot food takeaway service. REFUSED.
- o) **S/0951/04/F** – Variation of condition 3 of planning permission S/0242/01/F to allow hot food takeaway between 11.00am and 2.30pm and 5.00pm to 11.00pm. REFUSED.
- p) **S/1692/04/F** – Use of premises for hot food takeaway between the hours of 11.00am and 2.30pm. REFUSED – Appeal allowed.

5. While the Council has consistently resisted takeaway use from this site the two appeal decisions for applications **S/0861/01/F** and **S/1692/04/F** are particularly relevant in considering the current proposals. This will be expanded upon in the Planning Comments section found later in this report.

6. In addition to the above planning applications the Council has had cause to serve breach of condition notices on this site. The first occasion was in 1999 when it came to our attention that the restaurant was operating outside its permitted opening hours and that a takeaway was being run from the site. The most recent two notices, served in 2004, required the applicant to cease transferring hot food to customers waiting off site, as a planning condition attached to S/0871/93/F excluded use as a takeaway service from the site.

Planning Policy

7. There are no relevant policies within the Cambridgeshire and Peterborough Structure Plan, 2003.

8. **Policy EM7** of the South Cambridgeshire Local Plan, 2004 states:

Development for the expansion of existing firms within village frameworks or on suitable brownfield sites next to or very close to the village frameworks will be permitted subject to the provisions of Policy EM3 and EM6 (neither of which are relevant in this case).

9. In **supporting** paragraph 5.39 to this policy it adds:

Whilst the expansion of existing firms will be generally acceptable in principle, it will also be important to consider the local impact of development. Development will not be permitted where it would consolidate a non-conforming use or cause problems with traffic, noise, pollution or other

damage to the environment.

10. **Policy ES6** of the South Cambridgeshire Local Plan, 2004 states:

The District Council will seek, by the means of appropriate planning conditions, to minimise the impact of noise and pollution on noise-sensitive development arising from any new industrial, commercial or recreational activity.

Consultations

11. **Histon Parish Council** recommends the application be refused commenting:

“The applicant has advised the Parish Council that he is submitting a fresh application on these premises for hot food takeaway because he believes that a substantive change has taken place with regard to the original condition no. 3 placed on S/0242/01/F in that as a result of an appeal decision made in 2005 he was granted permanent lunch time permission for hot food takeaway and he now wishes to extend this to evenings. The Parish Council refer to the subsequent application and appeal reference S/0861/01/F (June 2002) whereby the application for hot food takeaway was refused by the Inspector on the grounds of disturbance to local residents and traffic considerations. Throughout the planning history on this site over the last 13 years the Planning Authorities have consistently refused evening takeaway use and the Parish Council support these views and strongly recommend refusal of this application”.

12. **The Chief Environmental Health Officer** has commented that he is concerned that if approved there is a likelihood and opportunity for noise and disturbance from patron’s visiting and leaving the premises, as well as from staff leaving the premises when it is closing down for the evening. In addition there is potential for noise and disturbance from patron’s vehicles manoeuvring close to the premises where there are now parking restrictions and traffic calming measures in place. He refers to advice contained in paragraph 20 of Annexe 3 to Planning Policy Guidance 24: Planning and Noise which advises:

“Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity. The disturbance that can be caused by traffic and associated car parking should not be underestimated.”

13. He is not currently investigating any outstanding complaints in respect of noise nuisance associated with these premises.

14. **The Local Highways Authority’s** comments will be reported verbally.

Representations

15. The applicant has written stating:

- a. The only fact that SCDC seems to be concerned about is how many of the residents between 49-63 (Station Road) are affected by this application. However SCDC seems to have forgotten about my immediate neighbour (42

- Station Road) or the Nursery School opposite who continues to have no objections.
- b. I already have lawful permission to operate a takeaway service between 10-2.30pm and SCDC do not have any objections to this. Although I am requesting permission for 5-11pm, my records and my experience of this site show that the majority of my takeaway trade would occur between the hours of 6-10pm, given that these are the peak trading hours, the School does not function between 5-11pm and therefore will be unaffected by this application.
16. Local Member, Councillor Chatfield, supports the application, requesting that it be considered at Committee if recommended for refusal in order for both sides of the case to be heard. He comments:
- a. The current situation of hot food takeaway at lunchtimes, hot food delivery service and at seat restaurant service is working satisfactorily, with few or no complaints from local residents.
 - b. The location is not ideal from a traffic point of view, being situated on a bend in Station Road and near to the Nursery and Infants Schools. However, parking has been provided at the front of the establishment and this is rarely full. The corner with Saffron Road is far busier at school drop off and pick up times than it would be as a result of the takeaway.
 - c. The only way to provide completion on these planning applications, based on fact rather than forecast, would be to allow a temporary permission (for 6 or 12 months). This would allow time for a full analysis of such an operation. If there were problems with traffic, noise and disturbance, then the planning approval should not be renewed. However, if it proves to be successful, then we will have added to the facilities offered within the village community.
 - d. If you are considering refusal, I would ask that the full DCCC is given the opportunity to hear both sides of the case.
17. The County Councillor for Histon, Councillor Jenkins, supports the application commenting:
- a. First let me declare an interest. I am a customer of Mr Dias.
 - b. This is a regular planning application that it is routinely turned down on the grounds of the disturbance it would cause for local residents.
 - c. May I suggest that we find a way to give Mr Dias an opportunity to prove that it would not cause a disturbance? He has his own parking and there is limited/no opportunity for people to park on the street because residents generally use this in the evening.
 - d. This is a useful local business and I am sure that many local residents would appreciate being able to collect their take-aways in much the same way as they can collect their fish and chips at the chip shop at the top end of Station Road.
 - e. Can we give Mr Dias a 1 year conditional approval perhaps?
18. Five letters of support have been received from residents at 77 Pelham Close, Cottenham; 19 Station Road, Histon; and 15, Mill Road, 24 Perchoran Close and 16 Cambridge Road, Impington. A further letter has been received from 16 Almond Grove, Bar Hill. The comments received include:
- a. Mr Dias is operating a takeaway service from the premises anyway on the basis that his restaurant customers can if they choose take their food away rather than eat it there or have a doggy bag at the end of their meal.
 - b. No enforcement action has been taken against this.

- c. No evidence has been put forward by the Parish Council or Police, nor is there local experience of, any noise or disturbance to neighbours from anti-social behaviour by customers of the site. There is no evidence therefore to substantiate an objection to the proposals on these grounds.
 - d. The restaurant, cold food takeaway and lunchtime takeaway operate without problems.
 - e. Traffic peaks in the Station Road area during school hours. The restaurant already operates all day without problems and he can serve hot food takeaways at lunchtimes.
 - f. The Council claims to want to retain businesses within our little community and to this end Unwins were refused residential planning permission for their site in Impington. So I do not understand why applications from Mr Dias that will help him run his business better and offer us all a more comprehensive service should be continually refused permission. Why can the council not help with Dias with his modest ambitions?
 - g. There are no justifiable reasons not to allow evening takeaway.
19. Four letters of objection have been received from 25 Beaumont Crescent, Cambridge; 1 Saffron Road, 55 and 59 Station Road, Histon. The comments received include:
- a. When visiting an elderly relative who lives opposite 44 Station Road it is already very difficult to locate a parking place. The increase in traffic requiring to park on an already busy road can only add to the many hazardous situations that already occur.
 - b. There will be an increased likelihood of parking on double yellow lines and/or the pavement, adding to highway dangers.
 - c. This type of takeaway results in noise and disturbance late at night, which is already a problem in this part of Histon. This includes from young people hanging about.
 - d. In the past people have hung about while illegal takeaways were going on.
 - e. The police have been called on more than one occasion.
 - f. There is a likelihood that people will come after pub closing and be hanging around, causing noise and disturbance after midnight.
 - g. As the 'Flying Tandoori' nearly always has four staff cars parked on the site's car park, where will customers wait?
 - h. Neighbours' environment should be protected.
 - i. No-one will starve if this is not allowed and there will still be the delivery service, which seems to have many drivers at times.

Planning Comments – Key Issues

Noise and disturbance to neighbouring residential properties

20. The key issue here is the impact of a hot food take-away establishment on the amenities and living conditions of neighbouring properties, a relationship that is generally considered to be problematic in predominantly residential areas. Save for the last consent that allowed a limited lunchtime service all the relevant consents that allowed food preparation and restaurant use at the premises specifically excluded hot food take-away for the following reason:

The establishment of a take-away facility in this area, which is primarily residential and subject to high levels of traffic throughout the day, would increase the risk of road users and pedestrians and would be to the detriment of the amenities at present enjoyed by occupiers of neighbouring properties by virtue of

noise and disturbance.

21. Although there have been no specific complaints since permission was granted for hot food take-away at lunch times the potential for noise and disturbance associated with such use remains, particularly if it were carried on in the evenings when general movement and ambient noise levels are likely to be lower than at lunch times. It would appear that, for whatever reason, levels of business since permission was granted have been low. Should permission be granted for a take-away business at these premises there would be nothing stopping the level of business increasing, either with the current owner or with a future hot food outlet. The consequent general disturbance associated with such use would, in my view, still be a cause of concern in respect of its impact on neighbour amenity, particularly on those properties opposite the site in Station Road and Saffron Road.

Relevant appeal decisions

22. At appeal in 2002 the Appeals Inspector did consider that the potential for general noise and disturbance associated with a hot food take-away establishment in this location was a legitimate concern and concluded that the removal of the restrictive condition would result in an unacceptable level of noise and disturbance for the occupiers of houses at 51-61 Station Road and the first few properties on the south side of Saffron Road. Particular points made by the Inspector are relevant in considering this application:
- a) Noise and disturbance would mostly affect nos. 51-61 Station Road and the first few properties on the south (odd) side of Saffron Road (para.13);
 - b) “The scope for disturbance from visits that are likely to be frequent and of short duration, resulting in noise from car engines, radios and the banging of doors, and from groups of people arriving and leaving...I consider the scope for disturbance from these other sources would be clear, especially in the evenings” (para. 14);
 - c) “In other locations, the impact of this activity may be capable of being absorbed into the general environment more successfully than is the case here. The short terrace opposite appears to me to be particularly vulnerable to disturbance: the houses have very shallow front gardens, and their living rooms and bedrooms are therefore no more than about three to four metres from the road. Since this is the nearest piece of highway to the restaurant which is free of parking restrictions, I consider it highly likely that visitors would park directly outside the terrace for short periods to collect orders, possibly even mounting the pavement to provide more clearance for passing traffic. No doubt many visitors would use the car park, but others would not – and in any event, this small area would on occasions be full, primarily with vehicles of restaurant customers. There would be a similar effect on the Saffron Road houses, exacerbated by the need for cars to turn before leaving the site. The limited capacity of the rear car park makes it unlikely that it would be used by “takeaway” customers to any great extent” (para. 15).
23. In the more recent 2004 appeal, which allowed the lunchtime takeaway, the Inspector noted that the impact of noise and disturbance from parking “...would be greater in the evening and therefore I do not take issue with the previous Inspector’s decision”.

24. The application includes evidence from Cambridgeshire County Council's A14 Village Traffic Calming Team indicating that an evening survey of vehicles parked on Station Road showed that cars were parked opposite the site (eastern side of Station Road) from outside 49 to 61 Station Road. An informal survey carried out by Councillor Matt Bradney (County Councillor for Histon) indicated the same. In my opinion, this simply strengthens concerns that people using the takeaway will park elsewhere, such as on Saffron Road, or illegally / dangerously.

Highways

25. At appeal in 2002 and 2004 the Appeals Inspector's did not agree that highway safety warranted a reason to refusal in itself, however in the 2004 decision the inspector noted that disturbance from car parking would be greater in the evenings.

Trial/temporary permission

26. In considering a temporary permission the Appeal Inspector noted in the 2002 decision that:

"It would be inappropriate to consider removing the conditions for a temporary period it is clear to me that the demand for hot food in the evenings would far exceed that for cold food, and thus the nature of the two regimes, and the impact each would have, would be substantially different".

27. The Council has consistently maintained this view itself and there is no evidence to support revising this position at this stage.

Material changes in circumstances

28. Since the previous application 2001 no material changes in circumstances have occurred.
29. The road calming has been introduced, however a trial one-way system has been removed.
30. Lunch-time takeaway has been permitted however it is clear that in allowing this the Inspector remained concerned about evening takeaway.

Enforcement

31. Enforcement notices have been served in the past against the applicant's unlawful operation of a takeaway from the site. Were evidence to be obtained then the Council may consider taking further enforcement action, if expedient to do so.

Business

32. There is a suggestion that we are being unfair in not allowing the applicant the same commercial opportunities as other premises in the village, in particular by not allowing the same opening times as the Histon Fryer. It should be noted that the Histon Fryer, which has been an established takeaway facility for many years, does not also operate a seated restaurant service, open until 11.30 in the evening, nor does it operate a food delivery service at all hours of the day. It should also be noted that this Council has consistently taken the view that this was an inappropriate location for hot food take-away and refused planning permissions for this use even before Mr Dias purchased the property.

Recommendation

33. Refuse for the following reason:

- a) 44 Station Road, which is located on a prominent corner site in a predominantly residential location with limited on-site parking facilities, benefits in part from an A3 use with the restriction that no part of the premises shall be used for hot food takeaway (Condition 3 of S/0242/01/F). This restriction has been tested at appeal (planning reference S/0861/01/F) and upheld by the Inspector on the grounds that takeaway establishments generally result in more frequent visitors and more general disturbance and would be unacceptable in this location where houses opposite the site in Station Road and Saffron Road, situated close to the road frontage, would be particularly vulnerable to disturbance, especially in the evenings. There have been no changes in circumstances that would warrant a different conclusion.
- b) This application to vary condition 3 of planning permission S/0242/01/F to allow evening takeaway sales would be detrimental to the residential amenities of neighbouring residential properties by reason of general noise, disturbance and inconvenience arising from increased visitor trips associated with such use, and associated vehicular activity including parking and manoeuvring, doors banging and radio noise. The proposal is therefore contrary to Policy EM6 of the South Cambridgeshire Local Plan 2004 which allows development and expansion of existing firms where, *inter alia* there would be no adverse impact on residential amenity and traffic conditions. Such general noise, disturbance and inconvenience is not possible to control by planning condition(s) as referred to in Policy ES6 of the same Local Plan

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning files refs. S/1775/92/F, S/0871/93/F, S/2036/94/F, S/1762/95/F, S/1973/96/F, S/0551/98/F, S/0850/98/F, S/0222/99/F, S/1292/99/F, S/0639/00/F, S/0242/01/F, S/0861/01/F, S/1603/02/F, S/2415/03/F, S/0951/04/F, S/1692/04/F and S/0856/06/F

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

REPORT TO: Development and Conservation Control Committee2nd August 2006**AUTHOR/S:** Head of Planning Services

**S/2118/05/F – Great and Little Chishill
Two Dwellings. May Street Farm, May Street, for Carter Developments Ltd****Recommendation: Approval
Date for Determination: 30th December 2005****Departure Application****Site and Proposal**

1. Members may recall considering this application at the December 2005 meeting (Item 15) following a site visit. A copy of the officer's report to the December meeting is attached at Appendix 1. Members should refer to that report for Planning History, Planning Policy and Consultation/Representations received at that time.
2. Members were minded to approve the application subject to the receipt of a further plan showing the new buildings to be identical to the conversion works previously permitted, to it being advertised as a Departure from the Development Plan and to it being referred to the Secretary of State.
3. The application was advertised as a departure on 13th December 2005.
4. Revised plans showing the building as constructed were received from the applicant and sent out for consultation in May 2006. However these drawings did not accurately reflect what has been built on the site and further drawings were received on 29th June 2006. These drawings are not 'identical' to the conversion works previously approved and cannot therefore be considered under Members previous resolution.
5. The revised drawings show a building that is 0.5m longer than that shown on the approved drawings for the barn conversion. The applicant maintains that there has been no increase in length from the original building that stood on the site and questions the accuracy of the original drawings. The height of the building, when a comparison of the approved and proposed elevations is made, has increased by 0.4m, although the applicant maintains that the overall height of the building above original ground level remains the same as the new building has been set into the site.
6. The fenestration details differ from those originally approved.

Consultation

7. The comments of **Great and Little Chishill Parish Council** in respect of the latest amended drawings will be reported at the meeting.

In respect of the drawings received in May the Parish Council raised objections and was concerned that the first floor loft space was to be converted into bedrooms.

Representations

8. Any comments from local residents on the latest revised drawings will be reported at the meeting.
9. Since the December 2005 meeting letters have been received from local residents at May Street Farmhouse and 35 May Street expressing concern on the following grounds:

Drawings are incorrect and do not accurately reflect that built.

The buildings are being advertised as 3 bedroom houses; the plans show only two bedrooms. The area shown as a loft is wired up as a bedroom.

Although there are no roof lights on the north side, there are spaces left in the 'loft' area for them to be fitted.

Planning Comments – Key Issues

10. Members resolved at the December 2005 meeting to support this application as a departure from the Development Plan subject to the receipt of revised drawings that showed that the building now erected as being identical to that previously granted consent in the scheme for conversion to a dwelling.
11. In submitting the revised drawings showing the building as now constructed it is clear that the applicant cannot satisfy that resolution.
12. If Members are minded to continue to accept the erection of a new building on this site it is necessary in my view to consider whether the building as now constructed is appropriate in terms of its visual appearance, impact on the character of the area and neighbour amenity.
13. Although the building differs in appearance from that previously agreed as part of the scheme for conversion I am of the view that it retains its previous character as an agricultural building and the increase in overall size, although the applicant contests this, does not materially change the impact of the building on the surrounding countryside.
14. In terms of the effect of the changes on the amenity of nearby residents there are no additional rooflights proposed. The approved scheme proposed four rooflights in the south elevation of the building. This application proposes the same, although the overall increase in the height of the building has made any space at first floor level more usable. I am of the view that there will be no unreasonable overlooking from the rooflights, which are currently shown as lighting loft areas.
15. I note the comment made by local residents that spaces have been prepared on the north facing elevation for additional rooflights to be fitted however there is a condition attached to the existing consent prohibiting the introduction of any additional openings without the prior consent of the Local Planning Authority and that condition will be repeated on any new consent.
16. If an application is submitted in the future for additional openings it will be judged on its merits having regard to neighbour amenity and the effect of the character of the building and countryside.

Recommendation

17. That the application be referred to the Secretary of State as a departure from the Development Plan and that, subject to it not being called in for his determination, it is approved subject to the conditions attached to the December report.

Reasons for Approval

1. The development does not accord with the Development Plan but is considered acceptable for the reasons given above.
2. The proposal is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise:
 - Amenity of neighbours
 - Character and appearance of the surroundings

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/2118/05/F & S/0041/03/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 7th December 2005
AUTHOR/S: Director of Development Services

**S/2118/05/F - Great and Little Chishill
Two Dwellings for Carter Development Ltd**

**Recommendation: Delegated Approval
Determination Date: 30th December 2005**

Departure application

Members will visit the site on Monday 5th December 2005

Site and Proposal

1. The site lies in the countryside, approximately 200m south of the village framework. It contained agricultural buildings and silos and essentially two small barns and one larger barn arranged around a courtyard. The two smaller barns are currently being converted to dwellings whilst the larger barn has been completely demolished. The land rises to the south.
2. The full planning application, received on 4th November 2005 is part retrospective and involves the erection of two barn style dwellings following the demolition of an existing barn.
3. The two new dwellings will form a single building of width 34.5m, depth 5.8m and height 5.85m to ridge. The building would be finished in timber weather boarding over a brick plinth and under a pitched clay peg tile roof.

Planning History

4. In March 2003 planning permission was granted for the conversion and use of barns as 4 dwellings. The large barn had dimensions: width 34.5m, depth 5.5m and height 5.4m (shown on plans attached to planning application file **S/0041/03/F** – planning permission for the conversion).
5. During the course of the development the applicant discovered that the large barn, though inwardly and outwardly appearing to be in good condition, had in fact no foundations. He investigated the possibility of underpinning but instead decided to totally demolish the building and erect new.
6. Following complaints received regarding the unauthorised works officers investigated and established that half of the building (one of the dwellings) had been erected up to eaves level. Officers requested that work on the dwellings cease immediately. The applicant agreed to this, all work on the building ceased and this application was submitted in an attempt to regularise the situation.

Planning Policy

7. South Cambridgeshire Local Plan 2004 (Local Plan) Policy SE8 – Village frameworks states (in part):

“Residential development outside these frameworks will not be permitted”.

8. Local Plan Policy HG10 – Housing Mix and Design states:

“Residential developments will be required to contain a mix of units providing accommodation in a range of types, sizes (including 1 and 2 bedroom dwellings) and affordability, making the best use of the site and promoting a sense of community which reflects local needs.

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. The District Council will support the preparation of Village Design Statements to secure these aims”.

9. Structure Plan Policy P1/2 restricts development in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.

Consultation

9. **Great and Little Chishill Parish Council**
States:

“Full assurance is necessary that this structure is the same size as on the original survey. S/0041/03/F”.

The Parish Council has not made a recommendation.

10. **Chief Environmental Health Officer**
No objections subject to conditions and informatives to control noise and disturbance during construction.

Representations

11. Three letters of objection have been received from the occupiers of May Street Farmhouse and 35 May Street. The points of objection are summarised below.
12. The proposal is new build outside the village envelope
13. The development is being advertised as 3 bedroom houses yet the previous permission was for 2 bedroom houses. The increase in size will result in increased noise and disturbance from a more intensive residential development.
14. The plan states the base of the building will be on a brickwork plinth. The current building of this barn is concrete blocks.
15. The roof height of the new build already exceeds the height shown on the plan – the bedrooms will look straight into the bedrooms of May Street Farmhouse.
16. The plans show a building that attempts to emulate the original barn that was demolished. However, the original barn no longer exists and the new plans would simply result in a poor copy that has no architectural merit, let alone any conservation value.
17. Now that the picturesque meadow has been exposed to the road it would seem much more preferable to keep it that way rather than building an ugly barn look-alike.
18. Additional rooflights will impact on privacy of occupiers of 35 May Street.

19. The roof height of the new build already exceeds the height shown on the plan.

Planning Comments

20. The main issues in this application are: the significance of building new dwellings in the countryside in relation to Development Plan Policy, the impact of the new dwellings in comparison with the permitted conversion scheme and the impact on neighbour amenity.

Policy

21. Clearly the building of new dwellings is contrary to Local Plan policy SE8 and Structure Plan policy P1/2 that requires all new dwellings to be within the frameworks of villages to protect the countryside. However, the new dwellings have resulted from the total demolition of a barn that was to be converted to dwellings. The principle of dwellings in this location has, in this regard, already been established albeit by conversion. What has been lost is the historic nature and character of the original building.

Comparison with conversion scheme

22. The overall design of the new dwellings is broadly similar to that approved under the conversion scheme, however, the depth has increased by approximately 0.3m and the vertical dimension has increased by approximately 0.6m. The developer has stated that the overall ridge height is the same as for the previous barn. (he has submitted photographs showing the new build in relation to the old but these are inconclusive). What he says has altered is the ground level which has been lowered. If correct, this results in a taller structure but with no overall increase in height relative to surrounding buildings. However, the increased vertical dimension has changed the proportions of the elevations resulting in a less satisfactory scale and form. In particular I am concerned that the dimension between the top of the openings and the eaves has increased significantly (from 1m to 1.5m) from the conversion scheme and this has unsettled the balance of the proportions of the elevations.
23. The conversion scheme read as a whole with the buildings surrounding a shared courtyard area. In my opinion the site benefits from this approach and the overall scheme would be less satisfactory without the enclosure that the proposed conversion of the large barn would have created. However, I acknowledge that this view is not shared by local residents who see some benefit to the space formed following the demolition of the barn.
24. Although accepting the development of new dwellings contrary to Policy, I do not accept the design revisions and I feel it is important to retain the low key rural character and proportions of the original building. I therefore consider that the new dwellings should be identical in appearance to those of the conversion scheme.

Neighbour amenity

25. Provided the new dwellings are identical in appearance and design to the conversion scheme this proposal will have no greater impact on occupiers of adjoining properties than the conversion scheme and, if anything, less if the ground level has indeed been reduced as stated by the applicant.

Recommendation

26. Subject to receipt of a further plan showing the new dwellings to be identical to the previous permitted conversion works, and referral to the Secretary of State as a departure Committee be minded to approve the application, subject to the following conditions:

1. No further development shall commence until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. (Reason - To ensure that visually the development accords with neighbouring buildings and is not incongruous in accordance with the requirements of Policy HG10 of the South Cambridgeshire Local Plan 2004).
2. Notwithstanding the provisions of Regulations 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:-
 - i) PART 1, (Development within the curtilage of a dwellinghouse, all classes).
 - ii) PART 2, (Minor operations), Classes A (erection of gates, walls or fences). (Reason - To safeguard the character of the area and to preserve the appearance of the units as agricultural outbuildings in accordance with the requirements of Policy HG10 of the South Cambridgeshire Local Plan 2004).
3. No windows, doors or openings of any kind shall be inserted in any elevation of the buildings, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - To preserve the appearance of the units as agricultural outbuildings in accordance with the requirements of Policy HG10 of the South Cambridgeshire Local Plan 2004.)
4. No further development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft 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 and specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason - To enhance the quality of the development and to assimilate it within the area in accordance with the requirements of Policy EN5 of the South Cambridgeshire Local Plan 2004).
5. 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 in accordance with the requirements of Policy EN5 of the South Cambridgeshire Local Plan 2004).
6. Details of the treatment of all site boundaries shall be submitted to and approved in writing by the Local Planning Authority and the work completed in accordance with the approved details before the buildings are occupied or the development is completed, whichever is the sooner. (Reason – To ensure that the appearance of the site does not detract from the character of the area in accordance with the requirements of Policy HG10 of the South Cambridgeshire Local Plan 2004.)

7. Prior to the commencement of any further development, a scheme for the provision and implementation of pollution control, which shall include foul and surface water drainage, shall be submitted to and agreed in writing by the Local planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans. (Reason – To ensure a satisfactory method of foul and surface water drainage and to prevent the increase risk of pollution to the water environment.)
8. 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 by the Local Planning Authority in accordance with any agreed noise restrictions. (Reason - To protect the occupiers of adjacent properties from an unacceptable level of noise disturbance during the period of construction).

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.

Environment Agency Informatives

- a) All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.
- b) If soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or Ciria Report 156) and to the satisfaction of the Local Planning Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
- c) Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
- d) An acceptable method of foul drainage disposal would be connection to the foul sewer.
- e) The applicant's attention is drawn to DETR Circular 03/99, which requires an applicant to demonstrate that a connection to the public foul sewer is not available.
- f) In the eventuality of a connection to the public water sewer not being available, the suitability of any non-mains sewerage systems, particularly those incorporating septic tanks, must be effectively demonstrated by the applicant to the satisfaction of the Local Planning Authority.
- g) Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order), any oil storage tank shall be sited on an impervious base and surrounded by oil tight bunded walls with a capacity of 110% of the storage tank, to enclose all filling, drawing and overflow pipes.

- h) Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Reasons for Approval

1. The development does not accord with the Development Plan but is considered acceptable for the reasons given above.
2. The proposal is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise:
 - Amenity of neighbours
 - Character and appearance of the surroundings

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

- Planning Files reference S/0041/03/F and S/2118/05/F, South Cambridgeshire Local Plan 2004

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning Services

**S/1062/06/F - Fen Drayton
Change of Use from Farm Shop to Dwelling in Association with Dog Training
and Erection of Additional Kennels and Retention of Existing Kennels
40A Middleton Way, for Mr and Mrs R Ingle**

**Recommendation: Delegated Approval
Date for determination: 19th July 2006**

Site and Proposal

1. The site lies in the rural area to the west of Fen Drayton, which is characterised by agricultural dwellings and smallholdings in horticultural use, with many glasshouses. This area is known as the former Land Settlement Association Estate, which was disposed of by the Ministry of Agriculture in the early 1980's. The site is served by a narrow road, Middleton Way. There are dwellings at Nos. 40/41 with rear windows approximately 40 m from the proposed dog training area. The dwellings at Nos.38/39 are some 50m away.
2. The application received 24th May 2006, relates to an existing single-storey building and associated land (0.21ha plus 0.89ha land to the rear in the same ownership). The single-storey building, which has the appearance of a domestic bungalow, is not currently occupied, and was last in use as a farm shop. The applicant wishes to occupy this building as a private dwelling, for himself, his wife and his mother-in-law, Mrs L Lawrence. The occupation is to be associated with the establishment of a greyhound training enterprise on the land.
3. A kennel for up to 12 dogs exists on the site without the benefit of planning permission, this application seeks retrospective consent. The proposal is to erect an additional kennel block for up to 40 dogs which, if approved, would give a total capacity of up to 52 dogs. The applicant's intention is to train up to thirty dogs and leave capacity for sick/ lame dogs and breeding of one litter a year.

Planning History

4. The site has an extensive history of planning decisions:
 - (a) **S/3207/88/F** – 2 mobile homes -Refused 25 May 1989 (applicant Mr R D Ingle). The reasons for refusal refer to the holding having been served by the dwelling at 40 Middleton Way. Mr Ingle sold this dwelling off before bringing the mobile homes onto his remaining land.
 - (b) **Enforcement Notice A**, dated 9 June 1989, against erection of a bungalow on agricultural land served on Mr R Ingle. The remedies that were required were 1) to demolish the building and 2) to clear the site of all materials arising from such demolition. The appeal was dismissed by the Inspector on 19 January 1990 (the period for compliance was extended to six months). It was noted that Mr Ingle had recently disposed of a dwelling on the holding, 40 Middleton Way. The Inspector commented:

“The Land Settlement Association area has a predominantly horticultural character quite different from that of the village proper. In my opinion it can reasonably be considered part of the countryside... Your client ... chose to dispose of the original dwelling which served the holding. Whilst I understand his personal circumstances, and have dealt with this case on its merits, if permission were granted in this instance, even with conditions attached, it would be difficult in fairness to refuse to allow the subdivision of holdings and the establishment of new residences throughout the Land Settlement Area, and throughout the countryside generally, leading to a considerable and harmful change in the character of the open countryside. The fact that features like a bungalow and the mobile homes are not unusual in the locality does not in itself justify a proliferation of similar features... Nor do I consider that the requirement that it be demolished is unreasonable or excessive given its present form”.

- (c) **Enforcement Notice B**, dated 9 June 1989, against siting of 2 mobile homes on agricultural land, served on Mr R Ingle. Remedy sought 1) to cease to use the mobile homes for residential purposes and 2) to remove the mobile homes from the site. Appeal dismissed by decision dated 19 January 1990.
- (d) **Stop Notice** dated 9 June 1989, requiring construction of the bungalow to cease. Mr Ingle failed to heed the Stop Notice, which resulted in him being fined by the Court.
- (e) **S/0859/90/F** – Use for pre-packaging and farm shop/office – Refused 12 June 1990 (applicant Mr and Mrs R D Ingle).
- (f) **Section 106 legal Agreement**, dated 11 September 1991, signed by Mr and Mrs R D Ingle. The Agreement refers to the combined area of 1.1ha, and states that the Council is satisfied that the building may remain without further enforcement action provided that:
 - 1) The building shall not be used for any purpose other than agriculture but including preparation, packaging and sales of agricultural products grown on the property or raised as livestock on the property, and incidental offices;
 - 2) The building shall not be used as residential accommodation or offices;
 - 3) The property and building shall be a single planning unit.
- (g) **S/0526/05/F** - Change of use from farm shop to dwelling – Refused 12th July 2005 by Members on the grounds that there was insufficient justification to allow the occupation of the unit as a dwelling in this rural area.

Planning Policy

- 5. **Planning Policy Statement 7** (Sustainable Development in Rural Areas). This advice states that isolated new houses in the countryside will require special justification for planning permission to be granted. The Government supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building.

Cambridgeshire and Peterborough Structure Plan 2003:

6. **Policy P1/2** (Environmental Restrictions on Development)- development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
7. **Policy P1/3** (Sustainable Design in Built Development): a high standard of design and sustainability for all new development will be required which minimises the need to travel and reduces car dependency.
8. **Policy P2/6** (Rural Economy) – sensitive small-scale development in rural areas will be facilitated where it contributes, inter alia, to supporting new and existing businesses; to farm or rural diversification where appropriate to the rural area; to the re-use of existing buildings; towards helping to maintain or renew the vitality of rural areas

South Cambridgeshire Local Plan 2004:

9. **Policy SE8** (Village Frameworks) – Residential development outside frameworks will not be permitted.
10. **Policy CS1** (Planning Obligations) the Council will seek to negotiate planning obligations to ensure the provision of any matters that are necessary and directly related to the proposed development, without which permission ought not otherwise be granted. The obligation will be reasonably related to the proposed development in scale and kind.
11. **Policy HG20** (Dwellings associated with Horsiculture) - Planning permission will not be granted for dwellings in the countryside for the on-site security of horses, stabling and ancillary uses unless the site lies outside the Green Belt and the District Council is satisfied that the applicant has proven an essential functional need for, and financial justification of that dwelling in that location having regard to other policy considerations concerning design and site layout.
12. **Policy Fen Drayton 1:** Within the area of the former Land Settlement Association Estate, planning permission will not be granted for housing or commercial development unless it is directly related to the effective operation of local agriculture, horticulture, forestry or other uses appropriate to a rural area. The supporting text indicates that the former estate is the subject of a 1937 Planning Agreement which restricts the use of land, buildings and dwellings to those of agriculture and horticulture.

Local Development Framework Submission Draft (2006):

13. **Policy HG/9** (Dwelling to Support a Rural-based Enterprise)
 - 1) Development of a new permanent dwelling for agricultural or forestry purposes, or exceptionally for a rural-based enterprise, will only be permitted if it is demonstrated to the satisfaction of the District Council that:
 - (a) There is a clear, existing functional need relating to a full-time worker or one who is primarily employed in agriculture;
 - (b) It relates to a well established agricultural unit (which has been established for at least three years, has been profitable for at least one

of them, is currently financially sound, and have a clear prospect of remaining so);

- (c) There are no suitable existing buildings available in the area;
- (d) The conversion of appropriate nearby buildings would not provide suitable accommodation;
- (e) No existing dwelling serving the unit or closely connected with it has either recently been sold off or in some way separated from it.

In general, preference will be given to the re-use or replacement of existing buildings over those which propose the erection of a new dwelling in order to avoid further development in the countryside. Where new buildings are proposed to be erected they should be sited and designed to minimise impact on the countryside

- 2) Where criterion (b) cannot, for the time being, be met, or it relates to a new farming activity on a well established unit, development of a temporary dwelling may be permitted for up to three years where all the other criteria above are met, and there is:
 - (a) Clear evidence of a firm intention and ability to develop the enterprise concerned;
 - (b) Clear evidence that the proposed enterprise has been planned on a sound financial basis;
 - (c) Clear evidence that the functional need cannot be fulfilled by another existing building on the unit or any existing accommodation.
- 3. The District Council will require a "Functional" and "Financial" test to be undertaken in accordance with PPS7 to demonstrate the above criteria have been met.
- 4. Dwellings associated with the keeping of horses are an inappropriate form of development in the countryside. Where the future need for accommodation is anticipated, stables should be located close to an existing dwelling, or suitable building capable of conversion to such use. Dwellings connected to the keeping of horses where the scale of the business meets the test of a rural enterprise will be considered in accordance with the tests included in this policy.
- 5. Where a new dwelling is permitted, this will be subject to a condition ensuring the occupation will be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry or a surviving partner of such a person, and to any resident dependants.

When considering planning applications for new enterprises in the countryside and the need for any associated accommodation, the District Council seeks advice concerning the commercial viability of the proposed enterprise. Where such advice indicates that the viability of the enterprise is uncertain, the District Council will firmly resist a permanent dwelling in the countryside.

In such circumstances, temporary planning permission may be granted for a caravan associated with the enterprise to enable the applicant to prove that it can provide his / her main livelihood.

14. The supporting text states, "With increasing leisure time and the changes in agriculture bringing forward pressures for farmers to diversify, the District Council has experienced increasing demand for horse-riding and the setting up of equestrian activities (often referred to as "horsiculture"). In this context, planning permission is usually required for the construction of new buildings or the conversion of existing buildings for stabling horses and for the change of use of land for exercise, training or jumping horses.

With these approvals, on occasion, there may be pressure to develop a dwelling on site for security purposes - this will be invariably outside village frameworks. It is not considered that the security of horses justifies the provision of a dwelling and there are other methods of providing site security. The District Council will resist such proposals since they introduce new residential development in the countryside which can often be conspicuous in the generally flat landscape of South Cambridgeshire.

Policy HG/9 will also apply to development proposals associated with studs in the district where they comprise a rural enterprise.

15. **Policy SP/9** (Fen Drayton Former Land Settlement Association Estate)
Within the former Land Settlement Association Site at Fen Drayton, as defined on the Proposals Map, where it can be demonstrated that buildings (excluding glass houses) are no longer needed for agricultural purposes, planning permission for change of use or redevelopment of existing buildings will be permitted for on site experimental or other ground-breaking forms of sustainable living provided that development would not occupy a larger footprint than existing buildings.

Consultations

16. **Fen Drayton Parish Council** - Recommendation of refusal on a split vote 5-2. The Parish Council is aware of draft LDF Policy SP/9. The Parish Council considers that the proposal conforms with draft Policy SP/9 to the extent that the site is no longer needed for agricultural purposes and does not occupy a larger footprint than the original piggery building. However, the proposal is not 'experimental or other ground-breaking form of sustainable living.' The Council has sympathy with Mr Ingle's situation where, if planning permission is granted, this will give him a home well suited to his needs. It would enable him to expand his business activities and release his present rented home for occupation by another family in need of affordable accommodation in the village. The Parish Council supports the principle of providing or adapting accommodation to enable residents to continue living in the village in a property suitable for their individual needs, but it does object to the granting of permission where this would contravene applicable planning rules and restrictions.

17. **Chief Environmental Health Officer**

No comments received.

18. **Environment Agency**

No objection, subject to adequate measures to protect surface and underground waters from contamination.

Representations

19. None received.

Applicant's Supporting Statement

20. The applicant has stated that the new kennel block would allow him to supply around 30 racing dogs at Henlow Stadium (Bedfordshire), as well as cater for sick/ lame dogs. The land would be used for dog recreation and training. He would ensure that there would be no noise disturbance, or danger to horses or other grazing animals. The applicant would be the trainer, his son would be a full-time head kennel hand, his grand-daughter would be a part-time kennel hand. The rules of the National Greyhound Racing Club require residence at the premises. He intends to live at the premises with his wife and mother-in-law.

The applicant has submitted a cash flow forecast showing projected earnings of £9K approximately in the six months September – February.

The proprietor of Henlow Stadium has written to confirm that his venue is actively seeking more graded greyhounds, and that he welcomes Mr Ingle's proposals.

Consultant's Appraisal

21. An assessment had been received from Acorus Rural Property Services. The report concludes: "I...would be supportive of a temporary consent for approximately three years so as to allow the full establishment of the unit. In terms of the retention and new kennels, I am not opposed to the scheme as presented although I do feel it would be prudent to invite ... removal of derelict glasshouses and landscaping. Also, the LPA may wish further details in respect of any impact on neighbour amenity from any potential noise/ smell. I would seek a S106 Agreement so as to tie the land buildings and dwelling as one overall unit".

Planning Comments

22. Members will note from the site history that the farm shop was originally erected without the benefit of planning permission, and that last year the applicant failed in his attempt to gain planning permission for its occupation as a stand-alone dwellinghouse unrelated to any use on the former smallholding.
23. The submitted proposals are similar to those where an applicant is seeking to establish a horse-related facility, under Policy HG20 and emerging Policy HG9. In the current application, the applicant has indicated that residency on-site is essential for the security and welfare of the dogs. This shows an essential functional need, which has been supported in the consultant's appraisal. The consultant states that he is "reasonably satisfied that the enterprise has been planned on a sound financial basis. However, actual figures will ultimately need to be provided to support any permanent dwelling".
24. No written objections to the application have been received from occupiers of neighbouring properties. The applicant has been operating dogs from the premises apparently without complaint from nearby occupiers. In the event of planning permission being granted, a temporary period should be allowed to enable potential noise disturbance to neighbouring properties to be kept under review. The comments of the Chief Environmental Health Officer are awaited.

25. In my opinion, the occupation of the premises and the erection of additional kennels is an acceptable use of the site subject to the financial viability of the business being established over a period of three years. The Section 106 legal agreement that already exists on this property will require amendment to take account of this planning permission, if granted. I do not consider that a limited period consent justifies a S106 Agreement to tie the land, buildings and dwelling as one overall unit.

Recommendation

26. Subject to the completion of an appropriate amendment to the S106 Agreement dated 11th September 1991, and to no objections being received from the Chief Environmental Health Officer, approval subject to the following conditions:
1. The erection of the kennel block to which this permission relates shall be commenced not later than the expiration of three years beginning with the date of this Decision Notice. (RcA);
 2. The residential occupation of the former farm shop and the use of the premises and land edged in red upon the submitted layout plan for the keeping and training of greyhounds shall be discontinued on or before three years from the date of this Decision Notice. (Reason – To enable the financial viability of the enterprise to be assessed and to keep the site under review.);
 3. Sc60 – Details of boundary treatment (Rc60);
 4. Any conditions required by the Chief Environmental Health Officer.

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)
P1/3 (Sustainable Design in Built Development)
P2/6 (Rural Economy)
 - **South Cambridgeshire Local Plan 2004:**
HG20 (Dwellings associated with Horsiculture)
Fen Drayton 1
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential settlement policy

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)
- Planning file Ref. S/1062/06/F and those identified in the Planning History section above.
- Acorus Report dated June 2006.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 2nd August 2006
AUTHOR/S: Head of Planning

**CAMBOURNE SPORTS CENTRE:
 PROPOSED VARIATION TO SECTION 106 AGREEMENT**

Purpose

1. To consider proposed changes to the Cambourne Section 106 Agreement to prescribe a different sports centre than that originally envisaged.

Effect on Corporate Objectives

2. Quality, Accessible Services	The Council is an enabler rather than a provider in terms of sports development. This report considers the most appropriate facility for Cambourne that would be accessible to the most residents, bearing in mind certain constraints.
Village Life	It is important to provide a facility that will be affordable to most residents yet cost effective in terms of subsidy, and which has the best chance of long term success.
Sustainability	Facilities such as these are important in sustaining a community. That is why it is appropriate to ensure that a facility is provided that is viable for the long term.
Partnership	Considering this proposal enables a better working relationship with the Cambourne Parish Council, which has expressed concerns about the costs of taking on their ownership and maintenance, and taking the Parish Council's comments into full consideration demonstrates that the District Council is working in partnership with the Parish Council to provide the most appropriate facilities. In terms of the recommendation, the Council would work in partnership with the sports centre provider and the Parish Council to ensure sports development opportunities take place and are accessible to as many people as possible.

Background

3. The original Cambourne Section 106 Agreement requires the sports centre to provide:

gross internal floor area of 1425sq.m. to include:

- Sports playing hall, 575sq.m.
- Ancillary hall, 180 sq.m.
- 2 squash courts, 120 sq.m.
- fitness room, 100 sq.m.
- health suite, 100 sq.m.
- changing rooms (male and female), 100 sq.m.
- bar, 100 sq.m.
- car parking (subject to dual use), 144 spaces
- circulation area, 150 sq.m.

4. The Agreement also states:
2.2 Public “pay and play” provision shall apply in accordance with the fourth schedule.
2.3 Subject to 2.2 above, the sports centre may be owned, operated or managed by a commercial company or by any public or charitable organisation whose objects include the provision of such sports facilities.
2.4 The design and specification of the sports facilities described in this Part and in Part 1 shall be agreed with the Council, provided that such standard of design and specification shall be reasonably appropriate for the Development.”
5. Members will recall changing the trigger point for this provision from 2000 dwellings to 31st December 2007, at their meeting of 5th April 2006. The report can be viewed as a background document or using the following link:

[http://scdcsql:8070/Published/C00000411/M00002788/AI00013220/\\$Cambournesportscentreandbowlinggreentriggerpoints.docA.ps.pdf](http://scdcsql:8070/Published/C00000411/M00002788/AI00013220/$Cambournesportscentreandbowlinggreentriggerpoints.docA.ps.pdf)
6. In essence, Members acknowledged that there was some doubt over the commercial viability of the Section 106 version of the sports centre, and that the Parish Council had expressed a desire not to have to take on a facility with a large revenue implication, which would have necessitated increasing an already high Parish Precept.
7. The developers’ Consortium is hoping to make arrangements with a private company to provide the sports centre to a different specification, and a company known as Xpect Leisure have made a presentation to the Parish Council and to officers at SCDC about an alternative offer, combining some member-only facilities and some pay and play. As a result the Council commissioned a consultant’s report on the management options for the various combinations of sports facilities, in order that officers can pursue, and recommend to you, a planning application for the most sustainable, accessible and viable sports centre. The report, by PMP Consultants, has now been received, and its recommendation to go along with the Xpect leisure proposal, means that the relevant parts of the Cambourne S106 Agreement (as noted in italics above) need to be varied.

Considerations

8. Xpect Leisure have proposed a different model for the sports centre which it is confident it could run as a commercial venture. That proposal is for a sports hall (4 badminton court sized) with associated storage to meet Sport England standards, changing rooms (again to meet Sport England and Governing Body standards) for both this and the outdoor sports pitches, MUGA and bowling green, and a bistro. The sports hall, storage and some changing rooms would be run on a pay and play basis and the bistro would be open to all. The remainder of the building would be provided as a 20m by 8m swimming pool, spa/steam/sauna, large gym, studio, crèche, and changing rooms for members only (although there would be swimming lessons available to non-members and the member changing rooms would be utilised for certain activities when the centre was busy).
9. Because of the Parish Council’s concern to minimise the financial risk to itself, and because SCDC does not own or manage such facilities, SCDC has employed PMP Consultants to do an Options Appraisal, i.e. to report on the viability of both the sports centre as proposed in the planning application (i.e. the varied version of the S106 requirements) and the Xpect Leisure proposal. Their remit was to consider management options for the sports centre.

10. The PMP report has concluded that the “base facility mix” as described within the original section 106 agreement is appropriate for the development of a public leisure facility in Cambourne; and there are a range of management/delivery options available to SCDC and CPC. However, PMP’s projections of the likely financial performance of the base facility mix indicate that it will require an annual revenue subsidy, which could be a significant amount of money. Therefore, given that the primary concern of both SCDC and CPC is to avoid initial capital costs and ongoing revenue costs in respect of the new sports centre, only one management/delivery option is appropriate, namely the option involving the sale of the site to Xpect Leisure and the development of a sports centre combined with a private health and fitness club.
11. The key risk of this option is the exposure to business failure of Xpect Leisure, and it is therefore necessary to avoid that situation in the first place by making sure that the business case is sound and therefore as unlikely to fail as can possibly be the case. I have therefore requested that Xpect’s business plan is submitted for confidential assessment, using PMP to assess it on a confidential basis and provide a written conclusion based on the likely success without using actual financial information. I would then expect Members to be reassured that they are not approving a change to the legal agreement that would ultimately result in no facility being open at all.

Options

12. The alternative to not approving a change to the Section 106 would be that the Cambourne Consortium of developers would be required to build the Section 106 version of the sports centre. They would, however, have trouble finding an operator to run it and this Council and the Parish Council would be under pressure to provide revenue funding. Approving the change would remove this risk and result in the provision of a sports centre with different facilities, which many people might find attractive in spite of being required to pay for memberships.

Financial Implications

13. To go along with the option of using a commercial operator will have the greatest likelihood of not requiring revenue support from the Council or the Parish Council.

Legal Implications

14. The variation to the S106 Agreement will need to be finalised and signed.

Staffing Implications

15. None.

Risk Management Implications

16. Financial risk as detailed above.

Consultations

17. Cambourne Parish Council has already commented on this issue, when I reported the proposal to vary the trigger point. The Parish Council supports the move towards commercial provision subject to certain measures to protect the community elements of the provision.

Conclusions/Summary

18. It would be inappropriate for the Council, in the knowledge of the financial implications of the management options for the sports centre, not to address this issue. This is an opportunity to make sure the best possible facility is provided, both financially and in terms of content. As the revenue funding pressure would be removed, it would be appropriate to encourage the Parish Council to help those on low incomes to gain access to the private facilities through membership subsidies.
19. Should the Variation to the S106 agreement be granted, this will be finalised and parallel working begin on the planning application, in order to meet the tight timescale for this facility's provision on site.

Recommendations

20. Upon receipt of advice from PMP about the likely success of the business case, to authorise the variation of the Cambourne Section 106 Agreement along the following lines:
 - a. Public Pay and Play Element – sports hall (Sport England 4-court standard 33m by 18m by 7.6m high, with air conditioning, a fully sprung floor meeting the requirements of the Performance Specification BS7044, markings for 4 badminton courts, 1 basketball court, 1 netball court, 1 volleyball court, 1 five-a-side football court and 1 hockey court, fixed equipment: 2 hall subdivision nets, two-bay cricket nets, 2 electronic ceiling basketball goals and nets, floor sockets for volleyball and gymnastics, and lighting to Sport England standards); equipment store off the sports hall 75sq.m., including a separated fire-proof mat store; 4 changing rooms (2 outdoor, 2 indoor, see Sport England guidance link below for specifications for size, benches and pegs, showers, toilets including baby-change, lockers including low-level lockers for disabled and children); changing for officials (could be combined with disabled w.c. if locker and shower provided within it); spectator gallery and café / bar.
 - b. Pay and play definition and pricing structure to be agreed with SCDC on basis of “comparable with similar local facilities”, relationship with hire of outdoor facilities, relationship with user groups, sports development activities. This will include appropriate access to changing facilities by users of the MUGA, pitches and bowls green
 - c. Opening hours for the sports hall and changing rooms should be the same as for the rest of the centre
 - d. Crèche to be available to non-members.
 - e. Cleaners' store and first aid room.
 - f. The following with no pay and play requirement (i.e. the private members' element): swimming pool, spa/steam/sauna, gym, studio, and members' changing rooms. A disabled w. c will also be required at first floor level.
 - g. Public Art will be required as the building will be more than 1000sq.m.
 - h. Free parking (at least for users of the building, MUGA, pitches and bowling green).

Background Papers: the following background papers were used in the preparation of this report: Cambourne Section 106 Agreement 20th April 1994; Report to DCCC 5th April 2006 (Agenda Item 46); PMP Consultant's Report July 2006 (draft).

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

2 August 2006

AUTHOR/S: Head of Planning Services

**APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION:
SUMMARIES OF DECISIONS OF INTEREST – FOR INFORMATION****Purpose**

1. To highlight recent Appeal decisions of interest forming part of the more extensive Appeals report, now only available on the Council's website and in the Weekly Bulletin dated 28 June 2006.

Summaries**Huntingdonshire Housing Partnership & MPM Properties Ltd – 98 no. residential units to include 29 affordable units, new means of access, public open space – Livanos House/Abberley House, Gt Shelford – Appeal allowed**

2. This application was refused by the Committee due to the effect of the proposals on the character and appearance of the surrounding area. Members had also expressed concerns regarding the new access in to the site, although having received the advice of the local highway authority, this did not form a reason for refusal. The appeal was considered at a hearing. This was attended by the Chair of the Parish Council.
3. The site lies at the northern edge of the village and is enclosed by the fork of the London to Cambridge railway line on two sides. The proposals involved the demolition of Abberley House and various utilitarian buildings nearby and the erection of bungalows, houses and flats. The highest blocks of flats would be of 3½ storeys.
4. It was agreed that residential development was acceptable in principle. The inspector accepted that there is no doubt that the development would give a more dense urban appearance to the site itself. While the proposal would bring development closer to the countryside, this would not be incongruous given the existence of surrounding housing development. While some buildings would undoubtedly be of a different scale to surrounding development, the inspector was satisfied that care had been taken to grade the height of buildings across the site. This would to his mind "integrate the scheme with the profile of the site landscape ..." Taking into account the proposed use of materials, the variation in set-backs and planting, "... the view of the site from the east would be attractive."
5. The inspector concurred with the Council's view that some of the blocks would be prominent and very conspicuous when entering the village along Granham's Road. However, these would be partially screened by substantial trees. He considered "... their relatively large scale would provide a contrast to the somewhat monotonous vista of relatively two-storey houses that characterises the edge of Great Shelford ..." Furthermore the clutter of railway paraphernalia, an electrical sub-station and level crossing do not contribute to an attractive entry point or rural edge. The scheme "...would do much to draw attention away from the visually intrusive clutter and provide a handsome group of buildings ... giving a well-defined edge to the settlement."

6. While the proposal would result in the loss of as many as 7 sycamores, the inspector concluded they would only have a relatively limited visual effect and would be justified by the need for the new access. They are relatively poor specimens and their loss would not affect the gateway of trees at either end of those lining the road.
7. The inspector also considered the numerous objections from third parties on highway matters. He was not convinced that the amount of traffic likely to be generated would exceed that of the existing use if fully implemented. In any event, the new access would have better visibility than the existing access.
8. The inspector also gave weight to the efficient use of previously developed and the mix of house types and sizes. The appellants had offered a unilateral undertaking in respect of the provision of the affordable housing, public open space, education contributions, an accident remediation scheme at the Cambridge Road junction and a cycle link. This was acceptable to the Council following consultations between the parties.
9. The appeal was allowed subject to conditions regarding sample materials, landscaping, surface water drainage, ground contamination investigation, refuse storage, noise insulation from railway noise, a children's play area and the equipment thereon, establishment and maintenance of an area of grassland and mitigation strategies for bats and reptiles.

Park Hill Homes Ltd – Substitution of detached dwelling with two semi-detached dwellings – Plot 9, Eccles Close, Sawston – Appeal allowed

10. This application was refused because of the effect on road safety and parking and on drainage. An earlier scheme had been approved showing a four-bed dwelling, rather than the two-bed dwellings now proposed.
11. Eccles Close is a private road serving 15 dwellings and a new police station at the corner of Cambridge Road. The inspector saw that each house has its own off-street parking and there is additional visitor space for the development. The road is a narrow cul-de-sac with a sharp bend halfway along its length. Vehicles speeds are necessarily slow. There was no reason to suppose that the extra dwelling would cause any traffic problems. The lha had commented on the increased number of dwellings but had not quantified any objection.
12. The inspector was therefore satisfied that the proposal would not harm the living conditions of existing residents in Eccles Close. Indeed, the substitution of one large house by two smaller dwellings would achieve a more efficient use of the site in accordance with government advice and Local Plan Policy SE2.
13. The Council had already approved the drainage and road construction details for the approved scheme. The inspector saw no reason why this matter cannot again be covered by means of an appropriate condition.
14. Permission was therefore granted subject to conditions in respect of sample materials, foul and surface water drainage, landscaping and the provision and retention of parking spaces.

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

Planning Inspectors' appeal decisions dated 26 June 2006

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