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27 February 2007

To: Chairman – Councillor NIC Wright
Vice-Chairman – Councillor SGM Kindersley
All Members of the Planning Committee

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 7 MARCH 2007** at **10.00 a.m.**

Yours faithfully
GJ HARLOCK
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

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3.	Minutes of Previous Meeting To authorise the Chairman to sign the Minutes of the meeting held on 7 February 2007 as a correct record. These Minutes are available on the Council's website. In connection with Minute 3, Councillor NJ Scarr has been appointed to the Planning Sub-Committee.	
PLANNING APPLICATIONS AND OTHER DECISION ITEMS		
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INFORMATION ITEMS

The following item is included on the agenda for information and is available in electronic format only (at www.scams.gov.uk/meetings and in the Weekly Bulletin dated 28 February 2007). Should Members have any comments or questions regarding issues raised by the report, they should contact the appropriate officer.

29.	Appeals against Planning Decisions and Enforcement Action Summaries of Decisions of interest attached. Contact officers: Gareth Jones, Corporate Manager (Planning and Sustainable Communities) – Tel: 01954 713155	215 - 220
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John Koch, Appeals Manager (Special Projects) – Tel: 01954
713268

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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 (as amended) of the Act.”

Notes

1. 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 Corporate Manager (Planning and Sustainable Communities).
2. The Council considers every planning application on its merits and in the context of national, regional and local planning policy. As part of the Council's customer service standards, Councillors and officers aim to put customers first, deliver outstanding service and provide easy access to services and information. At all times, we will treat customers with respect and will be polite, patient and honest. The Council is also committed to treat everyone fairly and justly, and to promote equality. This applies to all residents and customers, planning applicants and those people against whom the Council is taking, or proposing to take, planning enforcement action. More details can be found on the Council's website under 'Council and Democracy'.

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South Cambridgeshire District Council

Planning Committee – 1 Nov 2006 – Declaration of Interests

Councillor

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villiage:

Reason:

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Item no: App. No. Villiage:

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Item no: App. No. Villiage:

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Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villiage:

Reason:

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Personal / Personal and Prejudicial [delete as appropriate]

Item no: **App. No.** **Village:**

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

Item no: **App. No.** **Village:**

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Personal / Personal and Prejudicial [delete as appropriate]

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Reason:

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1396/03/F - OVER**Variation of Condition 2 of Planning Permission Ref. S/0894/00/F
To Allow 07.30 Hours Start on Weekdays, Riverview Farm, Overcote Road
For Mr M J Norman****FOR REDETERMINATION****Recommendation: Refusal****Date for Determination: Not Applicable****Notes:**

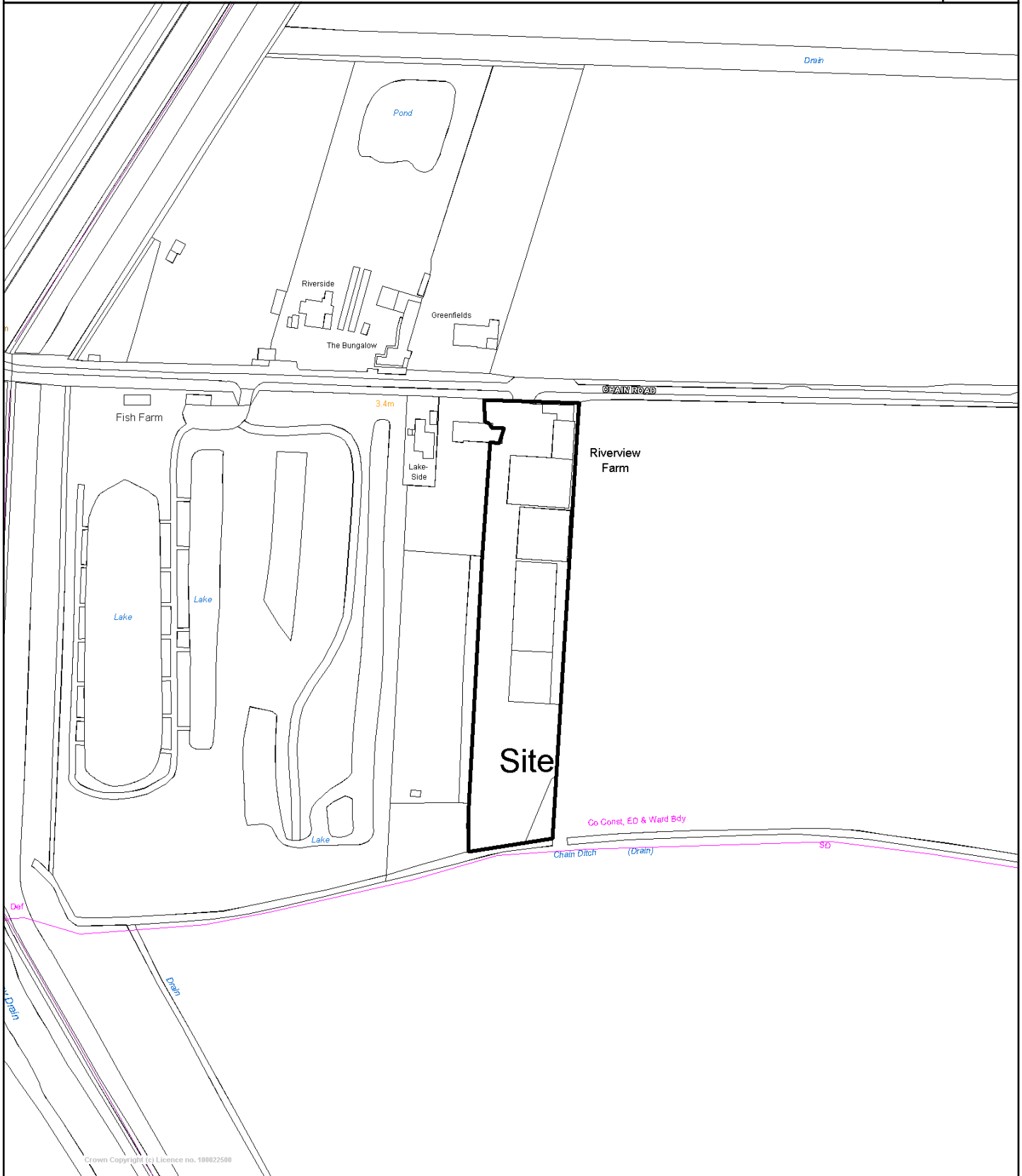
This Application has been reported to the Planning Committee for redetermination following the initial approval being quashed at the Court of Appeal.

Members will visit this site on March 5th 2007.

Background and Update

1. In November 2000 planning permission was granted, part retrospectively, to change the use of the majority of the former agricultural buildings at Riverview Farm to B1/B8 use, subject to conditions including hours of work. The exception was a building at the rear of the site, which had retrospective planning permission granted earlier the same year for B1/B2 use without an hours of work condition. The firm concerned had been operating from the site for about 9 years without complaint and this fact, together with the buildings separation from the nearest neighbouring house unrelated to the farm (about 70m), meant that the condition was not considered necessary.
2. In September 2002 a 1 year temporary planning permission was granted to vary the hours of work condition to allow a 07.30 hours start on weekdays as opposed to the 08.00 hours originally approved. The Report to Committee is attached as an electronic appendix. The temporary permission was intended to allow a period for the impact of the earlier start on neighbouring residents to be monitored.
3. In September 2003 the permission was made permanent. The Report to Committee is attached as an electronic appendix.
4. In December 2003 a judicial review of the Council's decision was instigated by a neighbour. The High Court challenge was rejected in February 2005.
5. In July 2005 leave to appeal was granted. On the basis that the advice of the Environmental Health Officer to the Committee in 2003 was flawed, the Court of Appeal quashed the planning permission in October 2005 and remitted the application to the Council for redetermination. Costs were awarded against the Council.

S/1396/03/F



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March 2007 Planning Committee

Application for Redetermination

Policy

6. **Policy ES6** of the South Cambridgeshire Local Plan 2004 states the District Council will seek, by means of appropriate planning conditions, to minimise the impact of noise and pollution on noise-sensitive development arising from any new industrial or commercial activities.

Consultations

7. **Over Parish Council** has no recommendation
8. **The Chief Environmental Health Officer** states:

"I object to granting a variation of the condition relating to operating hours that would allow access to users of commercial units, apart from that operated by Mr Keith Collier, for the following reasons:

A variation in the conditions relating to operating hours would lead to an increase in the working day and subsequently an increase in the degree of noise to which nearby residents are already exposed. Furthermore, I am currently investigating complaints of nuisance from the site. However, no statutory nuisance has been proved at this time. I am opposed to any intensification of use of the site.

There is already a significant degree of vehicle movement associated with a commercial activity on the site that is not restricted by planning. A variation of the condition to allow an increase in operating hours would exacerbate this situation by permitting more early morning traffic movements. Recent monitoring has indicated as many as 14 commercial and private vehicles entering and leaving the site between 07.25-08.00 hours.

Overcote Road, Over is a typically rural location far removed from any main roads or other major sources of noise. The predominant background noise is comprised of bird song and foliage on trees in the wind. The entrance and main yard is close to residential properties opposite and there is no screening of noise sources. Consequently, noise generated by vehicles and use of the yard impinges on the residential properties opposite Riverview Farm. This is confirmed by noise readings taken at the neighbour's house.

Noise that has also been experienced emanating from the site include reversing alarms, impact noise from vehicles loading and unloading, high pressure hose vehicle washing, sporadic machinery operations that drone, whine or contain impulse noise; amplified radio noise from within units; shouting instructions during loading and unloading of commercial vehicles; loud emissions of noise from construction, building and maintenance operations.

Following a costly and time-consuming judicial review for the Council in respect of a previous attempt to address this matter, it was agreed that in order to avoid criticism about misinterpretation of assessment criteria in respect of noise monitoring and in order for monitoring to be representative, I met with the acoustic consultant hired by the objectors to agree methodology and parameters to be measured. It was also agreed to share data from monitoring in the interests of clarity and to avoid dispute.

Graphs of readings taken in respect of early morning vehicle movements have been submitted. Comment has been made regarding the ability of noise readings and data to differentiate between vehicle movements associated with Mr Keith Collier's activities on the site, whose hours of use are not restricted by planning conditions, and other vehicle movements. This argument only serves to detract from the fact that if consent is granted in respect of the variation of the condition relating to hours of use, the site could potentially be used for activities that could include significant lorry movements outside of normal office hours and activity, such as fork lift trucks within yard areas to load and unload lorries.

In considering this application I have had recourse to Planning Policy Guidance 24 (PPG24) Planning and Noise.

This guidance states in the section "Development Control":

Noisy Development

10. Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise.

"...local planning authorities...should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions".

11. *Noise characteristics and levels can vary substantially according to their source and the type of activity involved. In the case of industrial development for example, the character of the noise should be taken into account as well as its level. Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone will require special consideration.*

Some aspects of the site enjoy use that falls into Planning Use Class B8 (storage and distribution). An increase in the hours of use that is being sought by this application could result in the site being more attractive for these purposes. Conditions should be applied to address the future potential impact of the site in relation to transportation noise for nearby residents.

This could exacerbate the degree of noise and disturbance that could be generated at this site.

PPG24 also contains advice in relation to *Measures to mitigate the impact of noise.*

13. *A number of measures can be introduced to control the source of, or limit exposure to, noise. Such measures should be proportionate and reasonable and may include one or more of the following:*

(i) Engineering: reduction of noise at point of generation (eg by using quiet machines and/or quiet methods of working); containment of noise generated (by insulating buildings which house machinery and/or providing purpose-built barriers around the site); and protection of surrounding noise-sensitive building (eg by improving sound insulation in these buildings and/or screening them by purpose-built barriers);

(ii) Lay-out: adequate distance between source and noise-sensitive building or area; screening by natural barriers, other buildings, or non-critical rooms in a building;

(iii) Administrative: limiting operating time of source; restricting activities allowed on the site; specifying an acceptable noise limit.

18. There will also be circumstances when it is acceptable - or even desirable in order to meet other planning objectives - to allow noise generating activities on land near or adjoining a noise-sensitive development. In such cases, local planning authorities should consider the use of conditions or planning obligations to safeguard local amenity. Care should be taken to keep the noisiest activities away from the boundary or to provide for measures to reduce the impact of noise. Authorities should also take into account the fact that the background noise level in some parts of suburban and rural areas is very low, and the introduction of noisy activities into such areas may be especially disruptive.

I do not feel able to support this application in the absence of noise mitigation measures being implemented. These are necessary in order to remove the existing potential for disturbance to the occupiers of residential property opposite the site, which is indicated in the data submitted.

Suggested conditions:

An effective and enforceable way to control noise emissions would be to impose a condition that requires the applicant to submit a noise management scheme to be approved, implemented and maintained in accordance with the details of written approval. The written consent could also be subject to conditions, for example the scheme of measures could be approved for a period of 3 years to assess their effectiveness.

A noise management scheme could cover operational and engineering issues. Engineering works can improve the layout of the site to reduce or mitigate noise impact, less control would be required. There is a building to the north of the site and the entrance is just past this relatively close to the property Greenfields, Overcote Road. If a building was located at an equal distance within the boundary just along the north west and western boundary of the site and move the entrance to the east, there would be a number of benefits:

- (a) Buildings provide substantial noise screening of the yard and building openings that would reduce the noise from these sources thereby avoiding the need for acoustic screening.
- (b) Noise emissions from this building would face away from residential properties opposite the site.
- (c) The entrance to the site can be located further east from residential properties opposite the site.
- (d) The dual use of use of the yard as an entrance to a dwelling and the commercial yard can be removed rendering control easier.
- (e) The costs to the applicant of the changes could be offset by the benefits of the new building.

I have spoken with the applicant regarding the suggestion to construct a building to provide acoustic screening between the yard area and residential properties opposite the site and that of erecting an acoustic screen along other parts of the boundary where appropriate. The applicants appeared interested in this proposal.

I understand that the unit at the far end of the site has B1/B2 use whereas the other unit has B1/B8 use. Although the tenant has now vacated the unit I would be surprised if the shed construction that used to take place complied with the requirements of B1 usage. I have also some concern about the unit further back from the road where woodwork takes place, due partly to the nature of this work and the comments of the acoustic consultant retained by the objectors in relation to noise, potentially from an extract system. Such systems do produce relatively high levels of noise.

Measures that could be included in the Noise Management Scheme:

- (a) The creation of separate domestic and commercial entrances to enable direct control over operations within the permitted times and the differentiation of commercial and domestic activities at the site.
- (b) Restrictions of the movement of HGVs or 7.5 tonne gross laden weight vehicles onto, on and off the site along with limitations on their loading and unloading. No HGVs or 7.5 tonne gross laden weight vehicle will be permitted to enter or leave the site and there will be no loading or unloading of goods from such vehicles during the following times:

Before 0900 hours and after 1700 hours on weekdays
Before 0900 hours and after 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- (c) Erect a 3.5 metre high acoustic barrier along the northern and part of the western boundaries of the site that would be sufficient to screen yard activities and emissions from open paths. This should include the gated opening of the site.
- (d) No vehicular movements onto or off the site to take place on Sundays or Bank Holidays.
- (e) The solid screen gates to the site forming part of the noise screen should remain closed during the reversing of any vehicles operating a reversing alarm when within the yard area. Gates should remain closed during loading and unloading operations referred to in (b) above.
- (f) Parking areas and lorry loading should be restricted and identified by lines/areas within the northern yard for each unit and space for lorry unloading to be separately designated and not obstructed by parked vehicles.
- (g) It is understood that objectors to the application recommend that in conjunction with the earlier start time, there should be equally an earlier finish time of 1800 hours so that all activities cease by 1800 hours on weekdays.”

Representations

9. 3 letters of objection have been received from the owners of “Riverside”, “Greenfields” and “The Bungalow”, three bungalows on the opposite side of Overcote Road to the west of the site entrance. Their objections can be summarised as follows:

- (a) Originally the site owner applied to operate from 07.00 hours, later amended to 07.30 hours, to assist with marketing the buildings. In the 1 year trial period the

07.30 hours start time was breached on a daily basis and breaches have continued since the planning permission was quashed. The gates to the site open at 06.30 hours and the first vehicle enters the site before 07.00 hours. This is supported by video evidence.

For example, the following vehicle movements were recorded before 08.00 hours in October 2005:

Monday 24th	13
Tuesday 25 th	9
Wednesday 26 th	11
Thursday 27 th	8
Friday 28 th	11

- (b) Lorries enter the site at 07.30 hours, loading and unloading goods, and materials. Plant and machinery are switched on at 07.30 hours.
- (c) The 07.30 hours start is dangerous in the winter months, when it is dark and foggy, as Overcote Road is single track and unlit.
- (d) In 2002 the Council's officers recommended the earlier 07.30 hours start should be refused and if the Environmental Health monitoring on the 2003 application had been carried out correctly it is likely it would have been refused again. It should be refused this time.
- (e) The previous Council's Environmental assessment was not sufficiently comprehensive.
- (f) The fact that the site is used throughout the day until 18.30 hours increases the importance of restricting the start to 08.00 hours.
- (g) Collier Engineering should not be allowed to operate without the same hours of work limitations as the rest of the site. Their vehicles enter the site before 08.00 hours, and their goods, materials and equipment are stored outside on this site.
- (h) The existing conditions restricting the use of the site are inadequate.
- (i) Overcote Road is a very low noise sensitive area, and the hours of work condition is the only protection available to local residents, and should be enforced.
- (j) There are other ways the tenants' working day could be organised to avoid school traffic, given by the applicant as a reason for permitting a 07.30 hours start. Vehicles could be loaded the day before for instance.
- (k) The tenants should not have moved their businesses to the site if they couldn't abide by the hours of work condition.

10. *Comments from the Noise Consultant acting for the Owner of "Greenfields":*

"The owner is the worst affected neighbour by the proposal as she overlooks the development site. Demonstrable harm to amenity is clearly predicted to arise from the proposed use.

In particular:

- (a) The Background noise survey undertaken in 2003 and submitted with the letters of objection demonstrate this is an extremely quiet locality. This is independently verified by the quarrying survey that was undertaken in 1993. It was obviously undertaken for a different purpose but confirms that background levels are low.
- (b) There is clearly insufficient information to determine either the true, or more importantly, the potential future level of impact from the operation of this site. It is the latter that is most relevant and which the Council are obliged to have adequate regard to i.e. what they are permitting as opposed to what actually happens.
- (c) The calculation methods previously employed by the previous Environmental Health Officer had some merit. When these are properly adjusted (as undertaken for the purposes of the court's considerations during the Judicial Review), either in order to have regard to actual observed impact or the potential impact that could arise, they demonstrate a clear case of complaint prediction, in accordance with the guidance in BS4142 and therefore that there is excessive noise.
- (d) BS4142 does not set a limit of acceptability in planning terms and the prediction of complaints within the standard clearly exceeds the point of acceptability in planning terms by a considerable margin. This point was not previously considered. The Environment Agency's Horizontal guidance in relation to prescribed processes does give such advice. It sets a starting point of any determination or assessment of acceptability in general. This is defined as the point where the "rating level" equals the "background noise level" (both as defined by BS4142). Where noise has particular characteristics this equates to a level 5dB(A) below the background noise level. Thus the starting point of acceptable noise for the entire development is 5dB LAeq below the LA90 background noise level. This is 10dB lower than the criterion the Officer sought to apply previously which was shown to have been exceeded. It follows that exceedance of acceptable standards is much greater than previously predicted.

Following the advice within the EA's guidance, it is clear that there are grounds to apply even stricter criteria than indicated above. I trust the Council's advisors are familiar with the Horizontal Guidance and I do not need to set out in detail how this point is derived or why it is reasonable to apply the information as a comparable standard of acceptability.

- (e) Another primary issue is that the site's day to day activities already result in an unacceptable level of impact upon nearby residences. Any increase in that impact or extension of the hours of impact is unreasonable and untenable. The courts have established that the assessment of total impact (as opposed to the change in impact by minor changes that serve to ratchet up the total impact but which on their own show only a minor change), is the correct method of assessment. This is also logical.

To summarise:

1. The grounds of objection and extensive evidence of adverse impact as previously submitted are valid.
2. There is extensive evidence demonstrating the low background noise levels in this locality.
3. When adjusted to the actual activity levels or those which can be predicted to occur and the errors are eliminated, the calculations previously undertaken by the Officer provide clear acoustic evidence of significant adverse impact. These adjusted calculations demonstrate the adverse impact exceeding the baseline level appropriate for assessment purposes in this case by much more than 10dB(A).
4. Assessment should be based on what can potentially occur and not any periods of low activity that may be witnessed as it is the former which is being permitted.
5. The point at which impact should be considered acceptable is at least 10dB(A) lower than that previously applied by the Officer in the assessment of this application.
6. The application must be assessed having regard to the total adverse impact that can arise from the operation of this site and the effect of increasing that further. It should not be assessed merely in relation to the change.

Further, to give permanent permission to vary a restriction that is already being breached is irrational. There must be a prospect of control before approving a use. There must also be a prospect of assessing impact. This cannot be done when the control is widely ignored. We must urge refusal in line with historical recommendations. I also confirm that I have personally evaluated the evidence of breaches and it was not previously submitted as hearsay, contrary to what the Committee were told by officers in 2003.

In the event the Council do consider approval, it is imperative and entirely lawful to consider the impact of the development anew. In this regard it is reasonable and proper to apply noise level controls that are applicable to the entire site and all its activities. These need to use a form of words that are enforceable, unlike those currently applied to the site that include significant imprecision and ambiguity within their wording.

Additional points:

1. This quiet area warrants protection.
2. No planning merits for the development are identified.
3. Lack of acoustic screening to the site results in excessive emissions of noise.”

11. In a more recent statement following further site monitoring the consultant outlines his approach to control adverse impact:
 1. Examples of noise generated which is out of character with the quiet rural locality he has witnessed include:
 - (a) Regular reversing beepers and airbrake release.
 - (b) Loading and unloading of goods with banging and clanging sounds.
 - (c) Regular high pressure hose vehicle washing.
 - (d) Sporadic machinery operations that drone, whine or contain impulse noise.
 - (e) Amplified radio noise from within units.
 - (f) Shouting and loud voices such as the shouting of instructions during commercial operations such as loading/unloading of lorries.
 - (g) Very loud emissions of noise from construction, building and maintenance operations.
 2. The length of the day over which emissions can occur and that respite does not arise Saturday afternoons or Sundays as building/maintenance work regularly occurs and has been recorded.
 3. The gradual expansion of the operations with activities occurring earlier in the day and finishing later in the evening.
 4. Vehicles already commonly enter and leave the site before the hours for which permission is sought i.e. 7.30 am.
 5. Operations relating to the commercial activities occur on the site long outside of the operating hours.
 6. Increasing congestion in the northern yard leads to problems with loading etc. which causes increased and unnecessary noise.
12. Most of the operations are sporadic with no particular pattern. As a consequence there are interspersed periods of noise along with periods of much quiet. The contrast serves to highlight the adverse impact.
13. Many of the concerns have been recognised/identified by officers. For example, the concerns with permitting an earlier start were identified in the report to Committee on 2nd September 2002 that "once an extension in the operating times has been granted there are no planning restrictions to prevent an increase in noise or traffic using the site."
14. A noise management scheme is recommended as a way forward. The early start was objected to because of the length of the day over which impact occurs and the total adverse impact as opposed to just the effects at the start of the day. It is the cumulative issues that have always been of concern and not just one much smaller part i.e. the time this all starts to happen. One effective and enforceable way to control noise emissions is to impose a condition requiring the submission of a noise management scheme, to be approved and then implemented and maintained in accordance with details of written approval. Written approval can itself be made subject to conditions, for example the scheme of measures put forward could be approved for a period of 3 years to enable their review. Where engineering works can improve the layout of the site to reduce or mitigate noise impact it follows that less control is required. For example, currently there is a building in the north-east

corner of the site with the main site entrance adjoining to the west, relatively close to Greenfields. If it were feasible to erect a new building further to the north west and move the access to the east there would be a number of advantages:

- (a) The buildings would provide substantial noise screening of the existing yard and building openings. It would avoid the need for acoustic screening.
- (b) Noise emissions from this building would face away from affected residences.
- (c) The entrance to the site can be located further east and further away from dwellings.
- (d) The current dual use of the yard as an entrance to a dwelling and the commercial yard can be removed rendering control easier.
- (e) Costs of the changes are offset against the benefits of the new build.

The following measures proposed for inclusion in a Noise Management Scheme:

- (a) Creation of separate domestic and commercial entrances to enable direct control over operations within the permitted times and the identification of commercial as opposed to domestic activities.
- (b) Restrictions on the movement of HGVs or 7.5 tonne gross laden weight vehicles into, on and off the site along with limitations on their loading and unloading. It is proposed that no HGVs or 7.5 tonne gross laden weight vehicles be permitted to enter or leave the site and that there is to be no loading or unloading of goods from said vehicles during the following times:

before 09.00 hours and after 17.00 hours during any weekday;
before 09.00 hours and after 13.00 hours on any Saturday and at no time on Sundays or Bank Holidays.

- (c) A 3.5 metres high acoustic barrier to be erected along the northern and part western boundaries of the site sufficient to screen yard activities and emissions from open units. Final height and length to the western boundary subject to additional calculations and noise contour mapping of site noise emissions. The barrier would include the gated opening of the site.
- (d) The solid screen gates to the site forming part of the noise screen to remain closed during the reversing of any vehicles operating a reversing alarm when within the northern yard area.
- (e) Noise emitted from activities within the site (other than from vehicles entitled to operate on any public highway) or any unit to be inaudible beyond the northern boundary of the site or any location along Overcote Road during the following periods:

Before 09.00 hours and after 18.00 hours during any weekday;
Before 09.00 hours and after 13.00 hours on any Saturday and at no time on Sunday or Bank Holidays.

At all times the average equivalent noise energy LAeq measured during any 15 minute period shall not exceed 35dB² when measured or calculated at the

residential property to the northern side of Overcote Road and within 100m of the boundary of the site.

- (f) No amplified music or speech to be audible at any location along Overcote Road.
- (g) Site entrance and yard to be subject to CCTV monitoring to record all activities for a period of 3 months and access during normal working hours to CCTV records to be available to officers of the authority upon request.
- (h) Areas of parking and lorry loading to be restricted and identified by lines/areas within the northern yard for each unit and space for lorry unloading to be separately designated and not obstructed by parked vehicles. N.B. the Council's parking standards appear unable to be met. This alone demonstrates a congested yard and over intensification.
- (i) In conjunction with the earlier start time, there should be an equally earlier finish time of 18.00 hours. Thus all activities to cease by 18.00 hours on any weekday.

15. *Further representations by the applicant's Agent:*

"General Matters:

For reasons stated in the original application, the additional time is sought to enable firms to operated more efficiently. We note the objection by the Council's EHO following the data provided by MAS Environmental and would comment as follows:

The objection is based on the underlying assumption that the current activities at the site are causing harm, and any intensification of use - through an additional half hour start time in the morning - will further exacerbate a perceived noise/disturbance complaints.

In response, we cannot equate the evidence base nor the actual activities and operation of the site with this conclusion. It is confirmed by the EHO, that the Council has investigated the uses at the site and has NOT proven that any statutory nuisance is being caused. Nor has sufficient data/evidence been provided to enable a proper assessment to be made.

The evidence base supplied by MAS Environmental on behalf of the neighbouring property owners does not support this conclusion. Furthermore, at no time have any readings been taken from within the home of the applicants, who reside within the yard in their family home.

The fact that the evidence base upon which the Council now rely is provided by the objectors raises concern. This concern is supported from reading the various letters and email correspondence submitted by MAS Environmental, which are wholly biased towards those who have been paying their fees. In any event, insufficient data has been made available to the Council and to the applicants to reach this conclusion. Despite numerous requests by Bidwells as the applicant's agent, we have received no response to our specific questions posed in the past few months nor any additional data as requested or indeed promised by the Council (EHO memo refers). We raise concern that this judgement has been made on the following evidence base:

- (a) Garden measurements - 15 to 18 July 2003
- (b) Garden measurements - 3 September 2003 (17.21-18.16pm - out with the application period!)
- (c) Roof Measurements - 31 January to 4 February 2006 (the acoustic consultant confirms that building works were ongoing during this week period which distorts the data)

In our view, these readings do not show any harm being caused within the subject period - 07.30 to 08.00 am nor does it provide a sustained evidence base upon which to assess the application. From my knowledge of the site and from the applicant's own living conditions, we are at a loss to understand how the EHO can reach this view. The lack of organisation by MAS Environmental to supply accurate and reliable data - whatever the readings - to support these objections should not affect any determination by SCDC, particularly one that holds the threat of enforcement proceedings.

The Council is fully aware (through previous planning applications) of the former use of the site as an agricultural enterprise for hay and straw haulage. In recent years, Keith Collier engineering has been in situ for over 12 years without complaint. At the time of the change of use application for units 1-5, no objections were lodged nor any such issues raised. Having regard to the type of occupiers in the buildings and the continuing site management by the resident owners, we fail to see where the problems arise. It is reasonable to conclude that there is not a problem, evidenced by the lack of data supplied by the acoustic consultant and the inability to differentiate between those activities on the site which are connected with the residential use or Keith Collier. If there were such evidence we would have expected it to be readily available.

PPG24 states that the night time hours are 23.00 to 07.00. The readings do not show any undue harm within this period.

Proposed Noise Management Scheme:

The EHO comments appear to extend beyond the remit of the application and requests a noise management scheme be put in place to cover the entire site and the full working day. Not only is this unrelated to the current application, it is also unreasonable. Moreover, they directly correlate with the acoustic consultants requests on behalf of the objectors, as stated in MAS Environmental's 7 August 2006 report. At no time does the Council's EHO appear to have taken a balanced judgement. Rather the objectors points are simply reiterated as his own.

Reference to the judicial review process is irrelevant to the determination of this application. An independent assessment should still be made by the Council and its advisors, in its role as LPA.

The noise mitigation measures proposed by the EHO are misguided. It is not appropriate to discuss a noise management scheme to apply to a time period greater than the additional half hour start time. A planning application cannot seek to alter a lawful use which has the benefit of planning permission.

The noise reduction measures are not necessary, having regard to the actual activities occurring at the site. Most are excessive in any event, some requiring planning permission in their own right and which we would suggest are contrary to the

Council's adopted planning policies. As such, permission would not be expected to be forthcoming. For example, the erection of 3.5m acoustic fencing around the site perimeter and new commercial buildings along the site frontage.

Summary:

In conclusion, despite an ongoing assessment of the property, no data has been supplied or made available to the Council or to the applicant's or their agent to support the claims that an additional half hour in the mornings is causing harm.

The Council's EHO has confirmed that no statutory noise nuisance has been confirmed, despite investigations over the past few years since the 2003 consent was originally issued.

The solutions expressed to overcome a perceived (but unsupported) noise problem between 07.30 and 08.00 hours on weekdays are wholly unreasonable."

Planning Comments – Key Issues

16. The key issue is the noise impact of the proposed ½ hour earlier start time i.e. 07.30 hours upon the amenities of neighbouring residential properties given the rural location of the site.
17. Some Members will be aware of the site from two previous site visits concerning earlier applications. Since 2000 there have been numerous complaints from neighbouring residents concerning primarily hours of work and noise from the site. To date matters raised have been resolved by Council Officer's without recourse to enforcement action. A third complaint by residents to the Ombudsman is currently being investigated.
18. The previous decision to approve the additional ½ hour start time was successfully challenged by a neighbour through the courts, as outlined in this report, and Members now have to redetermine the application following a lengthy period of monitoring by a noise consultant acting for the residents, and the Council's Environmental Health Officer, aided by the Council's noise consultant. On the basis of the joint monitoring carried out and his own site visits, the Environmental Health Officer objects to permission being granted for the earlier start time because it would lead to an increase in the working day and subsequently an increase in the degree of noise to which nearby residents are already exposed. He is currently investigating complaints of noise nuisance from the site, although no statutory nuisance has been proved at the present time. He is unable to support the application in the absence of the noise mitigation measures outlined by the neighbour's consultant being implemented. Members will note that the noise consultant acting for a local resident has proposed a "noise management scheme" to resolve existing noise issues identified from monitoring the site which involve, inter alia, the erection of a new building on the site frontage to provide an acoustic screen, and a 3.5m high acoustic fence along the front and possibly part of the western site boundaries.
19. In my view this would not be acceptable in planning terms, giving the property an alien, fortress like appearance at odds with its rural setting. Other measures such as resiting the access eastward away from neighbouring properties would involve the owner in further considerable expense and in my view would not be justified given that until the late 1990's the access served a working farm and associated hay and straw business.

20. The scheme also proposes limitations on the movements of commercial vehicles over a certain size entering the site. This would be unrealistic in my view because the unit at the southern end of the site (Collier Engineering) has its own separate planning permission and shares the site's only access. Other suggestions such as the main site gates, which would have to be 3.5m high and of solid construction, should remain closed during the reversing of any vehicles operating reversing alarms at the northern end of the site are impractical and difficult to enforce.
21. The applicant's agent queries the legality of imposing a Noise Management Scheme on the whole site given the limited extent of the current application. Clearly, such a scheme could only be imposed with the agreement of the site owner in consultation with the building's occupants. This approach is supported by the guidance in Planning Policy Guidance 24 "Planning and Noise" which states "authorities should not use the opportunity presented by an application for minor development to impose conditions on an existing development which already enjoys planning permission."
22. A solicitor acting for a local resident has also suggested that the Committee should consider regulating the site as a whole, in particular the anomaly that the Collier Unit is not subject to an operating hours restriction, pointing out the difficulties of enforcement of planning conditions. This could involve imposing a start time of 07.30 hours on the Collier premises. Alternatively, because the company use part of the site which is subject to an operating hours condition for parking, loading/unloading vehicles and storing materials, it could be argued that they cannot use the unit without complying with conditions relating to the site as a whole. Enforcement proceedings should be instigated. The solicitor has been informed that the Collier business has been in operation for well over 10 years and is an "established use". There is, therefore, no justification for imposing an hours of work condition, which would involve the service of a Discontinuance Order and lay the Council open to a claim for compensation, or taking enforcement action. The Council's solicitor suggests that the Council could, as an alternative, seek an agreement with the landowner of the Collier building to restrict hours of use, but this would depend on the co-operation of the owner. Otherwise action could be taken under the Environmental Protection Act 1990 through the service of an abatement notice if the Council is satisfied a statutory noise nuisance exists or is likely to occur or recur. This latter measure is recommended as the preferred course of action by the Council's solicitor. No statutory noise nuisance has yet been identified.
23. The Council's Environmental Health Officer is satisfied he has been able to monitor the site and differentiate between the permitted traffic to the Collier premises and the other units. The Company has supplied him with the registration numbers of their staff vehicles which has simplified identification. He will make a verbal report on the latest comments received from the applicant's agent.
24. Officers have agreed with the applicant not to consider enforcement action against the current early morning use of the site, which breaches the permitted 08.00 hours, (excluding the use of the Collier premises) until the matter has been considered by the Planning Committee. This has enabled the noise generated between 07.30 and 08.00 hours to be monitored over a long period of time spanning the different seasons.

Recommendation

25. A. Given the objections of the Environmental Health Officer and the overriding drawbacks of the proposed noise management scheme, the reconsidered application should be refused for the reason that:
1. The proposed variation in working hours allowing a 07.30 hours start would result in an unacceptable increase in the level of noise associated with the site during the early morning when background noise levels in this rural area are low, to the detriment of the amenities of neighbouring residential properties, and contrary to Policy ES6 of the South Cambridgeshire Local Plan 2004 which seeks to minimise noise disturbance to residential areas.
- B. Members views on enforcement action are sought. I consider enforcement action should not be undertaken immediately, but powers should be granted to officers to pursue enforcement action against the owner and any offending companies operating on the site should the permitted 08.00 hours starting time continue to be breached after 3 months has elapsed. (This would not apply to Collier Engineering for the reasons given.)

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/1396/03/F
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Contact Officer: Bob Morgan - Majors Champion
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14. S/1133/02/F - OVER
VARIATION OF CONDITION 2 OF PLANNING PERMISSION S/0894/00/F TO
ALLOW 0730 HOUR START ON WEEKDAYS AND SATURDAYS, RIVERVIEW
FARMYARD, OVERCOTE ROAD FOR MR M J NORMAN

Members will visit the site on the 2nd September 2002.

SITE AND PROPOSAL

Riverview Farm is located at the western end of Overcote Road, to the east of the Great Ouse. The farmyard and farmhouse are situated on the southern side of the road, almost opposite three bungalows, Greenfields, The Bungalow and Riverside. The farmyard consists of a series of former agricultural buildings of different sizes and styles erected over a number of years and arranged along the eastern boundary of the site. The majority of the buildings are used for commercial purposes pursuant with a planning permission granted in November 2000.

The full application, received on the 29th May 2002, proposed a variation to Condition 2 attached to the 2000 consent, allowing a 0700 hours start on weekdays and Saturdays instead of the 0800 hours conditioned. The application was amended by letter dated the 8th July 2002, proposing a 0730 hours commencement on weekdays and Saturdays, ie an extra half an hour time extension in the mornings.

PLANNING HISTORY

Planning permission (part retrospective) was granted to change the use of the majority of the agricultural buildings on site to B1/B8 use in November 2000, following a site visit by Members (Item 12 – November 2000 – see Appendix). The remaining building at the southern end of the site was granted a retrospective planning permission for an engineering business earlier the same year. In February 2001 the occupiers of Unit 5 were given a 9 month temporary consent to operate from 7.00am on the site Monday-Saturday (Item 23 – 7th February 2001). The firm has since left the site.

PLANNING POLICY

Policy ES6 of Deposit Local Plan (as amended 2001) states the Council will seek, by means of appropriate planning conditions, to minimise the impact of noise and pollution on noise sensitive development arising from industrial, commercial or recreational activities.

CONSULTATION (amended hours)

Over Parish Council approves the application.

The Chief Environmental Health Officer objects

“The applicant accepted the current times of operation on the site when permission was granted on the 6th November 2000.

The current time restriction imposed on the site is to minimise disturbance to neighbouring residential properties. This condition acts as a buffer to ensure that only low-key, low impact and compatible activities that are able to operate within the times specified are carried on at the site. The time condition included is less onerous than that specified for the carpentry shop at 8 Church End, Over (S/1696/99/F) which includes a boundary noise level, and is consistent with the times specified in all new planning applications.

There are no suitable controls within the current planning permission other than the time restrictions to protect nearby residents from the effect of any change in activity on the site. It is also likely that any change to the operating time will have the effect of attracting larger and more unsuitable businesses to the site. It is therefore my view that the current application relates to intensification in the use of the site outside what the permission was granted for.

Video evidence has shown that noise emitted from the front of the site and traffic entering the premises can be a problem. Nearby residents also claim that Corney Heating and Plumbing Services and Carlton West Building Services are already entering the site before the permitted times.

I understand that the application has been submitted to allow small local businesses currently operating from the site to work without undue restrictions; I am sympathetic to this request, however the times of use for the site should have been explained to them before they took up tenancy.

I am concerned that once an extension in the operating times has been granted, there are no planning restrictions to prevent an increase in noise or traffic using the site. Consideration should also be given to what would happen with the whole site in the future should it obtain extended opening times. For example, should the site be sold with B1-B8 use could we prevent a distribution firm from operating from the site?

Should planning committee decide to grant permission I would ask that they consider operating hours of 07.30-18.30 Monday to Friday and 08.00-13.00 on a Saturday, and not at all on Sundays or bank holidays. I would also ask that any permission granted is temporary in order that the impact from these changes or any future changes in the business on the site can be reviewed if necessary.

I would also ask that any permission granted contain the following conditions:

No amplified music from vehicle stereos or other sources should be played on site.

No vehicles should be left unattended with their engines running.”

REPRESENTATIONS (amended hours)

Letters of objection have been received from the 3 bungalows on the opposite side of Overcote Road. The main points are:

1. It is imperative nearby residents are protected from excessive noise and disturbance. The site is intensively used and existing problems with noise disturbance have been experienced. Allowing an earlier start will mean more early morning disturbance if approved.
2. Video evidence is available of noise generated on the site.
3. The plumbing firm (C.H.A.P.S) has 4 vans which have accessed the site before 8.00am

A further letter has been received from the owners of Chain House, a property situated on Overcote Road to the east of the application site. Whilst not objecting to the application, concern is expressed about the current use through noise disruption and safety of an increased number of lorries on a narrow country road. Speed restrictions are suggested.

ADDITIONAL COMMENTS BY THE APPLICANTS

The applicant's agent states there is no evidence put forward by the Council's Environment Health Officer to support his contention that "an extension of time will materially interfere with nearby residents." There is no substantial evidence that this use is causing local concern. The comments made by nearby residents do not raise material planning considerations. Traffic generation is not significant, being largely dictated by the size of the area and the number of employees. Traffic movements will inevitably be the same, whether employees arrive at 7.45am or 8.00am. The proposed amendment is defined in its narrowest terms to allow employees to occupy the units without the threat of enforcement proceedings.

The applicant is concerned about the reliance of video evidence which they have not been shown. The change of use of the barns has been a substantial financial investment and the applicant is very selective in the companies using the facilities. They are all small businesses. Some only come into the yard for an hour a day and only generate small van usage. The biggest problem they have is that they need to be able to enter the yard before they start work at 8.00 am. An early start enables the drivers to avoid congestion of the A14.

The immediate neighbours who are objecting to the revised hours leave for work between 6.50 am and 7.10 am most mornings. One neighbour keeps the site under surveillance from 6am-10pm, and attempts to canvass other objections from Overcote Road and High Street have proved unsuccessful.

PLANNING COMMENTS

Since planning permission was granted for the change of use of farm buildings to B1/B8 use in November 2000 there have been a large number of complaints principally from two residents in the neighbouring houses on the opposite side of Overcote Road. These have consisted of allegations of noise disturbance, out of hours working, the carrying out of works without planning permission, and failure to comply with the conditions of the planning permission. The complaints have been investigated by both the Environmental Health Officer and the Enforcement Officer, involving numerous site visits and meetings. All these matters have been investigated and the Council's officers have worked with the site owner and tenants in an endeavour to resolve what has become a serious neighbour dispute between the parties extending beyond the planning legislation. The most intractable problem has been the question of early morning starts breaching the conditioned 0800 hours commencement. The situation is complicated because an engineering company at the southern end of the site (ie. furthest from the neighbours) has an unrestricted planning permission and does enter the site with vehicles before 0800 hours. Also farming activity still takes place on the site in much reduced form and is not subject to any restrictions.

In September 2001, the Planning Director wrote to one of the objectors and stated that as a result of the Enforcement Officer's monitoring, it was observed that a large proportion of the "out of hours" vehicle movements related to the engineering company and the agricultural use. One company that had found it difficult to operate within the prescribed times had moved from the site. On the basis of this monitoring a breach of condition notice was not considered justified.

The intensity of complaints about out of hours working increased again in June this year when a plumbing firm with a number of vans moved into a unit on the site. Video evidence shown to the Enforcement Officer confirmed pre-0800 access to the

site. It is understood the firms' vehicles are now parked on the road until the site opens.

The Chief Environmental Health Officer opposes any relaxation of the 0800 hour start. There are no boundary noise limits on the site and this is the only effective means of control. The stipulation of an 0800 hour start is consistent with the condition applied in recent times to all similar application in close proximity to residential properties.

Whilst appreciating the applicant's desire to regularise a source of regular complaint about the operation of his site, I am also conscious of the Chief Environmental Health Officer concerns about the effect of any relaxation of hours on the current and future development of the site, and on balance consider the reason for the condition is well founded and that it should be retained in its current form.

RECOMMENDATION

Refusal (as amended by letter dated the 8th July 2002).

The variation of Condition 2 to allow a 07.30 start of work on weekdays and Saturdays would result in the likelihood of increased noise and general disturbance to the residents of the three bungalows known as Greenfields, The Bungalow and Riverside, contrary to Policy ES6 of the Deposit South Cambridgeshire Local Plan (as amended 2001) which seeks, by means of appropriate planning conditions, to minimise the impact of noise on residential areas.

22. S/1396/03/F - OVER
VARIATION OF CONDITION 2 OF PLANNING PERMISSION REF: S/0894/00/F TO
ALLOW 0730 HOURS START ON WEEKDAYS, RIVERVIEW FARM, OVERCOTE
ROAD FOR M J NORMAN

SITE AND PROPOSAL

Riverview Farm is located at the western end of Overcote Road, to the east of the Great Ouse. The farmyard and farmhouse are situated on the southern side of the road, almost opposite three bungalows, Greenfields, The Bungalow and Riverside. The farmyard consists of a series of former agricultural buildings of different sizes and styles erected over a number of years and arranged along the eastern boundary of the site. The majority of the buildings are used for commercial purposes pursuant with a planning permission granted in November 2000.

The full application received the 29th May 2003 proposes variation of Condition 2 of planning permission ref S/0894/00/F to allow 0730 hours start on weekdays in perpetuity ie an extra half an hour time extension in the mornings.

In a covering letter the agent adds “The tenants of the buildings to which this restriction applies, benefit greatly from the additional half-hour start in the mornings. It enables a more efficient working practice and avoids conflict with school traffic etc through the village. We are not aware of any environmental harm that has arisen as a direct result of the 2002 temporary consent.

We are guided by Circular 11/95 (Use of Conditions in Planning Permissions). The trial twelve-month period has shown that the extended hours of use are appropriate in this location and planning permission should be granted in perpetuity.”

PLANNING HISTORY

Planning Permission (part retrospective) was granted to change the use of the majority of the agricultural buildings on site to B1/B8 use in November 2000, following a site visit by Members. The remaining building at the southern end of the site was granted a retrospective planning permission for an engineering business earlier the same year. In February 2001 the occupiers of Unit 5 were given a 9 month temporary consent to operate from 7.00am on the site Monday-Saturday (Item 23 – 7th February 2001). The firm has since left the site.

In September 2002 planning permission was granted for a temporary period of 1 year for the 0730 start on weekdays (See Appendix 1 – Agenda Item September 2002).

PLANNING POLICY

Policy ES6 of Local Plan No 2: Proposed Modifications 2002 states the Council will seek, by means of appropriate planning conditions, to minimise the impact of noise and pollution on noise sensitive development arising from the industrial, commercial or recreational activities.

CONSULTATIONS

Over Parish Council approves the application. “One councillor suggested a code of practice be introduced for vehicles on the approach road.”

The Chief Environmental Health Officer comments

“Three noise assessments in accordance with BS4142 were undertaken on the 8th, 10th and 15th July 2003.

The results of these assessments have demonstrated that the light traffic flows in and out of the site between 7.30am to 8.00 am has had a marginal effect on the noise climate at Greenfields. Therefore, I have no objections to the current activities being undertaken at Riverview Farm between these times.

However, because of the low background noise levels in the locality, I must advise that any intensification of the use at the site may have a significant effect on the noise between these times. I would therefore recommend that any permission granted for a 7.30am start be personalised and linked to Mr Norman’s ownership of the site. This would allow us the opportunity to reassess noise levels should there be any change and therefore intensification of use at the site, stemming from new ownership.”

REPRESENTATIONS

2 letters have been received from the owners “Greenfields” and “Riverside”, two bungalows to the west of the site entrance.

1. They have consistently objected to the increased commercial use of the site.
2. The hours of use condition have been violated and can be corroborated by video/diary evidence.
3. Vehicles have been entering the site before 0730 hours, causing unacceptable noise disturbance.
4. Extending the permitted hours to allow a 0730 hours start has led to unacceptable noise disturbance and should not be made permanent.

PLANNING COMMENTS

Following the grant of a 1 year temporary permission last September both the Enforcement Officer and the Area Environmental Health Officer have monitored the site to assess the impact of the 0730 hours start, compared with the 0800 hours limitation previously imposed.

The Enforcement Officers brief was to record the time of vehicle arrivals and a description of each vehicle. 5 visits were made to the site. Some difficulty was experienced in differentiating between vehicles visiting the premises on the application site and the engineering workshop to the rear of the site, which has an earlier planning permission unencumbered by an hours of work condition and shares the same access. Nevertheless, the number of vehicles arriving before 0730am ranged from 2-5 on each occasion, the majority arriving between 0725-0730am. On the two occasions the site was monitored between 0730-0800 am 8 and 9 vehicles were recorded. On the two occasions the site was monitored from 0730-0745 am 3

and 4 vehicles were recorded. On one occasion monitoring took place between 0730-0750am and 2 vehicles were recorded. During the whole period of monitoring ie. 0640 (average) am to 0745-0800 am only 3 lorries were recorded; the majority of the vehicles being vans and cars.

The Environmental Health Officer made noise assessments on three separate visits in July 2003. These assessments demonstrated that the light traffic flows in and out of the site between 0730-0800 am had a marginal effect on the noise climate at the nearest dwelling. Therefore no objections would be raised to the current activities being undertaken on the application site between these times.

A caveat is added that because of the low background noise levels in the locality, any intensification of the use of the site may have a significant effect on the noise level between these times, and therefore it is recommended that the permission is made personal to the site owner to allow noise levels to be reassessed should there be any intensification in the use of the site, stemming from new ownership.

I do not consider a personal condition would be justified or appropriate in this case. The original permission for the use of the site is not subject to a personal condition and Government advice is generally to avoid the use of personal conditions and to determine applications on land use considerations. Should complaints about noise arise in the future through changes of ownership/occupation these would be investigated by the Environmental Health Officer in the normal way and an assessment made of whether any action needed to be taken. Several improvements in working procedures/insulation have been carried out on the site following previous neighbour concerns.

RECOMMENDATION

Approval

1. The use hereby permitted shall not be carried out on site before 0730 hours on weekdays and 0800 hours on Saturdays, nor after 1830 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays.
(Reason - To minimise disturbance to neighbouring residential properties.)
2. All machinery operations must only take place within the buildings with openings in the noise sensitive direction (ie towards residential properties to the north and west) fully closed.
(Reason - To minimise disturbance to neighbouring residential properties.)
3. An adequate space shall be permanently provided and maintained within the site to enable HGV's to enter and leave in forward gear and to park, load and unload.
(Reason - In the interests of highway safety.)

INFORMATIVES

1. No amplified music should be played on site.
2. No vehicles should be left unattended with their engines running.
3. All new buildings that are to be used by the public must, where reasonable and practicable, be accessible to disabled persons and provide facilities for them.

The applicant's attention is therefore drawn to the requirements of the Building Regulation 2000 (as amended) with respect to access for disabled people.

4. The applicant's attention is drawn to the requirements of the Party Wall etc. Act 1996 if works are proposed to a party wall.

ENVIRONMENT AGENCY INFORMATIVES

1. All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.
2. The maximum acceptable depth for soakaways is 2 metres below existing ground level.
3. Only clean uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
4. The foul drainage from the proposed development may be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS6297: 1983 and which complies with the following:-
 - (a) there is no connection to any watercourse or land drainage system and no part of the soakaway is situated within 10 metres of any ditch or watercourse, or within 50 metres of a well, borehole or spring.
 - (b) Porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BS 6297: 1983 refers).
5. The applicant must ensure that there is no discharge of effluent from the site to any watercourse or surface water drain or sewer.
6. Only domestic sewage should be discharged to a septic tank.
7. Trade effluent shall not be discharged to a septic tank.
8. The Environment Agency's comments on private drainage systems are made only on the understanding that no public foul sewer is available to serve the development.
9. Preferably, all foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning shall be discharged to the foul sewer.
10. Any facilities, above ground, for the storage of oils, fuels or chemical shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.
11. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water, sewer or soakaway.
12. Any vehicles wash water including steam cleaning effluent should be contained in a sealed vessel and either recirculated or disposed of off-site. A dedicated area, graded to ensure wash water is directed to the discharge point, should be provided.
13. The developer should consult with the Environment Agency on measures for the prevention of pollution, with particular reference to the delivery, storage and use of oils, chemicals and pesticides, the disposal of surface water and the drainage of vehicle washing areas.

14. Facilities should be provided to ensure that waste oil is stored and disposed of in a manner that will not lead to pollution.
15. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

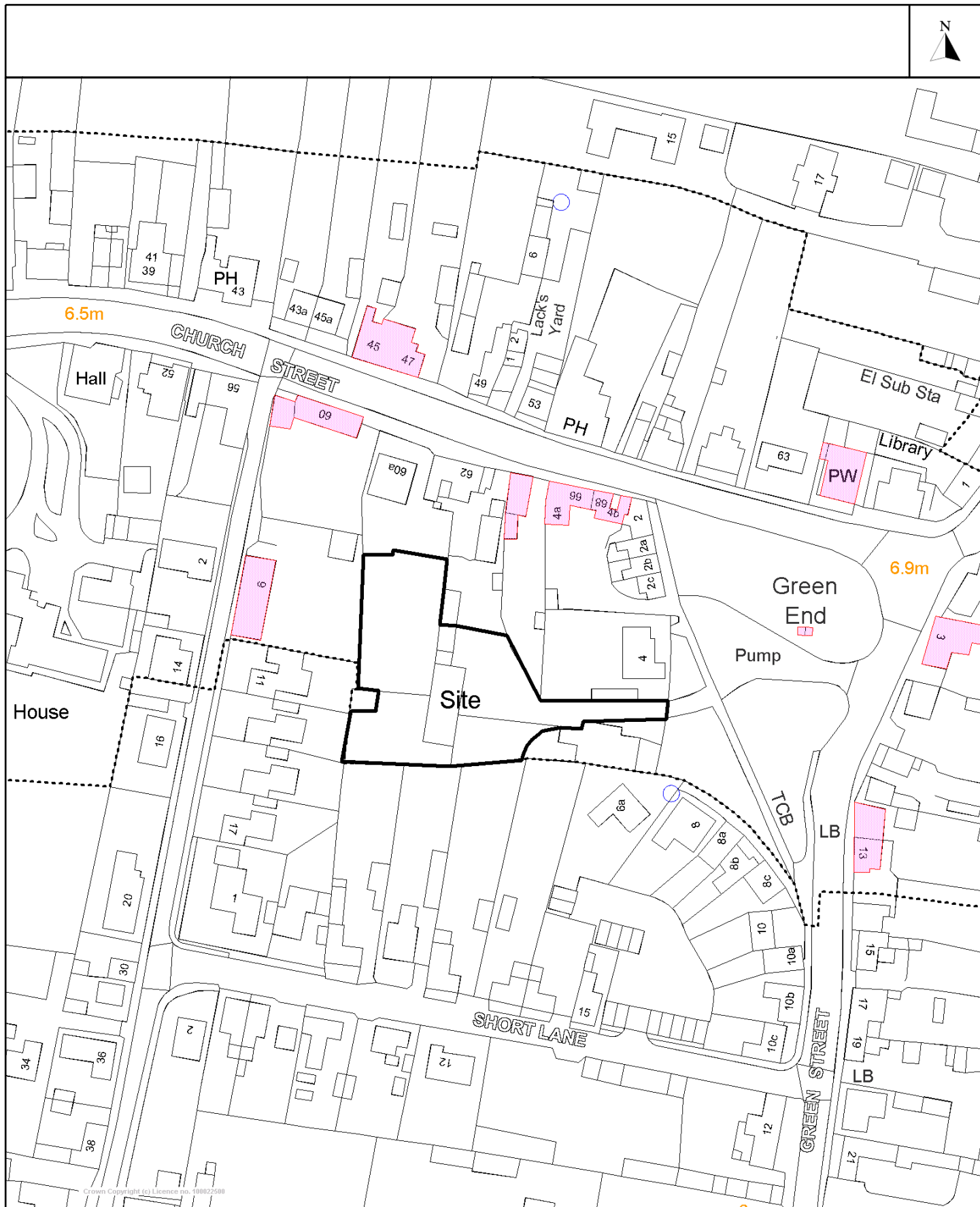
REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2436/06/F - WILLINGHAM**Conversion of Barn to Form Separate Dwelling at Land R/O 6 Green Street for J B Sweet****Recommendation: Approval****Date for Determination: 2nd April 2007****Notes:**

This Application has been reported to the Planning Committee for determination because the Parish Council objection does not accord with the Officer recommendation.

Conservation Area**Site and Proposal**

1. The application relates to an area of land approximately 0.18 hectares (0.45 acres) in area. It is located south of the junction between Green Street and Church Street, and is set back from Green Street and behind the listed village pump and the surrounding green and hardstanding area. The site contains an unlisted timber framed and weatherboarded barn with a slate roof and has been extended to the rear in common brick to form a lateral aisle. This links to an existing shed to the north of the barn, which is an extension of that from the neighbouring property at no. 62 Church Street.
2. The site is currently in use as garden land to no. 6 Green Street. It is bound by a number of houses, set of Church Street to the north, Short Street to the south, Long Lane to the west and Green Street to the east. The site is within the village framework and the Willingham Conservation Area. In the vicinity, 9 Long Lane, 64 Church Street and 66/68 and 4a and 4b Green Street are all listed buildings.
3. The full application, received on 18th December 2006, seeks the conversion of the barn to form a separate 5 bedroom dwelling. Access would be gained along a shared driveway to the north of no. 6 Green Street. A set of gates would be located approximately 18m from the access point, and a new driveway would then lead to the two parking spaces by the barn. The barn on-site would be converted into living accommodation, with a number of new openings introduced to the elevations. A covered area to the north would link the barn to a stable block. This would be a conversion and extension of the existing shed, and provide two stables, plus a garden and food store and washroom. This block would measure 8.2m in width along the northern boundary, 5.5m in length, with a height of 2.6m and 4.3m to the eaves and ridge respectively. A new 1.8m high fence would divide the new curtilage from the reduced rear garden at no. 6 Green Street.



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4. Amendments were received 6th February 2007 showing the elevations correctly titled, and the gutter of the stable block roof set back on the applicants side of the wall so it does not overhang the shared boundary.
5. The density equates to 5.5 dwellings/hectare.

Planning History

6. **S/2366/05/F** – A previous application on the site for the conversion of the barn to form a separate dwelling was approved on 6th February 2006. This application was different in that the shed to the north of the main barn was to be a double garage. Changes have also been made to the configuration of the driveway. The approval plan also has some differences to the main barn itself, in particularly to the main entrance in the east elevation and to the fenestration of the barn.

Planning Policy

7. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 (' the County Structure Plan') requires a high standard of design and sustainability for all new development and which provides a sense of place which responds to the local character of the built environment. This policy is supported by policy DP/2 of the Local Development Framework, Submission Draft 2006.
8. **Policy P5/5** of the County Structure Plan states that small scale housing developments will be permitted in villages only where appropriate, taking into account the character of the village and its setting.
9. **Policy P7/6** of the County Structure Plan seeks Local Planning Authorities to protect and enhance the quality and distinctiveness of the historic built environment.
10. **Policy HG11** of the adopted South Cambridgeshire Local Plan 2004 (" The Local Plan 2004") states development to the rear of existing properties will only be permitted should certain criteria be met, included no overlooking, noise and disturbance and highway dangers through the access, and development must be in character with the pattern of development in the vicinity.
11. **Policy EN28** of the Local Plan 2004 states the District Council will refuse applications within the setting of a listed building which would dominate the listed building or its curtilage, would damage the setting, well-being or attractiveness of the listed building, or would harm the visual relationship between the building and its formal landscape surroundings.
12. **Policy EN30** of the Local Plan 2004 states proposals in conservation areas will be expected to preserve or enhance the special character and appearance of Conservation Areas. The District Council will refuse schemes that do not specify traditional local materials and details that do not fit comfortably into their context.
13. **Policy EN32** of the Local Plan 2004 states consent for demolition of buildings that make a positive contribution to the character or appearance of a Conservation Area will not be granted unless it can be demonstrated that the condition of the building makes it impracticable to repair, renovate or adapt; or there is clear and convincing evidence that all reasonable efforts have been made to sustain the existing use of the building, or to find a viable and acceptable new use or uses.

14. **Objective ST/e** of the Local Development Framework Core Strategy adopted 2007 (“Local Development Framework”) aims to protect the varied character of the villages in the District by ensuring the scale and location of development is in keeping with its size, character and function, and that buildings and open spaces which create their character are maintained and where possible enhanced.

Consultation

15. **Willingham Parish Council** – recommends refusal, “as represents over-development in combination with the access being inadequate for a property of this size (the amount of traffic to be generated by a 5-bedroomed house exiting via a narrow shared access drive.”
16. **Conservation Officer** – Application is a fine-tuning to the design previously approved. I am satisfied it would not unduly impact on the Conservation Area. No objection, subjected to conditions such as Flemish bond with a sample of brick agreed in advance, and permitted development rights to be removed for new windows and extensions.
17. **Chief Environmental Health Officer** – Implications of the development have been considered. Suggest an Informative regarding no bonfires or burning of waste on site except with the prior approval of the EHO.
18. **The Ecology Officer** raised no objections to the previous application subject to imposition of a condition requiring nest and bat boxes.
19. **Environment Agency** has no objections, the development being within a lower risk Flood Zone 1. Informatives are recommended.

Representations

20. **9 Long Lane** – State development affects her property as the main frontage of her dwelling faces east. Wishes to object to the shed element to be converted into a stable. It would become a substantially larger building than the garage of the former approval, with a larger and higher roof. This would make the new building and link more obtrusive. Also, opposed to a stable in a small green oasis inside the Conservation Area on grounds of nuisance and reduction of conservation value. The stable would increase smells and flies or encroach on the existing orchard. Also concerns regarding conversion of the stable to either an annex or a separate small residence. Notes great emphasis was placed on stringent conditions of the previous consent to avoid inappropriate development on the site. No objections to the main barn conversion.
21. With regards the amendment, argues that the all-weather riding surface paddock is an area of orchard. The fruit trees are an enhancement of this space within the conservation area and should remain.
22. **62 Church Street** – Formal objection to the proposals. Notes discrepancy in the plans that are corrected with the amendment. Also states barn to be removed and replaced by the stable block is not correctly shown on plans. Further objection regarding the stable block, as it would be twice the width of the original it replaces, and 20% higher. It also sets a precedent for new build on the site. The barn to be removed continues into the rear garden of the objector and wishes clarification on how it can be removed and rebuilt whilst maintaining his own barn. Also notes impact on outlook from 62 Church Street.

23. **64 Church Street** – Objected to the original. Concerns that the new application will increase scale moving towards a template for substantial development. Note discrepancies and omissions on the plans meaning the impact on the property could be ignored. Notes there is not enough room to keep horses without damage to orchard. Would object to muck heaps or hay storage on the boundary. Concerns that the stable will be converted in the future.
24. Further concerns regarding:
- (a) Damage to common boundaries and reduction in security;
 - (b) Loss of daylight and sunlight to 64 Church Street through increased size and proximity of development;
 - (c) Overshadowing/loss of outlook/loss of privacy from property and garden;
 - (d) Increase in noise and disturbance resulting from the use;
 - (e) Increase in smells from stables and parking affecting adjacent BBQ and child's play area in rear garden;
 - (f) Light pollution from both buildings;
 - (g) Concerns regarding hazardous waste and flammable materials;
 - (h) Continued loss of trees and hedgerow;
 - (i) Impact upon nature conservation particularly nocturnal wildlife, and
 - (j) Cumulative detrimental impact on 64 Church Street, which is listed and the Conservation Area.
25. **11 Long Lane** – Strongly object to the barn conversion (no reasons given).
26. **13 Long Lane** – Concerns regarding overlooking from west facing roof into premises and garden, unsuitable use of stables in this location due to build up of manure, size and potential for flies, and overlooking from the ground floor kitchen as the existing fence is currently failing down.

Planning Comments – Key Issues

27. The existing barns are currently serviceable but in need of repair to preserve them for the longer term. The larger barn is a significant structure, which although set behind the frontage development plays an important part in the character of this section of the Conservation Area. The land it is currently sited upon serves as part of the garden area to no. 6 Green Street, although the land furthest from the existing dwelling is currently somewhat overgrown and unkempt.
28. The principle of converting the existing barn to a separate dwelling has previously been considered to be acceptable by the grant of extant planning permission, reference S/2366/05/F. The consideration of the current application, therefore, focuses on the changes between the approved scheme and the revised proposals.
29. With regards to creating an additional dwelling to the rear of the existing dwelling the most pertinent issues relate to the amenities of the adjacent dwellings.
30. The roof height and basic form of the barns is not significantly altered from the existing barn or the approved scheme and should not significantly alter the external appearance of the site, although a slightly more domesticated appearance will be inevitable. Following pre-application discussions prior to the first application the location of the new window and door openings have been carefully considered. The new openings are in similar positions to those on the approved scheme and would not afford views into the adjoining properties and the rooflights above the proposed

bathrooms are set at such a level, when considering the internal floor level, such as to avoid any undue loss of privacy.

31. Although the revised proposal involves changes to the approved access, vehicular movements would continue to be contained within the area furthest from the neighbouring dwellings and adjacent to an existing 1.9m high brick wall and outbuilding serving the neighbouring property. The dwelling is proposed to be served by two parking spaces, despite no longer benefiting from a garage, which is compliant with the parking standards outlined in Appendix 7/1 of the Local Plan. The surface material has not been specified for the driveway and, so as to ensure that appropriate surface materials are used in order to minimise any possible disturbance, a condition is recommended below.
32. Given that the land is currently considered as in garden use, although not intensively at the present time, and that the barn structure and outbuilding exist, albeit in need of some alteration/repair, the potential is there for this land to be used in a similar nature to that proposed without any requirement for a consent/change of use. Given this, and whilst accepting that the proposal would result in the creation of a separate residential curtilage, with stabling accommodation towards the rear of the existing properties, it would not result in a significant alteration to the pattern of development in the area.
33. The issues raised regarding the proximity of the proposed stable building and the adjacent section of barn with regards to land ownership, and method of construction are not, in themselves, covered by planning legislation and so cannot be considered as material in the determination of the planning application. Furthermore, whilst it is appreciated that the proposed stable building is somewhat larger than the existing outbuilding that it is to replace, it remains a single storey structure that measures 4.2m to the ridge, which runs parallel to the adjoining boundary. Whilst the existing structure is smaller, with a ridge height of 3.4m, by virtue of the design of the structure, with its eaves (which measure 2.6m) immediately adjacent to the boundary, the bulk of this structure is mitigated and not considered to be unduly overbearing.
34. Addressing the neighbours concerns regarding the use of the land for horses and the proximity of this land to neighbouring dwellings it is worth noting that there are currently no controls in place to prevent the owners from stabling horses on the site. The application states that the existing orchard is to remain, which will limit the amount of space on the site upon which horses could exercise. The applicants have stated that it is their intention for the horses to utilise an existing all-weather surface, which makes up part of the area of land upon which the orchard is set. The applicants have verbally stated that this would not compromise the trees. Furthermore they have stated that it is their intention to graze paddocks and orchards in Willingham and Over that they have used in the past 20 years. Given that the site is within the Conservation Area, Prior Notice has to be given to the Local Planning Authority for the removal of trees exceeding 75mm diameter on the site. As such, the orchard, whilst immature, may benefit from protection which would serve to control the impact of the development on the surrounding area.

Recommendation

35. Approve (as amended by elevation drawings (00)X05A and (0-)06C franked 6th February 2007).
 1. Standard Condition A – Time limited permission (Reason A);

2. Sc5a – the materials to be used for the external walls; and materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (Rc5aii, Rc5f and to ensure that the use of the access does not result in undue disturbance to the amenities of adjoining properties).
3. Sc21 – Withdrawal of Permitted Development - Part 1 (Classes A, B, C, D, E & F) and Part 2 (Classes A & C) (Rc21a, Rc21c – consequent harm to the character and appearance of the Conservation Area and the amenities of adjoining properties).
4. A scheme of nest box and bat box provision, including full details of box type and location, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the building. The agreed scheme shall be fully implemented prior to any occupation of the building (Rc – In the interests of nature conservation).

Informatives

All species of bat should receive full protection from disturbance or harm under the UK Habitats Regulation, 1994. Should any bats be found during the works then further advice should be sought from Natural England on 01733 455101.

+ Environment Agency and Environmental Health Informatives regarding drainage and waste materials.

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - Cambridgeshire and Peterborough Structure Plan 2003:
P1/3 (Sustainable Design in Built Development)
P5/5 (Homes in Rural Areas)
P7/6 (Historic Built Environment)
 - South Cambridgeshire Local Plan 2004:
HG11 (Backland Development)
EN28 (Development within the Curtilage or Setting of a Listed Building)
EN30 (Development in Conservation Areas)
EN32 (Buildings of Merit in Conservation Areas and Controls over Permitted Development and Demolition)
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
 - Impact of the stable block on surroundings and its potential future development
 - Visual impact on the locality
 - Noise and disturbance
 - Loss of trees
 - Light pollution
 - Impact upon setting of the Conservation Area and adjacent listed buildings

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 Core Strategy 2007.
- Planning files S/2436/06/F and S/2366/05/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0035/07/F – Eltisley
Erection of 8 Affordable Dwellings at Land adjacent 46 St Neots Road
for Northern Affordable Homes Ltd**

**Recommendation: Delegated Approval/Refusal
Date for determination: 2nd March 2007**

Notes:

This Application has been reported to the Planning Committee for determination because the proposal is for affordable housing outside of the defined settlement framework.

Members will visit this site on Monday 5th March 2007.

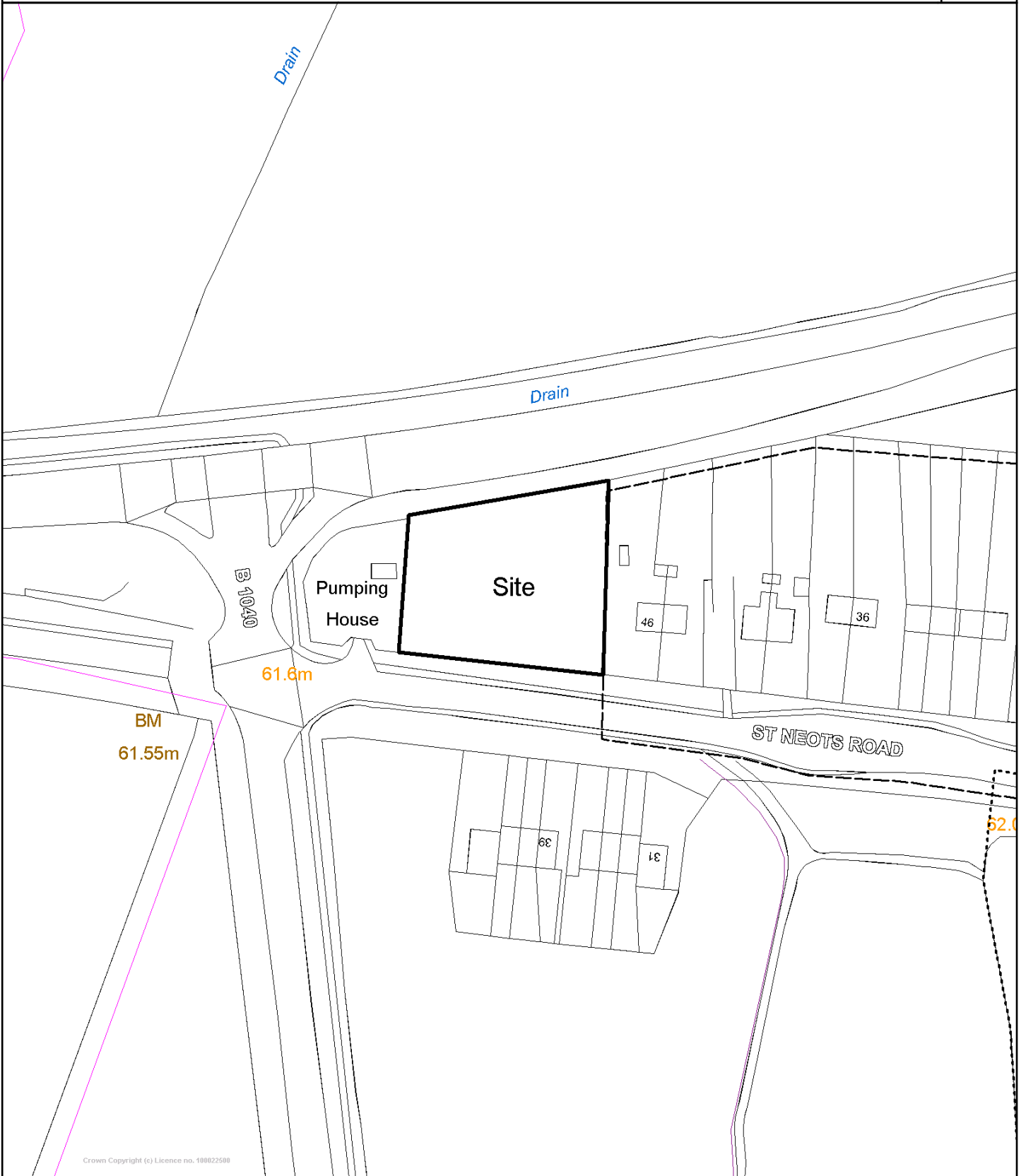
Site and Proposal

1. The application relates to a 0.18 hectares approximately site which is currently an area of green space with an overgrown hedge to the frontage that separates a sewage pumping station from the start of the built up area of the village. It lies outside but immediately adjacent to the village framework and forms the corner to the A428 and St Neots Road. The site is generally flat. To the south of the site on the opposite side of the road is a development of 8 affordable dwellings.
2. This full application, registered on the 5th January 2007 proposes the erection of 8 affordable dwellings in two terraces, one of 5 and one of 3. Half would be 2 bed with the other half 3 bed. The 3 bed dwellings would form the ends of each terrace with a larger footprint. The eaves height is approximately 4.5m and the ridge 7.1m. They are to be set back from the road approximately between 9.5 and 12m.
3. Parking for 10 cars is to be provided, including disabled parking bays, in a parking court accessed from St Neots Road with a shared access of 5m in width.
4. Existing mature planting on the northern and western boundaries is to be retained.

Planning History

5. In April 2006 Northern Affordable Homes Ltd applied for permission to erect 8 affordable dwellings on the site. The proposal was to provide 100% shared equity properties which conflicted with the Council's Housing Needs Survey that showed that the need was predominantly for rented accommodation. There were also issues with regard to concerns of smell from the adjacent sewage works and the position of the dwellings on the plots. The application was not refused as Northern Affordable Homes suggested the tenure and other issues could be resolved. It was suggested that the whole site could be transferred to a Registered Social Landlord (RSL) and some work was to be done on resolving these issues. During this process the

S/0035/07/F



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applicant appealed against non-determination of the application. The appeal is ongoing.

6. In 1987 planning permission was refused for 4 houses on the site and subsequently dismissed at appeal in 1988.

Planning Policy

7. Structure Plan 2003 **Policy P1/3** relates to sustainable design in built development and requires a high standard of design for all new development which responds to the local character of the built environment.
8. Local Plan 2004 **Policy HG8** states that, as an exception to the normal operation of the policies of the Local Plan, planning permission may be granted for schemes of 100% affordable housing designed to meet identified local housing needs on sites within or adjoining villages. The policy states that the following criteria will all have to be met:-
 - (a) The development proposal includes secure arrangements for ensuring that all the dwellings within the scheme provide affordable housing in perpetuity for those in 'housing need' as defined in policy HG7.
 - (b) The number, size, design, mix and tenure of the dwellings are all confined to, and appropriate to, the strict extent of the identified local need.
 - (c) The site of the proposal is well related to the built-up area of the settlement and the scale of the scheme is appropriate to the size and character of the village.
 - (d) The development does not damage the character of the village or the rural landscape.

It also states that development under this policy must also: be limited to units of types and sizes required to provide accommodation for those revealed to be in 'housing need' by an up-to-date survey; be occupied only by qualifying persons, subject to cascade provisions; and be secured in perpetuity as to the above provisions (or any agreed departure from them) by planning obligation under Section 106 of the Town and Country Planning Act 1990 or an alternative form of equally effective provision.

9. Local Plan 2004 **Policy EN3** states that, in those cases where new development is permitted in the countryside, the Council will require that (a) the scale, design and layout of the scheme (b) the materials used within it, and (c) the landscaping works are all appropriate to the particular 'Landscape Character Area', and reinforce local distinctiveness wherever possible.
10. Local Plan **Policy EN12** states that the Council will, wherever possible, seek to retain features and habitat types of nature conservation value where these occur on sites not specifically identified in the plan. Planning permission will only be permitted where the reasons for development clearly outweigh the need to retain the feature or habitat type and in such cases developers will be expected to provide appropriate mitigation measures.

Appropriate management of features and habitat types will be sought by the imposition of conditions, by the use of planning obligations, and by concluding management agreements with landowners and developers."

Consultations

11. **Eltisley Parish Council** comments are awaited.
12. **Housing Development Officer** comments are awaited.
13. **Chief Environmental Health Officer** comments:

"I have concerns about locating residential properties so close to the pumping station that I understand is operated by Anglian Water. I am concerned for the potential for odour complaints from the pumping station. I am trying to find out more information about the facility and I shall communicate this to you once I have received it. Since it is not possible to recommend any conditions to control any likely odour from the pumping station, I would not be confident in supporting an application for development so close to this facility.

Given the proximity of the proposed site to the A 428 I would also recommend that if the application is successful that the following condition be applied to any consent granted:

Sc29 Before any development is commenced, a scheme for protecting the proposed dwellings from noise from the road shall be submitted to and approved in writing by the local Planning Authority and all works which form part of the approved scheme shall be completed before any one of the permitted dwelling is occupied.

Any scheme submitted should indicate how it is proposed to protect potential occupiers of the development from the effects of noise from the A428 and how the effects could be mitigated e.g. orientation of the property, location of bedrooms and habitable rooms and acoustic fencing. It is recommended that the applicant submit a scheme that would satisfy the attached condition that should be applied to any consent granted.

I will contact you once I have received more information regarding the pumping station".

14. **Environment Operations Manager** comments are awaited
15. **Local Highway Authority** has no objection in principle.

"The plan should be amended to indicate the access as comprising a standard access crossing of the existing footway. There must be no upstand radius kerbing."
16. **Environment Agency** comments are awaited.
17. **Anglian Water** comments are awaited.
18. **County Archaeology** states that it is likely that important archaeological remains survive in the area and that these would be severely damaged or destroyed by the proposed development and recommends that any permission is subject to a condition requiring a programme of archaeological investigation.
19. **Cambs Fire & Rescue Service** comments are awaited.

20. An **Affordable Housing Panel** met on 19th February 2007. No support was given or objection made. However, it was felt that there are issues of concern that remain to be resolved. These include: the living conditions of the future occupiers in relation to noise from the surrounding roads and smell from an adjacent sewage pumping station; highway safety in relation to the proximity of the access to the corner of the road; the evidence of flooding and the unknown methods of drainage for the site; and the affordable housing control measures of a scheme that is submitted by a private company.
21. **Police Architectural Liaison Officer** recommends that the existing overgrown hedge should be removed and replaced with low level boundary treatment or planting not capable of exceeding 0.9m in height to keep the frontages open to enhance levels of natural surveillance both from and over the main entrances. If the existing hedge is to be retained then it should be reduced to the same height or lower and maintained on a regular basis so that a height of 0.9m is not exceeded.

The parking court should be lit.

22. The purpose of the open space on either side of the parking court is not clear. This will increase the vulnerability of parked vehicles and the rear of dwellings to crime. Security could be enhanced by increasing the rear gardens.

22. **Ecology Officer**

“I wish to make a holding objection to this current application.

I had previously been asked to make a brief visit to the site and am aware that it contains an interesting array of plants including common spotted orchids, cowslips, rushes, meadowsweet. These species indicate a grassland community of at least district interest. Any application should be accompanied by an ecological assessment so that any forthcoming layouts can be guided to conserve interesting areas. Policy EN12 nature conservation: unidentified sites is relevant.

The scrub, fruit tree and hedgerows within the site are likely to be locally important for nesting birds.

Small sites such as this should be conserved where there are alternative sites for development (PPS9 key principle iv)

Furthermore, this parcel of land has excellent potential to be an informal wildlife area as it contains a really interesting compact mix of habitats.

I look forward to hearing people's views on the application.”

Representations

23. Two letters of support have been received from the occupiers of 18 Abbotsley Road, Croxton.

“I have lived in Croxton for 23 years and my grandfather’s family have lived here for 400 years but it is impossible for me to buy in this area despite being in full time employment. I am currently living with my parents in Abbotsley Road Croxton....We do not have the option of renting in Croxton or the surrounding villages as we are unable to find any properties for rent. I have grown up here and lived here for most of my life, and wish to continue living in the area, and this seems to be the only way in

which that dream can become reality. Please support the application as young people such as myself and others need the help and support of yourself in order to build a future.”

24. Two letters of objection have been received from the occupiers of No. 46 St Neots Road dated 11th February 2007.

“I would like to emphasise the continuing and serious problem of surface water and flooding that this site is subject to. As an example, on 25th and 26th January 2007 following a period of continual rain, the site in question flooded and the adjacent sewage pumping station was inundated by water to a depth of one foot. In consequence Anglia Water were compelled to pump the floodwater into tankers so that the sewage station could function. This has also been the case in the last few days.”

The site is outside the designated village envelope.

The proposed access to the development is too close to the junction of St Neots Road with the B1040 to be safe.

“This land is prone to flooding [photographic evidence supplied] and has done so on numerous occasions over the 40 years I have lived here. As Eltisley is on a band of very heavy clay, I am sure you are aware that soakaways are ineffective ...the majority of the site will be covered either by houses or by hard standing which in my opinion will exacerbate the flooding.”

“This plot of land contains an abundance of wild orchids. I hope that you can arrange for an ecological expert from your staff to inspect the site.”

Planning Comments – Key Issues

25. The main issues in relation to this application are: whether there is an identified need for the number and mix of affordable dwellings proposed; the impact on the character and appearance of the area; highway matters; and impact on neighbours.

Need

26. The Council’s Housing Development Officer confirms that there is a need for the number and mix of dwellings proposed.
27. The applicant is a private company that has expressed that the site would be transferred to a RSL. This cannot be controlled through the planning process but the S106 requirements to grant the Council nomination rights and to ensure the dwellings remain affordable and are occupied by qualifying persons together with other standard measures of control would ensure that the site would accord with affordable housing policies of the Development Plan. I consider that should the site continue to remain in the ownership of the applicants that the controls of the S106 will allay any fears for the future of these dwellings as affordable.
28. At the time of writing I am aware that the applicant has approached a number of RSLs and interest has been expressed from nearly all.

Visual impact

29. The appeal Inspector, in 1988 stated: "...the proposed houses would extend a ribbon of older houses along the north side of St Neots Road which is prominently intrusive upon the surrounding countryside to the west of the village. I accept that the 2 roads provide firm limits to any development but they do not form a visual barrier between the site and open land to the north and the south. The pumping station does not, in my opinion, establish a visual boundary to the village. It is really quite diminutive in comparison to a house and I should probably have passed it by without a glance had I not been seeking the site. By contrast, the large hedge and the trees along the western boundary of the existing development appear as a natural and logical limit to the village at this point. It seems to me that it would be wrong in principle to permit development which is seriously intrusive and otherwise unacceptable merely because it does no more than to extend an exiting line of houses. Indeed, I am forced to the conclusion that the proposals would visually exaggerate the ribbon of development and have a disproportionate impact upon the rural scene."
30. This appeal decision of nearly 30 years ago was considering market housing. Affordable housing on exception sites will often result in some visual compromise in order to achieve the objective of enabling affordable housing. There is clearly a balance to be made. In my opinion the need for affordable housing outweighs this Inspector's concerns and I consider that the new houses would appear as a logical extension of the village. I am also mindful that since this decision, in December 1991, permission was granted for affordable housing that has been erected on a site opposite the application site under the exception policy.
31. Through negotiations on the original scheme officers suggested that the properties be set back from their original position to better assimilate them into the street scene. I am disappointed that the applicants have not set them back further (the plans show the original positioning) but I understand the desirability of allowing sufficient space to the A428 to retain planting whilst still providing a reasonable amount of garden area for each dwelling. On balance I do not consider they will harm the visual quality of the street scene.
32. The design is simple and in keeping with surrounding dwellings. The applicant's state: "The design is simple and clean without the unnecessary adornments of many modern housing projects. Northern Affordable Homes has developed a good track record in affordable housing. Their scheme at Kirkby Lonsdale was held up as an example of good design and best practice in Creating a Sense of Space: A Design Guide produced by BITC, HRH The Prince of Wales' Affordable Rural Housing Initiative and The Prince's Foundation for the Built Environment."

Highway Safety

33. With regard to highway safety I note the comments of the Local Highways Authority. I do not therefore consider there is a highway safety concern.

Neighbour amenity

34. The only property that the dwellings adjoin is No. 46. This is sufficiently distant from it so as not to result in any overbearing impact, loss of light or privacy. There is a single small bathroom window in the elevation facing No. 46. There is scope for additional planting to help soften the development further from No. 46. I note that the occupiers of this property have not raised any amenity concerns.

35. With regard to the amenity of the future occupiers I consider there are issues in relation to road traffic noise but these can be resolved through appropriate measures that can be secured by condition if Members are minded to grant planning permission. I note the comments of the Chief Environmental Health Officer in this regard.
36. Of greater concern is the sewage pumping station. There is local evidence that this emits unpleasant odours although to date no formal complaints have been received by the Council. The applicant has stated that this is only due to poor maintenance. It is understood that it is incumbent upon Anglian Water to maintain this pump and in that regard I consider that planning permission should only be granted if repairs and future maintenance can be assured. I note the comments of the Chief Environmental Health Officer and would suggest that this would be for the applicant to negotiate with Anglian Water to the satisfaction of the Council and in that regard I am recommending delegated approval/refusal.
37. The situation may be that any complaints received from future occupiers would *require* Anglian Water to undertake repairs/maintenance under separate legislation. If this is the case I consider that planning permission should not be refused for the proximity to the pump. More information is required in this regard and I await further comments from the Chief Environmental Health Officer following his discussions with Anglian Water. Members will be updated at the meeting.

Flooding and Drainage

38. The comments of the Environment Agency are awaited, however, I would anticipate that it should be possible to find a technical solution to the problem of flooding and drainage.

Other issues

39. External access to all rear gardens allows for bin storage.

Car parking and access

40. The Council's car parking standards require an average of 1.5 spaces per dwelling = 12 and a maximum of 2 per 3 or more bedrooms in poorly accessible areas = 14 (4 of the dwellings are 3 bed). The proposed parking provision is 10 spaces. As this scheme is for affordable dwellings I do not consider it necessary to require the maximum standard. I consider that 10 spaces are sufficient and I note that the Local Highway Authority is not objecting to the proposal.
41. The alterations to the access required by the Local Highways Authority can be controlled by condition on any permission granted.

Ecology

42. I note the comments of the occupiers of No. 46 and those of the Ecology Officer. An ecological assessment has been requested from the applicants.

Recommendation

43. Delegated approval/refusal subject to the applicants demonstrating that effective repairs and maintenance of the sewage treatment pump can be secured, the submission and consideration of an ecological assessment, comments of the

Environment Agency, Etlisley Parish Council, the Environment Operations Manager, Housing Development Officer, Chief Environmental Health Officer, Anglian Water and Cambridgeshire Fire and Rescue Service. Recommended conditions in the event that subject to the above matters, I can recommend approval.

1. Standard Time Condition A – Time limited permission (RCA).
2. No development shall begin until a scheme for the provision of 8 affordable houses has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
 - (a) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
 - (b) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.(RC - To ensure provision of affordable housing in accordance with the requirements of Policies HG7 and HG8 of the South Cambridgeshire Local Plan 2004; the proposal would otherwise be contrary to the Development Plan).
3. SC5a and f – Details of materials for external walls, roofs and hard surfaced materials (RC5aii).
4. SC51 – Landscaping (RC51).
5. SC52 – Implementation of Landscaping (RC52).
6. SC66 (the application site) – Archaeological Investigation (RC66).
7. SC5b and c – Details of surface and foul water drainage (RC5b and c).
8. During the construction period, SC26 (0800, 0800, 1800, 1300) (RC26). No windows or openings of any kind shall be inserted at first floor level in the east elevation of the dwelling on plot 8 unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf (RC To protect the privacy of the occupiers of the adjacent dwelling No. 46).

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:**
HG8 (Exceptions Policy For Affordable Housing)
EN3 (Landscaping and Design Standards for New Development in the Countryside)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: highway matters; drainage; archaeology; and ecology.

Informatives

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

During 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.

In order to comply with condition 2 it will be necessary to complete a S.106 Agreement under the Town and Country Planning Act 1990 with the Council.

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/0035/07/F, S/0703/06/F and S/2432/86/O

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Telephone: (01954) 713165

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/1371/92/O - CAMBOURNE
Housing Phasing Schedule Revision****Recommendation: Delegated Approval**

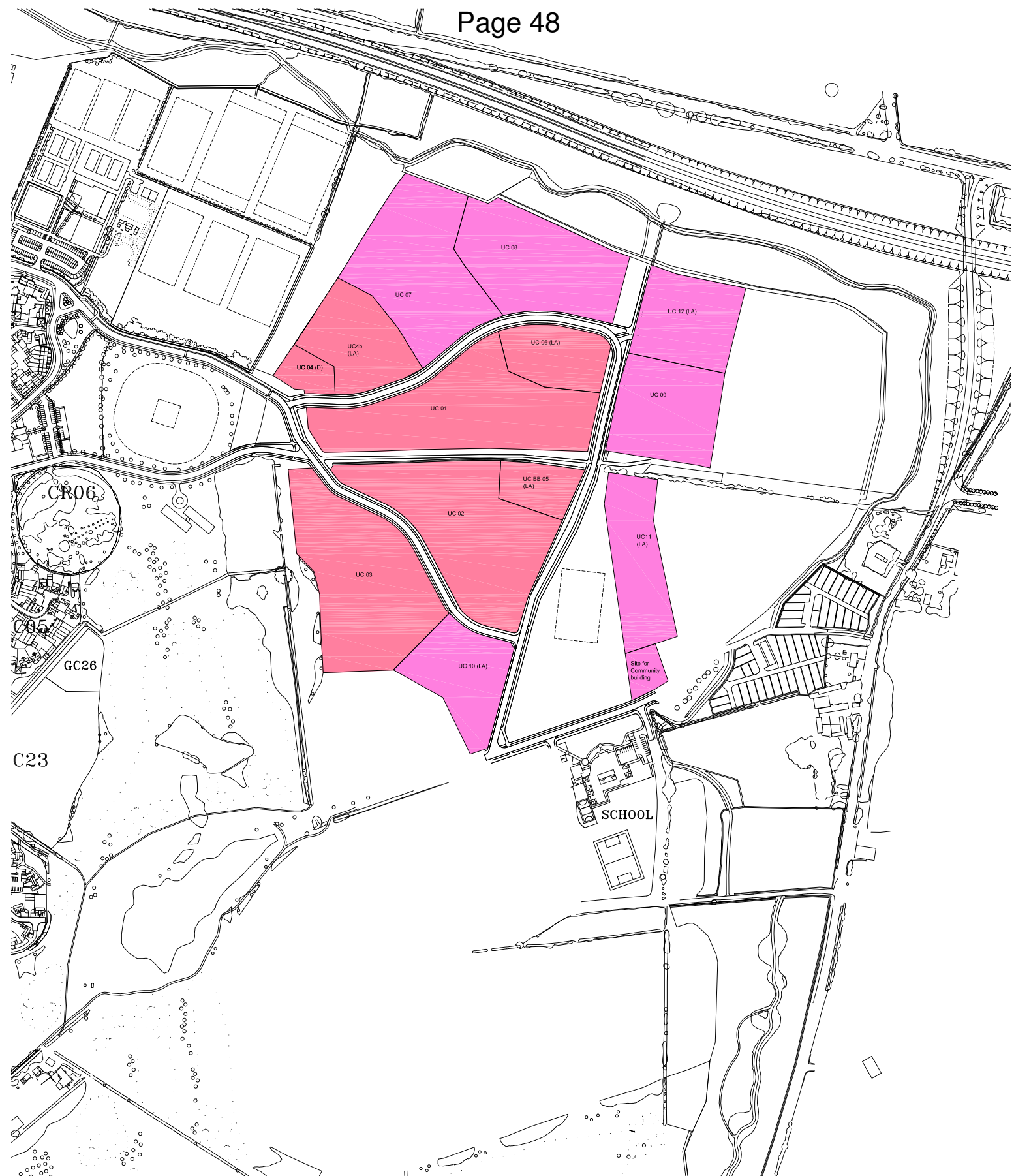
This matter has been reported to the Planning Committee for determination because the housing/phasing schedule is part of the master plan for Cambourne, in accordance with Condition 2 of the Outline planning permission S/1371/92/O and there are no delegated powers to approve it.

Purpose







1. To approve an amendment, in relation to Phases 6 and 7, to the Cambourne Master Phasing Plan, part of the overall Masterplan, which sets out a Housing Schedule as a guide to the number of dwellings to be constructed on each parcel.

Background

2. The Housing Phasing Schedule ("the Schedule") has been prepared by the Cambourne Developers' masterplanners, Randall Thorp, for the purpose of guiding housing development in Upper Cambourne towards the achievement of the 3,300 dwellings for which Outline planning permission was granted in 1994. The Schedule continues the preparatory briefing work which was reported to Planning Committee on 6th December 2006 (Agenda Item 26 Cambourne Phase 6 Upper Cambourne Development Briefing Document). In order to demonstrate that the number and densities proposed for the first two phases of Upper Cambourne can comply with the extant Outline permission, whilst not prejudicing progress towards achieving the Local Development Framework (LDF) objectives, the Phasing Plan clusters the development around the Village Green, school and Phase 6 spine roads for which permission has already been granted.
3. The Schedule also shows which land parcels will be developed by the Cambourne Developers and which by Registered Social Landlords (RSLs) for affordable housing to achieve the amount required by the Outline permission. The Outline planning permission Section 106 agreement (s106) requires the tranches of RSL land not to exceed 3 acres (1.21 hectares). One of the proposed Phase 6 RSL parcels would be 3.21 acres. However the RSLs do not have any objection to this. It does not breach the purposed of the of the s.106 which is to achieve functional and visual interaction of social housing into the fabric of the village.
4. The Housing Phasing Schedule shows Phase 6 developed at densities ranging from 32 to 46 dwellings per hectare, to meet the Cambourne Design Guide concept of villages with higher densities at their centres and in proximity to the Settlement Centre, with lower density character at their outer margins. Phase 7 would have medium densities of 30 to 33 dwellings per hectare, as illustrated on the contextual drawings in the Phase 6 Briefing Document.



Key

	Development Cells
	Phase 6
	Phase 7
	Phase 8
	Phase 9
	Phase 10
	Phase 11

NORTH



CAMBOURNE

UC 3300

Development Phasing

Scale: NTS Date: 14.11.06

Drawn By: DL Checked By: DRAFT

Drawing Nr: 85UK 10 r A



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5. To illustrate the way in which the remainder of the land in Upper Cambourne could be built out if a new application in line with the LDF policies were successful, background information has been submitted in support of the Housing Phasing Schedule. This shows a range of densities, thinning out to 26 dwellings per hectare on the southern margins of the Upper Cambourne developable area. Whilst the detail of this illustrative material is dependant on the outcome of the LDF Development Control policies, particularly in relation to affordable housing and housing size mix, the phasing and quantum of development illustrated offers assurance that a viable, well designed village is not prejudiced by the Phase 6 and 7 Housing Phasing Schedule.

Planning Policies

6. **Local Development Framework Core Strategy adopted January 2007** – sets the scene within the context of the Community Strategy aims of active, safe and healthy communities, building successful new communities, good access to services, quality homes for all, and a high quality environment. The Strategy **Objectives** include:
 - i To provide an adequate and continuous supply of land for housing and employment, to meet strategic requirements, in suitable locations,
 - ii To locate development where access to day-to-day needs for employment, shopping, education, recreation, and other services is available by public transport, walking and cycling thus reducing the need to travel, particularly by private car, and
 - iii. To ensure development addresses sustainability issues, including climate change mitigation and adaptation issues, maximising recycling and reuse of resources, and reduce waste and pollution.
7. Cambourne is identified in **Policy ST/4 Rural Centres** as a rural centre where “development and redevelopment without any limit on individual scheme size will be permitted within the village frameworks provided that adequate services, facilities and infrastructure are available or can be made available as a result of the development.”
8. **South Cambridgeshire Local Plan 2004 (Local Plan):**
Cambourne 1 – Development in accordance with Cambourne Masterplan
Cambourne 2 – Development in accordance with Cambourne Design Guide
9. **SE2** – Rural Growth Settlements – Development should provide an appropriate mix of dwellings in terms of size, type and affordability and should achieve a minimum density of 30 dph unless there are strong design grounds for not doing so.
10. **SE7** – Development in accordance with Cambourne Masterplan and Design Guide.
11. The approved **Cambourne Master Plan** identifies this area for housing.
12. The **Cambourne Design Guide** describes the character of Upper Cambourne as the quietest and most secluded of the villages being “self-contained at the end of the village road with no further connection except for buses.”The Design Guide emphasis is on the rural character, both in materials used and the structural landscape framework and spacious layout.

Consultation

13. **Cambourne Parish Council** – reply awaited.

14. **Registered Social Landlords** – No objection.

Conclusion/Summary

15. The Schedule presents an acceptable transition scenario between the extant Cambourne planning permission for 3,300 dwellings, and the potential for growth and more efficient use of land required by the Council's adopted Core Strategy in accordance with government guidance on higher density housing development. The Schedule achieves a total 3,300 dwellings in the area centred on the village green, school and spine road to the settlement centre. The proposal therefore does not prejudice further development of Upper Cambourne as may eventually be proposed in accordance with the LDF.

Recommendation

16. Delegated powers be given for Approval in relation to Phases 6 and 7, subject to reconciliation of the RSL land parcel sizes and Parish Council consultation.

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

- S/1371/92/O Cambourne Outline planning permission and Section 106 agreement
- South Cambridgeshire Local Plan 2004
- Local Development Framework Core Strategy adopted January 2007
- Cambourne Master Plan Report
- Cambourne Design Guide

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/6379/06/F - CAMBOURNE**82 Bedroom Care Home, Coffee Shop, 3 Retail Units and Associated Parking and Access at Corner of Monkfield Lane and High Street, Great Cambourne - for Danescroft (Healthcare) Ltd and McA Developments Ltd**
Recommendation: Approval**Date for Determination: 23rd March 2007****Notes:**

This Application has been reported to the Planning Committee for determination because objections have been received from the Parish Council and local residents.

Site and Proposal

1. This 0.44ha site lies on the corner of the High Street with Monkfield Lane, opposite the pub to the east, and Morrisons across the road. To the west is the veterinary surgery and day nursery beyond. To the rear (south) is established residential development. The site is flat and has no distinguishing features.
2. The application, received on 22nd November 2006 and amended on 22nd December and 8th and 9th January, proposes an 82-bed care home on three floors. 10 of the bedrooms would be for staff and visitors. Part of the ground floor would be commercial: 3 retail units and one coffee shop, in order to maintain an active frontage to the High Street. Vehicular access would be gained from Monkfield Lane, leading to a car park and service provision at the rear of the building.
3. A Design and Access Statement has been submitted explaining the rationale behind the design of the building in the context of the larger buildings known as W1 and W2 in the vicinity, completing the Market Square and providing a prominent visual stop at the end of Broad Street, as required by the Cambourne Design Guide. As with the adjacent vets, the care home is proposed to have entrances at both front and rear, it being acknowledged that visitors and residents will arrive by car/ambulance.

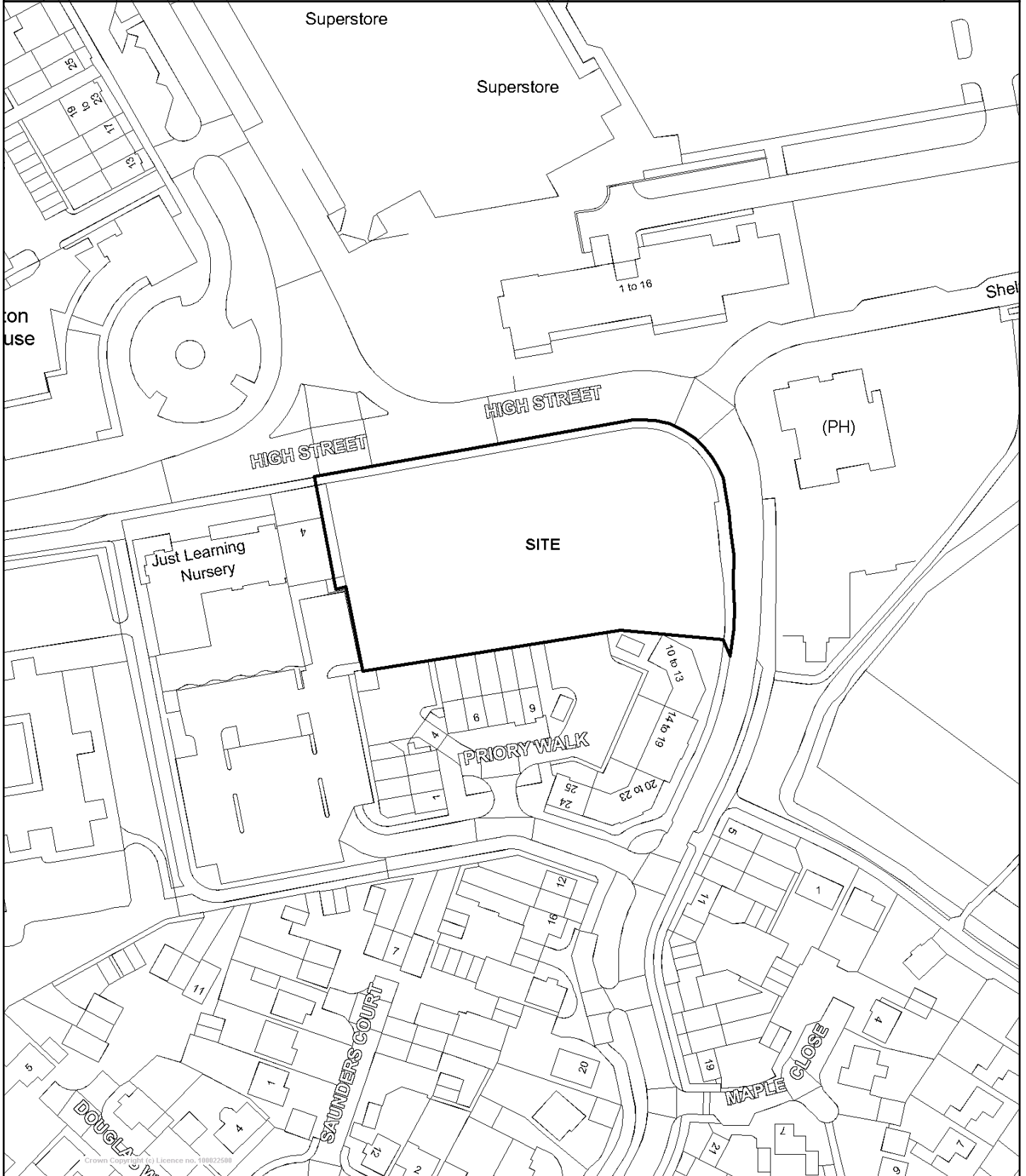
Planning History

4. Outline planning permission granted for Cambourne in 1994, did not include Care Home in the description, hence this full application.

Planning Policy

5. South Cambridgeshire Local Plan 2004:
Cambourne 1 – Development in accordance with Cambourne Masterplan
Cambourne 2 – Development in accordance with Cambourne Design Guide
SE7 – Development in accordance with Cambourne Masterplan and Design Guide
SH4 – Retailing in Cambourne – development to include provision of shopping centre

S/6379/06/F



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Scale 1/1250 Date 26/2/2007

Centre = 532014 E 259489 N

Planning Committee March 2007

TP1 deals with planning for sustainable travel
ES2 and ES3 set principles for streetlights and external lighting within sites
EN5 requires the landscaping of new developments
EN44 encourages energy efficiency and energy and water conservation.

Consultations

6. **Cambourne Parish Council** Original plans: recommends refusal on the grounds of
- a) Contractors / sub-contractors non-compliance with working practices in Cambourne;
 - b) Inappropriate location for such a facility, particularly as it is opposite a potentially noisy pub;
 - c) Insufficient garden space for residents / visitors;
 - d) Lack of adequate landscaping scheme, inadequate screening of adjoining properties;
 - e) Insufficient parking;
 - f) No bin storage provision;
 - g) Non-compliance with biodiversity policy – no bat or bird boxes;
 - h) Concern about the access in close proximity to a bend and the public house access;
 - i) Concern over the concentration of accommodation for the elderly in one area of Cambourne.

Amended Plans – amendment noted but the Committee adheres to its original recommendation.

7. **Police Architectural Liaison Officer** - Original Plans: While the ability to over look the car park from the reception office, together with its regular use throughout the day, will reduce the crime threat, there are likely to be much reduced levels of natural surveillance during the evenings and nights. It might be difficult to achieve appropriate access control at the main car park entrance other than during the late night / early morning periods. The car park should be provided with lighting by means of column mounted white downlighters, which should also be compatible with any other proposed security measures such as CCTV. In terms of the safety of ground floor residents, room 10 has doors leading out onto a planted area forming a buffer between the building and the car park, this should be provided with a suitable barrier to make clear that space immediately outside a bedroom window is semi-private realm, and the planting should be extended to include the area outside bedroom 8 as well. Bedrooms 1-7 have windows adjacent to the pavement with no area of defensible space, and this should be provided, preferably with a physical barrier. Over time the building will be in the centre of a town with late night attractions. It might be appropriate to remove recesses associated with the shops from the building frontage which might attract unsavoury behaviour. Internally, the security of the residential accommodation should not be compromised by the internal access to the retail units, there should be adequate internal access control.
8. **Highway Authority** - Original Plans: The footway crossing should be constructed as a heavy duty crossing. The neighbouring fence obstructs a 2.4 x 45m visibility splay to the right.
9. Amended plans: It is possible for drivers exiting the proposed site to see 45m to the right from a point 2.4m back from the give way line, although the view is through railings. The angle of sight and the slender rails allow an acceptably safe view, so I will accept the access in its proposed position, as the visibility is reasonable, I therefore withdraw my objection.

10. **Environment Agency** - No comment, standing advice only.
11. **SCDC Conservation Manager** - Original plans: This development is in a sensitive site in the centre of Cambourne, where it needs to perform some significant streetscape functions. These include:
 - a) Providing a degree of enclosure to the street of a similar scale to the shops opposite, and enclosure to the square outside Morrisons.
 - b) Providing a visual terminus to the vista down 'Broad Street' (where the master plan identified a 'Guild Hall' building).
 - c) Form a positive corner opposite the public house, where the High Street adjoins Monkfield Lane.
12. The design involves a substantial 3 storey structure which incorporates significant architectural features at key points, to provide articulation of the elevation and fulfill the townscape functions identified above. It is perhaps unfortunate that this results in the building 'looming' over the veterinary surgery, but this maybe a reflection that the veterinary surgery is too small a scale for a town centre site. Certainly the care home should not be reduced in scale, for to do so would weaken its ability to fulfill the streetscape roles outlined above. The only modification I would suggest to the design is relatively modest, but would, I believe, provide two significant benefits. The modification is to the height of the main roof elements. These roofs have roofs at approx 35 degree pitches, with a flat roof element on top (due to the depth of the building. The change I would like to see would be to reduce the height of these roofs down to the level of the ridge on the element at the extreme west end of the site (adjacent to the veterinary surgery - see marked up elevations). This would produce a simpler, and more elegant roofline in the view down Broad Street and would also lower the ridge lines in relation to the 'rotunda' roof - which needs to be a dominant element in order to fulfill its role in forming the corner. More emphasis might be given to the rotunda roof if a lead covered ball and spike was to be added to its apex. Note, I would not wish to see the pitch of the main roofs lowered, since this would have a detrimental impact on the street enclosure.
13. Amended plans: revised elevations have incorporated the changes I requested and greatly improve the overall composition. I am happy to support this revised proposal.
14. **SCDC Ecology Officer** - No provision has been made for biodiversity. A scheme of nest boxes should be required, to include measures for swifts and house-sparrows. The west elevation appears relatively bare and could incorporate a range of bird boxes built in, together with climbing plants for screening.
15. **SCDC Trees and Landscapes Officer** - Original Plans: More detail of planting and surface treatments needed. Access through planting to (fire?) doors in bedroom 10 needed. Planting needed along the wall separating the residents' garden from the car park.
16. **SCDC Chief Environmental Health Officer** - Requires condition limiting hours of construction working to prevent noise nuisance to nearby occupiers.
17. **SCDC Environment Operations Manager** - Original plans: bin storage details requested.

Representations

13. We are worried that the care home will be taller than our house and therefore be very intrusive, especially when out in our garden or in our back bedroom. It seems a

strange place to put a care home right on the main road as in the summer we cannot have a our back window open during the night because of the amount of noise created by cars and people staying out late. Surely it should be situated in a quieter residential area. Cambourne is getting increasingly crammed and the thought of having a large building at the bottom of our garden is not very appealing.

14. I am greatly saddened to see that yet again the developers are changing their minds from what was originally proposed for the site. May I therefore voice my objections to yet another care home / sheltered accommodation being placed on the High Street. The location next to the Monkfield Arms is not ideal as both noise and high spirits will no doubt in the future cause problems. May I also ask why, when we have been promised a High Street full of shops, that we are now seemingly getting a High Street of housing for the elderly – we have 2 large building next to the Hub and the library. While I appreciate that being situated in the heart of the village and next to all the facilities would be very convenient for the residents, surely the land should be used to build shops and amenities that we can all use, as we were promised. There are plenty of areas in and around Great Cambourne that would be better suited to such a building.
15. From the vets surgery next door, expressing concern over the poor provision of parking. With 72 care rooms and 10 staff/visitor rooms, and a staffing level of 70 FTE staff, plus visiting families and healthcare professionals, the provision of 25 parking spaces seems to be quite inadequate. We are concerned that there will be over spilling into car parks at the adjacent school or supermarket, and once these are full it is likely that cars will be left in our client car park. We already experience problems at school pick up and drop off times with parents parking in our surgery car park and this situation will be made worse. In view of these concerns I would ask SCDC to look closely at the provision of car parking for the proposed development.
16. **Applicants' response to consultations** - Security is obviously of concern so the final design will include both passive an active security measures. We are happy to consider the PALO's recommendations about entry control and lighting, but would ask that these be dealt with by condition. In terms of the rear bedrooms 8-12, we will ensure that the external works design creates a semi-private realm as recommended. Regarding the front bedrooms 1-7 a 1m wide margin across the building frontage will remain in the developers' ownership and will be used to create a defensible space through a combination of surface materials, planting and/or railings. The recessed retail frontages will not be removed as they area an integral part of the design theme carried across from the existing commercial buildings nearby to maintain the established urban design pattern, and in any case the combination of isolated columns, shopfront lighting and overhead lighting within the arcaded frontage would minimise risk. The internal security will be addressed as part of the detailed design and specification process in due course and the coffee shop will remain in the ownership and control of the care home operator. We note the highway authority comments and will comply with the requirements.
17. The busiest time will be between 10am and 4.30pm when up to 39 staff would be expected to be on duty, of which 10 would be senior management and nursing staff, with the remainder consisting of carers, kitchen, domestic and other support staff. We have amended our drawings to show bin storage proposals for the care home and retail units in more detail, together with refuse vehicle turning. I am happy to incorporate the elevational changes and the drawings are revised accordingly.

Planning Comments – Key Issues

Principle

18. The principle of a care home in this location is acceptable. The site is described in the Cambourne Design Guide as an “Exchange Building” and the “Library”, providing a strong visual focus at the end of Broad Street. The Design Guide relates only to design issues and does not dictate the use of such buildings. The use is acceptable and appropriate for this location. Comments about the oversupply of sheltered and nursing accommodation for the elderly are noted, but the supply is driven by demand. It is just unfortunate that these uses are arriving in the settlement centre ahead of the majority of shops. In time, the centre will perform its intended function as a street of shops, facilities and services and this proposal will not conflict with that. Indeed it will bring forward 3 shops and a coffee shop that will contribute to the active frontage of this end of the High Street.

Design

19. The design follows the requirements of the design guide which requires “*an architectural composition of street front mixed retail and small commercial, back of pavement edge, 2 to 2½ storey facades, incorporating the Exchange, a formal classical 3 storey façade. The library is a single storey building with a 2 storey façade marking the road turning on the corner of the High Street. It is one of a sequence of public buildings.*” The building successfully provides a stronger element on the actual Exchange site, so that this is the most prominent “building” within the parts that make up the overall building. The entrance is also made prominent but less so. These two articulated parts of the building help to visually break up the length of the façade. The corner of the High Street and Monkfield Lane is marked by a rotunda which forms a hinge to the two wings of the building. The design has been amended to provide more articulation between elements. The heights are greater than anticipated in the design guide but are required to match the existing W1 (Caxton House), W2 building, and Morrisons in order to provide as strong enclosure to the market square as possible.

Amenity

20. The site lies to the north of neighbouring residential properties, so will not cause overshadowing. The building would be 25m from the rear boundary of the site, and the back-to-back distance with the nearest dwellings’ windows would be 35m. This is sufficient to avoid undue overlooking. The issue of noise impact on occupiers has been raised, but the care home operator apparently prefers a relatively lively location where residents can watch activity in the street. Obviously, Building Regulations would ensure sufficient insulation against sound at night. The size of the garden has also been raised as a concern by the Parish Council, but as this is a care home, rather than sheltered flats as elsewhere in Cambourne, the residents are very frail, many with long-term medical conditions, and would merely sit in the garden for short periods of time.

Access and Parking

21. The access is the most appropriate in terms of location, and early concerns of the highway authority have been allayed. Nevertheless the highway authority will carry out appropriate speed surveys when the road is put forward for adoption by the developers Consortium, and if found necessary, the railings in front of the adjacent building, which is owned by a member of the Consortium because it is affordable housing, can be re-aligned. 24 parking spaces are provided on site, along with cycle parking for staff. The Council’s standard for care homes is one space per residential (sleepover) staff and one per 3 bed spaces. 72 of the rooms are for residents, requiring 24 spaces as provided. The other 10 bedrooms are used on a casual basis for residents’ overnight guests and late or early working staff. The operator has

confirmed that on average 5 of these bedrooms would be occupied each night. It is considered that as there are fewer staff in the building at night, the parking need of the non-resident bedrooms would be at a time of lower car park occupancy. The shops and coffee shop also attract a parking requirement, which would be 34 spaces, although it can be assumed that customers would park in the settlement centre public car parks (rear of the vets/school, rear of Morrisons) which have been specifically provided for the purpose of parking for visitors to shops in the town centre. Nevertheless there is still a shortfall on site and that it why it is necessary to implement a Travel for Work Plan. The applicant is willing to accept a condition requiring a Travel for Work plan and has already indicated that a minibus will be employed to transport shift staff to and from nearby villages. This will address the reality of 39 staff being on site at the busiest times, and will also be required to include staff of the retail and coffee shops units.

Refuse Collection

22. The plans have been amended to show bin storage areas more appropriately located adjacent to the kitchen and in the service yard associated with the retail and coffee shop units. This clarifies that bins will not be stored near to neighbouring residential properties.

Landscaping and External Works

23. A more detailed landscaping scheme has been submitted with the amended plans, setting out the principle of landscaping which go some way to addressing the concerns raised by consultees. A condition can be added to require a fully detailed scheme, and conditions are also required for the submission of hard surfacing details, ecological enhancements and lighting.

Sustainability

24. This issue has not been addressed in the application, but a care home will have a high demand for energy, especially for heating, hot water and laundering. It is recommended that a condition be added to agree a scheme of energy and water conservation and the use of renewable energy.

Recommendation

25. Approve, as amended by plans stamped 22nd December 2006 and 8th and 9th January 2007, subject to the following conditions:
1. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping.** (Reason – Insufficient information was submitted with the application, and to enhance the quality of the development and to assimilate it within the area in the interest of visual amenity in accordance with policies EN5 and CAMBOURNE 2 of the South Cambridgeshire Local Plan 2004.)
 2. **No development shall take place until details of materials and finishes for the doors, windows, walls and roofs of the building, and the hard surfacing, roads, footways (including the design for the frontage pavement), boundary walls and gates (and any access barrier), have been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved details.** (Reason – Insufficient information was submitted with the application and to enhance the visual quality of the development in accordance with Policy Cambourne 2 of the South Cambridgeshire Local Plan 2004.)

3. **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 in the interest of visual amenity in accordance with Policies EN5 and CAMBOURNE 2 of the South Cambridgeshire Local Plan 2004.)
4. **No development shall take place until a scheme of lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to the first use of the building hereby permitted and thereafter maintained.**
(Reason – In the interests of amenity, security and the quality of the development in accordance with Policies ES2, ES3 and Cambourne 1 of the South Cambridgeshire Local Plan 2004.)
5. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of ecological enhancement based on “Ecological Opportunities within the Built Environment” (ESL, November 2000). The scheme shall subsequently be implemented as approved before any dwelling is occupied.**
(Reason – Insufficient details were submitted with the application and to ensure the ecological enhancement of the site in accordance with the Section 106 Agreement dated 20th April 1994, and the Aims and Objectives set out in the Cambourne Master Plan Report.)
6. **No development shall take place until a sustainability scheme for the building (renewable energy, energy conservation and water conservation) has been submitted to and approved in writing by the Local Planning Authority.**
(Reason – Insufficient details were submitted with the application and to ensure efficient use and conservation of energy resources in accordance with Policy EN44 of the South Cambridgeshire Local plan 2004.)
7. **No development shall take place until a plan showing the location and details of the contractors’ building compound and parking area has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and no materials shall be stored, nor contractors’ vehicles parked, outside the approved compound and parking area.**
(Reason – To ensure that the compound and contractors’ parking are adequately accommodated without an adverse impact on existing landscape features, amenity areas or existing residential areas in accordance with Policy Cambourne 1 of the South Cambridgeshire Local Plan 2004.)
8. **No development shall take place until a scheme showing access routes for construction traffic (deliveries and spoil removal) has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently take place strictly in accordance with the approved scheme.**
(Reason – In the interests of the amenities of existing residents in the vicinity in accordance with Policy Cambourne 1 of the South Cambridgeshire Local Plan 2004.)

9. **No work shall take place on site outside the hours of 07:30 to 18:00 hours on Mondays to Fridays, nor 08:00 to 13:00 hours on Saturdays, and shall not take place at all on Sundays, Bank or Public Holidays.**
(Reason – To protect the amenities of nearby residential properties in accordance with Policy Cambourne 2 of the South Cambridgeshire Local Plan 2004.)
10. **The building hereby permitted shall not be occupied until a Travel for Work Plan has been submitted to, and agreed in writing with the Local Planning Authority. The plan shall be implemented in accordance with the approved details.**
(Reason – To ensure that the development promotes more sustainable transport choices in accordance with Policy TP1 of the South Cambridgeshire Local Plan 2004.)
11. **The permanent space to be reserved on the site for parking and turning of vehicles, and the cycle store, shall be provided before the building is first used, and that area and cycle store shall not thereafter be used for any purpose other than for the parking and turning of vehicles and the storage of cycles.**
(Reason – In the interest of highway safety in accordance with Policies TP1 and Cambourne 2 of the South Cambridgeshire Local Plan 2004.)

Informatives

This permission does not relate to shopfronts, details of which were not included in the application. These will need separate applications for planning permission, and advertisement consent, in due course.

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:**
Cambourne 1, Cambourne 2, SE7, SH4, EN44.
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity including noise and disturbance, security, overlooking and landscaping
 - Biodiversity
 - Highway safety and parking
 - Design and visual impact on the locality
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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/6379/06/F

Contact Officer: Kate Wood – Principal Planning Officer, Major Developments
Telephone: (01954) 713264

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/6389/07/RM – CAMBOURNE**Construction of Cyclepath, Including Removal of Trees and Erection of Fences to Connect High Street, Monkfield Lane and Chaffinch Walk****Recommendation: Approval****Date for Determination: 23rd March 2007****Notes:**

This Application has been reported to the Planning Committee for determination because the officer recommendation does not accord with the comments of the Parish Council.

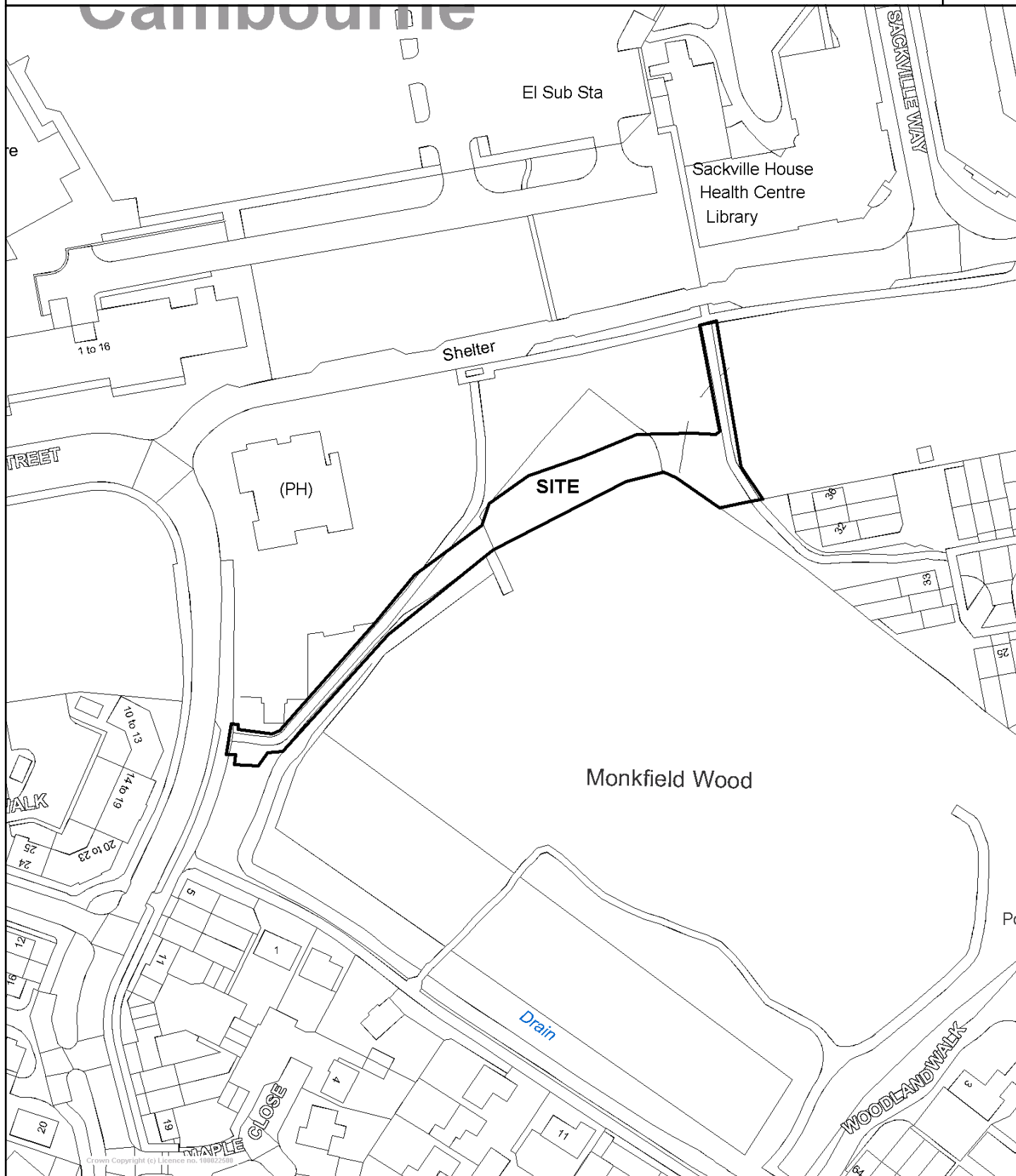
Site and Proposal

1. The site is located on the southern side of the High Street. To the north of the site is the public house and adjacent vacant land, which will form part of the High Street development. The site comprises of existing footpaths, one of which is temporary, and the northern edge of the significant established woodland known as Monkfield Wood. This part of Monkfield Wood has been separated from the main part by a fence and ditch that run adjacent to the route of the proposed cycle path.
2. The application, received on 26th January proposes a new cyclepath to be constructed partly along the route of two existing footpaths and joining them together. The new cyclepath would start at the footpath junction with Monkfield Lane, and run in a north easterly direction through the north west boundary of Monkfield Wood linking with an existing footpath which links Chaffinch Walk to the High Street.
3. Within the site there are a number of trees that would need to be removed. These have little amenity value, although do provide a smooth graduation in terms of height between the High Street and the wood. It would also be necessary to remove a hedge which is approximately 45m in length. The hedge lies to the southern side of the existing footpath which runs from Monkfield Lane to the High Street. It is necessary to remove the hedge in order to accommodate the necessary width needed to create the cyclepath. This hedge would be replaced by a 1.2 m high post and rail fence.
4. The cyclepath would be surfaced with red coloured asphalt and would be 3m in width. Cycleway barriers would be installed at the junctions with the footpaths on the High Street and Monkfield Lane to ensure public safety.

Planning History

5. Outline Planning Permission for Cambourne was granted in 1994, ref S/1371/92/O. The subsequently approved Masterplan and Design Guide include the "Settlement Centre Briefing Plan" which shows a cycle path in this area.

S/6389/07/RM



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Scale 1/1250 Date 26/2/2007

Centre = 532141 E 259503 N

Planning Committee March 2007

Planning Policy

6. South Cambridgeshire Local Plan 2004, Policies:
Cambourne 1 – Development in accordance with Cambourne Masterplan
Cambourne 2 – Development in accordance with Cambourne Design Guide
SE7 – Development in accordance with Cambourne Masterplan and Design Guide
TP1 deals with planning for sustainable travel
ES2 and ES3 set principles for streetlights and external lighting within sites
EN5 requires the landscaping of new developments

Consultations

7. **Cambourne Parish Council:** Recommends refusal on the grounds of:
 1. Unacceptable loss of established trees in an area of outstanding landscape which provides a buffer between the High Street and the residential areas;
 2. The continued loss of native trees in Cambourne;
 3. Loss of visual amenity of the area;
 4. An alternative route skirting the trees would be more appropriate.
8. **Highways Authority:** Generally have no objection to the proposed line of the cyclepath. Raised concerns regarding the position of the fence, which is to be relocated to the top of the ditch and whether this will provide sufficient support for the fence posts to prevent the fence falling into the ditch if struck by a cyclist. Raised a query regarding how the drainage matters will be dealt with. Would wish to see the cyclepath adequately lit. They would not be prepared to adopt all the area in the red line.
9. **Wildlife Trust:** Comments awaited.
10. **Natural England:** Comments awaited.
11. **SCDC Landscape:** Suggest that the line of the cycleway is shifted a couple of metres towards the ditch as this will enable some of the better Ash and Maple trees to be retained. – I would rather lose the cherries along the ditch. Suggest native hedge planting on the outside of the cycle way. The whole of the woodland block will need attention if encouraging people to pass through the area – i.e. removing additional leaning/straggling trees, some dead wooding and crown lifting etc.
12. **SCDC Trees:** No objections as trees have little amenity value.
13. **SCDC Ecology:** Comments are awaited.

Representation

14. 1 Objection has been received from 33 Chaffinch Walk. Object on the grounds of:
 1. Monkfield Wood is a listed piece of woodland and it should not be eroded.
 2. Loss of 19 trees that have amenity value.
 3. An alternative cyclepath could be routed around the edge of the trees and still provide a much needed cycling amenity.

4. Concerned that if this application is allowed, when the vacant land along the High Street is developed it will be easier to argue that the remaining trees should be cleared to extend the vacant plot area.

Comments from the Applicant in response to Representation:

15. The cyclepath will be located outside of Monkfield Wood which is bordered by an existing fence and ditch. There has never been a plan or proposal to remove any trees within Monkfield Wood. This is an amenity which everyone values and which the Developers have spent a lot of time and effort in protecting and enhancing. Whilst it is acknowledged that a few trees will have to make way for the footpath, this has always been known. The cyclepath follows a footpath line discussed and approved by South Cambs District Council in the settlement centre briefing plan. A route around the trees will seriously impact on the viability and development of the High Street.

Planning Comments – Key Issues

17. The approved Settlement Centre Briefing Plan which covers this site shows a footpath linking Monkfield Lane with the High Street/Chaffinch Walk in this location, therefore the principle of a cycleway along this route is broadly acceptable. The main issues are the loss of 20 trees and a hedgerow, how the drainage matters will be addressed, and public safety along the proposed route.
18. ***Loss of trees and hedgerow***
The Council's Tree Officer has visited the site and confirmed that none of the trees are of high amenity value and therefore has no objection with their removal subject to appropriate replacement planting. None of the trees have TPOs. The assertion that the construction of this cyclepath would make the removal of further trees directly to the north of this site acceptable is unfounded. The removal of trees in that location would not be in accordance with the Cambourne Design Guide which seeks to include a area of open space along the High Street frontage.
19. ***Drainage***
The Highways Authority has raised concerned regarding how the drainage matters in respect of this site will be addressed, however this can be the subject of a condition.
20. ***Public Safety***
The application fails to incorporate any lighting along the proposed new cyclepath which is unacceptable. As lighting proposals may impact on the trees or their roots, these should form part of an amended scheme to be submitted before approval can be granted.
21. Therefore, amended plans have been sought, requesting the moving of the route of the cycleway further south so that the relatively more important trees can be retained, an indication of replacement planting proposals (the detail of which will be subject to condition), details of lighting and details of the method of drainage. The amended plans have been requested in time for the Committee meeting, and a verbal update will be given.

Recommendation

Approval of amended plans, subject to conditions addressing the following matters:

1. Standard Condition A – Time limited permission (Reason A);
2. Landscaping scheme, including protection of trees during construction, replacement planting, and method construction to avoid root damage;

3. Implementation of replacement planting in first planting season following implementation of permission:
 - a. Lighting scheme;
 - b. Surface water drainage details;
 - c. Restriction of hours of use of power operated machinery during construction.

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Plan 2004: Cambourne 1, Cambourne 2, SE7, TP1, ES2, ES3, EN5.**
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - **Loss of trees, drainage, public safety.**
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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

- South Cambridgeshire Local Plan 2004
- Planning file ref: S/6389/07/RM

Contact Officer: Michelle Crees – Senior Planning Officer, Major Developments
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2373/06/O – HIGHFIELDS CALDECOTE
Erection of 2 Chalet Bungalows Following Demolition of Existing Bungalow at 86 West Drive for Mr & Mrs Platt**Recommendation: Approval****Date for Determination: 5th February 2007****Notes:**

This Application has been reported to the Planning Committee for determination because the Parish Council objection does not accord with the Officer recommendation.

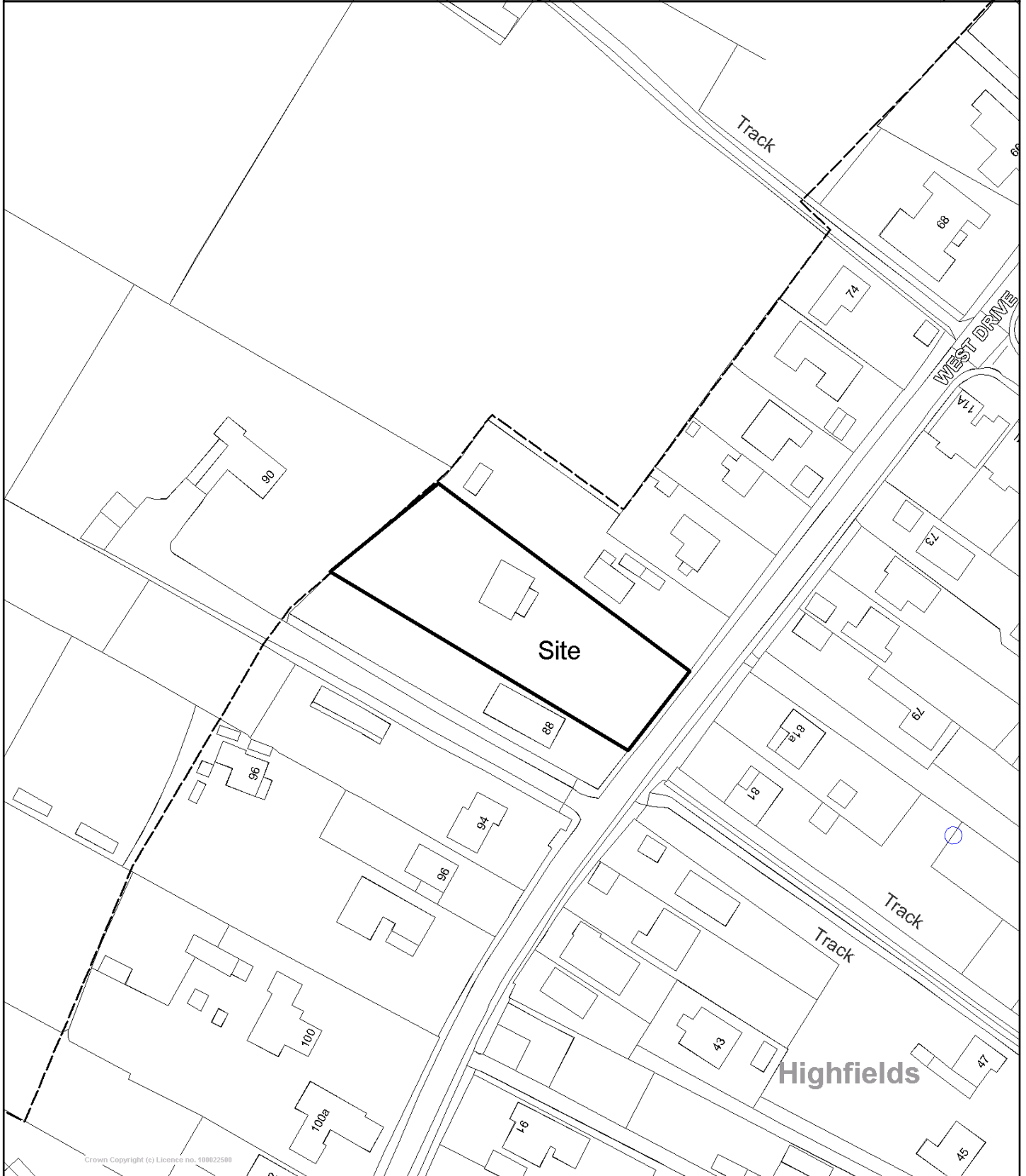
Site and Proposal

1. The 0.2 hectare application site is an existing residential parcel of land, located within the development framework of the village. It has a 23.5m wide frontage and measures 81m deep. A flat roofed, single storey dwelling is positioned towards the rear of the site and is accompanied by a flat roof garage. The dwelling is served by a single vehicular access which runs along the south-west boundary of the site, adjacent to the neighbouring dwelling at 88 West Drive. A concrete pathway accesses the dwelling separately and this crosses over a man-made pond which is located in front of the dwelling, approximately in the centre of the plot. A number of trees and mixed planting exists on the site, including a beech hedgerow along the frontage. An electricity substation is positioned on the site frontage, in the north-eastern corner. The plot is located within a street scene of residential dwellings and is surrounded on three sides by neighbouring dwellings.
2. This outline application, received 21st December 2006, proposes the demolition of the existing single storey dwelling and its replacement with 2 chalet bungalows on the site. The proposed bungalows, as amended, are sited with one frontage plot and one backland plot, each served by an individual access. The principle of the proposed development, site layout and access are to be considered by this application. Matters of scale, appearance and landscaping are reserved.
3. The density equates to 25 dwellings/hectare.

Planning History

4. **S/2334/03/F**– application for the erection of 2 dwellings and a garage, following the demolition of the existing dwelling and outbuildings was granted at 84 West Drive, immediately adjacent to the current application site. The dwellings were positioned with one frontage plot and one backland plot.

S/2373/06/O



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March 2007 Planning Committee

Planning Policy

5. The site is located within the village framework.
6. **Policy ST/6** of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007 identifies Highfields Caldecote as a Group Village and states that residential development and redevelopment up to an indicative maximum scheme size of 8 dwellings will be permitted within village frameworks of Group Villages. Development may exceptionally consist of up to about 15 dwellings where this would make the best use of a single brownfield site.
7. **Policy HG11** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") states that development to the rear of existing properties will only be permitted where the development would not: (1) result in overbearing, overlooking or overshadowing of existing residential properties; (2) result in noise and disturbance to existing residential properties through the use of its access; (3) result in highway dangers through the use of its access; or (4) be out of character with the pattern of development in the vicinity.
8. **Policy EN5** of the Local Plan states that the District Council will require trees, hedges and woodland and other natural features to be retained wherever possible in proposals for new development. Landscaping schemes will be required to accompany applications for development where it is appropriate to the character of the development, its landscape setting and the biodiversity of the locality. Conditions will be imposed on planning permissions to ensure the implementation of these schemes.
9. **Policy EN13** of the Local Plan states that the District Council will not grant planning permission for development which could adversely affect, either directly or indirectly, the habitats of animal and plant species which are protected by law unless the need for the development clearly outweighs the importance of conserving that habitat and the advice of English Nature is to the effect that permission may be granted. Where development is permitted which may have an effect on these species, the District Council will impose conditions, where appropriate, and seek to use its powers to enter into planning agreements to: (1) facilitate the survival of individual members of the species; (2) reduce disturbance to a minimum; and (3) provide adequate alternative habitats to sustain at least the current levels of population.
10. **Policy P7/2** of the County Structure Plan 2003 states that all development will seek to conserve and enhance the biodiversity value of the areas which they affect. Landscape features of major importance to wild fauna and flora will be retained, managed and enhanced.
11. **Policy NE/6** of the Draft Local Development Framework 2006 ("The LDF") states that new development will have regard to the conservation and enhancement of biodiversity, and opportunities should be taken to achieve positive gain through the form and design of development. Where appropriate, measures may include creating, enhancing and managing wildlife habitats and natural landscape. Priority for habitat creation should be given to sites which assist in achieving targets in the Biodiversity Action Plans (BAPs).

Consultation

12. **Caldecote Parish Council** recommends refusal and comments "the council do not approve of further backland development. The Parish Council consider this form of back land development undesirable. It is out of keeping with the linear pattern of

development and consequently out of keeping with policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003 and Policies SE4 (b) and HG11 (4) of the South Cambridgeshire Local Plan 2004. It would be detrimental to existing and future occupiers of the adjoining properties by vehicular access along the proposed narrow access driveway. The proposal is therefore contrary to Policy SE4 (b) and HG11 of the South Cambridgeshire Local Plan 2004. Overdevelopment.”

”Should the application gain approval the Council ask:

That consideration is given to land drainage issues and the capacity of the current foul water system in the village which is believed is already beyond its capacity.

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

Observation of the Crime and Disorder Act Section 17.

Any construction should specify good quality materials.

Consideration of the effect on the Street Scene.

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:

- (a) No work should be carried out before 8am and should finish by 6pm. (1pm Saturdays).
- (b) No work on Sundays or Bank Holidays.
- (c) Any spoil removed should not be used to raise ground levels and create neighbouring flood problems.
- (d) 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.
- (e) Parking and site compounds should be provided to ensure that disturbance to nearby properties is kept to a minimum.
- (f) Planting plans should be agreed before any construction is started to ensure existing planting is preserved if possible.”

- 13. **Trees and Landscape Officer** – states that “the trees in the rear garden are prunus spp of poor condition. There is a young cedar on the North East boundary which I would like to see retained along with the beech hedge to the front of the site.”
- 14. **Ecology Officer** states that “the site has a large pond in the front garden. This feature although man-made should be retained within any future scheme as it is clearly a major feature of the site. Furthermore, it would be advisable to have the pond assessed for great crested newt prior to considering any full application. The vegetation in the rear garden and boundaries will be providing nesting habitat. No removal of vegetation should take place during the bird breeding season unless otherwise agreed in writing. A condition should be used to secure the provision of nest boxes.”

15. **Environment Agency** – comments that soakaways are unlikely to operate satisfactorily due to geology. Surface water harvesting systems have operated satisfactorily elsewhere.
16. **Chief Environmental Health Officer** – has recommended conditions to be attached to any consent to protect potential occupiers of the development from the effects of noise generated from TKA Tallent's industrial site that is located nearby on Bourn Airfield.

Representations

17. No representations have been received from the owner/occupiers of adjacent dwellings.

Planning Comments – Key Issues

18. The key issues to consider in the determination of this application are:
 - (a) Pattern of Development
 - (b) Residential amenity, including noise generated by TKA Tallent
 - (c) Impact upon the pond and subsequent ecology and trees

Pattern of Development

19. Addressing the Parish's comments regarding the pattern of development proposed being out of character it is worth noting that the principle of development in depth is not out of character with the area. The precedent for in depth development has previously been established on several plots along West Drive. Indeed, immediately adjacent to the site is a plot of two dwellings that is currently under construction. The dwellings on this site are laid out in a pattern almost identical to that proposed under the current scheme.

Residential Amenity, including noise generated by TKA Tallent

20. The access to the proposed frontage plot, as amended, is set off the shared boundary with both neighbours, and will therefore not unduly affect residential amenity. The access to the back land plot is shown to be located along the boundary that is shared with the neighbouring dwelling at 88 West Drive. The access serving the existing dwelling is also located in this position. The proposed access would continue to serve a single residential dwelling and would therefore not represent a material increase in the impact of vehicular movements in this location to the adjoining residents. As such I consider that no additional undue harm would result from the proposed accesses.
21. No details of the dwellings types have been submitted at this stage, apart from the stated intention that the dwellings would be 1½ storey structures. Given the position of the proposed dwellings, being removed from both boundaries, and given that the dwellings on the adjacent site have previously been considered to be acceptable in terms of residential amenity, I do not consider that the pattern of development would necessarily give rise to loss of privacy or overbearing impact. The particular scale and design of the dwellings would be the subject of a further application, which would also need to consider the position of any windows and other openings.
22. Addressing the known problem with noise disturbance generated by the operations at TKA Tallent, it is recommended that the conditions proposed by the Chief

Environmental Health Officer are imposed on any consent in order to mitigate the effects of this adjoining use. It would not, however, be reasonable to withhold or refuse planning permission for the proposed dwellings on the basis of TKA Tallent not complying with the terms of any agreement entered into with the Local Authority's Environmental Health Department. This would be a matter outside of the control of planning legislation and would need to be resolved using the appropriate controls.

Impact upon the pond and subsequent ecology and trees

23. The Council's Ecology officer has recommended that the existing man-made pond be retained as part of any scheme and advised that it be assessed for great crested newts prior to any reserved matters application. The siting of the proposed dwellings allows for the pond to be retained, should this prove desirable. However, landscaping matters are to be considered fully at the reserved matters stage, at which time the method of retaining the pond would need to be fully explored.
24. It should be possible to retain the young cedar and the beech hedge, referred to by the Trees and Landscape officer except at the point of access to the site. The majority of the existing trees and hedgerows on the site are not worthy of retention, and would therefore not prejudice the grant of outline planning consent. Landscaping details, to include any trees and hedgerows to be retained as part of the development would be required as part of any reserved matters application and could be used to secure the retention of any favourable items, together with a scheme of phasing for the works.

Recommendation

25. Approve (as amended by letter and plan date stamped 18th January 2007) subject to the following conditions:
 1. Standard Condition B – Time limited permission (Reason B).
 2. SC1 (Submission of Reserved Matters) Scale, Appearance, Landscaping. (RC1).
 3. SC52 (Implementation of Landscaping) – (RC52).
 4. SC5 – details of surface water drainage and rainwater harvesting system; details of materials to be used for hard surfaced areas within the site including driveways and car parking areas (Reason - To ensure satisfactory drainage and to minimise disturbance to adjoining residents).
 5. SC60 (Details of the treatment of all site boundaries) – (RC60 and to ensure the movement of small animals, such as amphibians, across the site, for ecological benefit).
 6. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 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 disturbance to adjoining residents).
 7. Before any development is commenced, a scheme for protecting the proposed dwellings from noise from the nearby industrial premises shall be submitted to and approved in writing by the Local Planning Authority; all works which form part of the approved scheme shall be completed before any one of the permitted

dwelling is occupied. (Reason – To protect potential occupiers of the development from the effects of noise from the nearby industrial premises).

Informatives

The Environment Agency has commented: Soakaways are unlikely to operate satisfactorily due to geology. Surface water harvesting systems have operated satisfactorily elsewhere.

Reasons for Recommendation

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy**, adopted January 2007
ST/6 (Group Villages)
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P7/2 (Biodiversity)
 - **South Cambridgeshire Local Plan 2004:**
HG11 (Backland Development),
EN5 (The Landscaping of New Development)
EN13 (Protected Species)

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Pattern of Development
 - Residential Amenity
 - Biodiversity and Ecology
 - Landscaping
 - Noise

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/2373/06/O and S/2334/03/F
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2259/06/F - COMBERTON
Erection of Dwelling at Land to the Rear of 64 Barton Road**Recommendation: Delegated approval****Date for Determination: 9th March 2007**

This Application has been reported to the Planning Committee for determination because the Parish Council objection does not accord with the Officer recommendation.

Conservation Area**Members will visit the site on Monday 5th March 2007****Site and Proposal**

1. This approximately 1600m² site lies within the village framework of Comberton and within the Conservation Area. Its southern portion lies within the Protected Village Amenity Area (PVAA) which also lies to the south and west. A public footpath runs along the eastern boundary. Mature trees lie to the south and west. Those to the south are protected with Tree Preservation Orders. An existing dwelling on the front portion of the site sits in an elevated position in relation to the road. An existing garage building lies to its east adjacent to the footpath.
2. The full planning application, received 23rd November 2006 and amended on 22nd February 2007, proposes extensions and alterations to the existing dwelling, the demolition of the existing garage and its replacement with a new double garage and the erection of a new 1½ storey dwelling to the rear. The new dwelling would lie immediately north of the PVAA with its garden within it. The height to the eaves is approximately 2.8m and 6.8 to the ridge. The density (gross) equates to 12.5 dwellings per hectare.

Planning History

3. **S/1295/06/F** – Erection of two dwellings following demolition of existing house and garage. This application was withdrawn largely due to concerns that the replacement dwelling to the front was not of sufficient architectural quality and the test of preserve or enhance within Policy EN30 of the South Cambridgeshire Local Plan 2004 was not satisfied.
4. **S/1432/06/CAC** – Application to demolish the existing dwelling was withdrawn.
5. **S/1031/83/F** – Planning permission was approved in July 1983 for a garage.

S/2259/06/F



Comberton



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Scale 1/790 Date 26/2/2007

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March 2007 Planning Committee

Planning Policy

6. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 ('the County Structure Plan') requires a high standard of design and sustainability for all new development and which provides a sense of place which responds to the local character of the built environment. This policy is supported by policy DP/2 of the Local Development Framework, Submission Draft 2006.
7. **Policy P7/6** of the County Structure Plan – Historic Built Environment states that Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.
8. **Policy P5/5** of the County Structure Plan adds small-scale developments will be permitted in villages only where appropriate, taking into account the character of the village and its setting.
9. **Policy ST/6** of the adopted South Cambridgeshire Local Development Framework lists Longstanton as a Group Village.
10. **Policy HG10** of the Local Plan 2004 states the design and layout of schemes should be informed by the wider character and context of the local townscape and landscape.
11. **Policy EN30** of the Local Plan – Development in Conservation Areas states that proposals will be expected to preserve or enhance the special character and appearance of Conservation Areas especially in terms of their scale, massing, roof materials and wall materials. The District Council will refuse permission for schemes which do not specify traditional local materials and details and which do not fit comfortably into their context.
12. **Policy SE10** of the Local Plan – Protected Village Amenity Areas states that development of these areas will not be permitted if it would be harmful to the distinctive qualities and functioning lying behind their inclusion in the PVAA.

Consultation

13. **Comberton Parish Council** – recommends refusal. It states:
“The proposed second dwelling is in the conservation area. As such it must be rejected because it provides no net addition to public amenity – in fact it reduces it. Furthermore, its access road and associated hard standing: obstruct the public footpath, which was originally much wider than stated; would necessarily have cars parked on it, which would obstruct the public footpath; compromises the access to the public footpath at Barton Road.

Other undesirable features of the proposals are: the 1.8m high brick wall beside the access road would intimidate footpath users; the 1.8m high boundary fence is out of keeping with the current open style; two adjacent driveways are unsuitable in the conservation area, as are block-paved driveways; it requires removal of trees in a conservation area.

The proposed extension is too big and would affect the street scene when viewed diagonally. It is good that it is at the rear, and a more modest extension that tidied the rear would be in keeping with the proportionate development permitted in the conservation area. It would be an improvement if it included timber windows and the existing windows at the front were replaced in timber.

Replacing the existing ugly garage is welcome.

If SCDC planners are minded to approve the application, it should be considered by SCDC's full Planning Committee".

14. **Chief Environmental Health Officer**

No objections.

15. **County Council Definitive Maps Officer**

"As previously commented in our response dated 16/08/06 to the previous application, Public Footpath no. 5 Comberton is affected by the proposals. As you may be aware, following that letter the relevant officers had a meeting with the applicant and solicitor to discuss the issues arising. We are pleased to see that the new application seems to take our advice in to account. The Countryside Access Team does not object to the proposed development but would comment as follows:

1. The footpath is to be reinstated to its historic width of 4 metres and will, for the large part, share a private access-way to the new rear dwelling. The applicant proposes to construct a block-paving surface along the access-way to allow private vehicular use. We wish to make clear for the avoidance of doubt that Definitive Statement (the legal description of the path) records that the surface is a grass track, and this is all that would be required for footpath use. Therefore as the block-paving is required only because the applicant needs to drive vehicles along it, and the liability for maintenance of it must rest with the applicant/landowner....The extent of the path beyond the private access should remain grassed."

The remainder of the comments highlight additional restrictions regarding parking, obstruction, the storage of builders materials and the requirement that the surface of the path at the Barton Road end be made level across its whole width.

One further comment states: "The County Council will supply the hand-gate to be located towards the end of the path near Barton Road, adjoining the applicant's new access gate. A kissing gate has historically been here and it will serve to mitigate against children, dogs etc running out on to the road."

16. **Ramblers Association**

There do not appear to be major issues surrounding this application, and note that John Cooper (County Council) has already been consulted. We would be concerned if footpath 5 was adversely affected during any building work and would ask that:

- a) That the surface of the footpaths should not be unduly disturbed by increased traffic during building work.
- b) That materials etc should be stored/dumped on the RoW.
- c) That vehicles visiting the site should not impede the safe passage of pedestrians.
- d) That any fp signs are not obscured or removed during building work

17. **Conservation Manager**

Comments in relation to the original submission:

"The pattern of development in this part of Comberton has been significantly changed in the latter half of the 20th Century and there is now significant development in depth away from the Barton Road. I have no objection in principle to the idea of

remodelling the existing dwelling, demolishing the existing unsightly garage and erecting a modest, subservient dwelling to the rear, indeed a well designed development has the potential to offer significant enhancement of the Conservation Area. However, aside from the removal of the unsightly garage building, I do not find that the current proposals offer any real enhancement of the Conservation Area, and am particularly concerned by the works to the existing dwelling.

New Dwelling

The new dwelling that is to be sited to the rear is relatively low lying, (being 1 and 1/2 storeys) and is set back off the road where it is also well screened by existing trees to the west. The building will therefore not impact excessively on the Conservation Area and my only concerns with this part of the scheme are:

- i) The drawings refer to the roof as being interlocking concrete tiles, which is not appropriate for a site within the Conservation Area.
- ii) There are also a number of rooflights in the roofslope and the design would be improved if these were reduced in number (and those that remain also changed to conservation type).

Works to Existing Dwelling

The existing dwelling appears to date from the Edwardian period, though has been rather unsympathetically modernised with inappropriate replacement windows and a concrete tiled roof. The current proposals involve demolishing existing elements to the rear and then building a very significant two storey extension. However, no attempt is made to reinstate the original appearance of the building on its front elevation. The rear extension also has a new two storey gabled element which is wider than the proportions of the existing gable to the original house. An extension to the original dwelling would sit more comfortably into this context if it took the form of a 'matching gable' built to the rear - such that the roof takes on an 'M' profile - possibly with a single storey 'lean-to' in turn on the rear of the two storey element, to provide additional ground floor accommodation. At the same time, the front elevation would be greatly enhanced if the windows were returned to a more Edwardian form, (from an examination of the proportions of the existing window openings, these may have been subdivided into three casements with fanlights over, or possibly subdivided into two pairs of double hung sashes - with glazing bars only in the top sashes - see attached sketch). Given the extent of works to this house, it would also be appropriate to remove the inappropriate concrete tiles and return the roof to a natural slate finish. Finally there is a new single garage to be constructed to the side of the existing dwelling and a wall built to separate the house from the new dwelling at the rear. Again, rather than have a standard 'estate' type garage, the opportunity should be taken to site the garage such that it links to, and terminates, the garden wall that will now separate the existing house from the new dwelling to the rear. Forward of the garage a native species hedge might then be planted to separate the two driveways, providing a greater degree of 'greenery' to the front. The garage doors should be vertically planked and its roof should again be slate, not interlocking concrete tiles. The window would be better located on the west side (ie away from the drive to the neighbouring house) and also to be changed to a double casement window. If it is to have a personal door in place of the window, then this should be a timber ledged and braced door."

With regards the amended scheme:

The Conservation Manager has been in negotiations with the applicant's regarding improvements to the scheme and is largely in support of it as amended. His detailed comments will be given verbally at the meeting.

18. **Comments of Cllr Harangozo**

Four concerns:

1. An apparent change of view of the officers about this development over time according to one objector who has contacted me and studied the case file.
2. Any incorporation of the path into the driveway so that it becomes completely suburbanized. I've asked Nigel Blazeby to try to ensure only a single driveway access which should then hopefully mean that the current path can stay as it is. Retention of the existing path seems to be a particularly strong concern which I share.
3. Damage to wildlife, especially woodpeckers.
4. The justification for building a second house to the rear and its scale/massing. Is a large house really sympathetic to such an area which is currently very open?

19. **Conservation Manager's response to concerns:**

1. "I don't believe that there has been a change of view by officers on this application. The actual application has changed significantly over time in response to concerns raised by officers. You will recall it started off as an application to demolish the existing house and erect two houses, then changed to an extension on the existing house and new dwelling to the rear, with subsequent revisions to the design and the scope of the works on the front dwelling. In reviewing the application the conservation section has sought to ensure an overall enhancement of the conservation area. The current version of the application will remove a very unsightly garage structure, which is also prominently sited on rising ground, and undertake significant improvements to the existing house (including returning the windows to more appropriate Edwardian style and replacing the unsightly concrete tiles with slate). The downside is obviously the second dwelling behind, but on balance we came to the conclusion that a modest dwelling that was visually subservient to the main house would be acceptable as part of an overall enhancement of other parts of the site. In reaching this conclusion we considered the development in depth that has already taken place to the east.
2. My understanding is that the footpath remains separate and I too would want to avoid an 'urbanisation' of this piece of Comberton. In the event that members decide to support the application, then no doubt Nigel would be able to draft suitable safeguarding conditions.
3. Damage to wildlife, especially woodpeckers. I am not aware of these issues but will pass this aspect on to Rob Mungovan for him to review and comment on.
4. Justification for the second house - see comments against item 1 above. My view is that, on balance, there is potential for enhancement of the Conservation Area with these proposals, but I fully accept that others may view the losses to outweigh the enhancements. Again, in the event that planning permission is to be granted, I would look for conditions linking the improvements at the front of the site (including the enhancement of the

existing dwelling and removal of the unsightly garage) to the occupation of the second dwelling - i.e. that the second dwelling could not be occupied until the enhancement works have been completed.”

20. **Cambridgeshire Preservation Society**

“We acknowledge that the existing 1920’s building requires improvement however wish sufficient space being afforded to the existing public right of way i.e. the route should not be taken up by rogue verge parking etc.

The entire new built plot should also be located further south to ensure an adequate footpath is implemented along this property and overall detailing could be improved to merit the Conservation Area.”

As part of planning gain (on and off site) some improvements to the public footpath running through the sites should be made overall making it clearly inviting from either roads in terms of signage and installation of easy accessible gates (including for disabled persons) and ensuring a clear access width throughout and avoiding the creation of a narrow lane of unsafe impression. Thus overall the status and condition of this route linking between the communities (incl. School etc) should be safeguarded and improved.

Improvements to green space between both site – if publicly owned – and improvements to orchard/fruit tree planting.”

21. **Ecology Officer**

Comments will be reported verbally at the meeting.

Representations

22. 13 letters of objection have been received from the occupiers of 13 Roman Hill, Barton; 12 Woottens Close; Brock’s Close, Swaynes Lane; 100 Swaynes Lane; 12 Swaynes Lane; 104 Barton Road; 59 Swaynes Lane; 68 Barton Road, 69 Swaynes Lane; 60 Coronation Street, Cambridge; and 15 Harefields, Oxford

23. The Objector at Brock's Close, Swaynes Lane has, in addition to his letters, corresponded with the case officer in a number of e-mails. The last of these contains his own summary of his points of objection which are reproduced below:

1. Wootten's Close should not be taken as a precedent for building in depth.

Quite distinct and separated by footpath and sections of the CA and PVAA boundaries - and 64 is up on a hill.

2. The adjoining land had an application refused because it was in the CA this whole site is in the CA and for that reason and precedent alone, should be refused.

3. The site is partly in the PVAA and wrapped round on two sides by the PVAA - which would be very very severely affected by the development to the rear.

4. The wildlife and its habitat would be severely and adversely affected by the loss of meadow etc. at the rear.

5. The house at the rear would be v.v.v.v.v shady and dark for its proposed inhabitants.

6. The feel and aspect and view from the precious PF would be ruined and suburbanized.
7. There could be a much more suitable one house development put there - in this precious and key village location.
8. The site is a west looking and more **like** the land to the west...and on the same level as the rest of the PVAA land to the west - and this precious inner lung to the village should not be eroded - even at the edges.
9. The concreting and paving over of the footpath is wrong for a rural footpath - should stay grassy and open... and not hemmed in by extra house and walls and or fences
10. Paving concreting etc. will increase run-off and make already overstretched sewers more so - and increase risk of flooding on the lower parts of Barton Rd - as happened a few years ago.
11. Further traffic emerging over pavement, and onto a tricky spot of Barton Rd.
12. The rear house: imposing and encroaching on the privacy of No. 68 - whose bedroom windows are the same level as the 64 ground level....
13. Wrecking of the next door house's amenity of this rural corner - and they particularly enjoy watching the woodpeckers on the old pear tree that would be lost -if bulldozed..
14. traditional orchard would be swept away - in stead of preserving in this CA setting.
15. Removal of the horrid current garage should not have to be 'bought' by allowing bulldozing at the rear.

Could be dealt with as a condition of a future approval of a more appropriate single house application.

24. In addition to these points of concern the following were raised by the other objectors:
 - (a) The building of a new house to the rear cannot preserve or enhance the character and appearance of the Comberton Conservation Area and will seriously damage the quality of this part of the village.
 - (b) Impact of the new house to the rear on the adjacent Protected Village Amenity Area.
 - (c) Notwithstanding the objections, the repair and alteration of the existing house would be welcome.
 - (d) The proposed block-paving of the forecourt and driveway will completely change the rural feel of the footpath south from Barton Road. The proposed footpath on block paving is not acceptable.
 - (e) Future viability of footpath once paved and used as vehicular access.

- (f) Highway danger of combining footpath with vehicular access.
- (g) Access onto Barton Road has poor visibility. Down sloping driveways will increase the danger to users of the footpath which is very busy especially at school times.
- (h) Heavy use of access to rear dwelling will cause physical damage to adjacent properties.
- (i) Overlooking of No. 68.
- (j) The new house to the rear would be rather dark, overshadowed by existing trees to the south.
- (k) The development could set a dangerous precedent.

Planning Comments – Key Issues

25. The key issues to consider in the determination of this application are:
- (a) Impact upon the character and appearance of the Conservation Area,
 - (b) Impact upon the Protected Village Amenity Area and countryside,
 - (c) Impact upon residential amenity,
 - (d) Impact upon the footpath,
 - (e) Impact upon highway safety.

Impact upon the character and appearance of the Conservation Area

26. I note the comments of the Conservation Manager and that the proposal has been submitted following negotiations with officers. I accept some of the local criticism with regard to the erection of a dwelling to the rear and I agree that this element of the proposal neither preserves or enhances the Conservation Area. However, the proposal should be viewed as a whole. The benefit of the removal of a poor garage building and the improvement works to a very prominently sited existing dwelling amount to an overall development that will enhance the character and appearance of the Comberton Conservation Area.
27. The dwelling at the front will be far more visible in the street scene than the new one to the rear and its considerable improvements of design and materials together with an appropriately designed garage building to replace a building that is rather ugly will result in an overall enhancement of the site though I accept that the various elements of the proposal need to be weighed in coming to this view.
28. If Members are minded to approve the application I consider a condition requiring the works to the existing dwelling and replacement garage to be completed prior to the occupation of the new dwelling to ensure that the benefits of the proposal are delivered.
29. Although, as stated above, I consider that the new dwelling, on its own, would not 'preserve or enhance' I nevertheless do not consider it is otherwise inappropriate. The site lies within the village framework, there is no strong linear character and development in depth exists on the other side of the footpath. A modest dwelling here would not be out of character with the existing settlement pattern.

30. I am concerned that the block paving material for the driveway may not be wholly appropriate and I await the comments of the Conservation Manager in this regard. The detail of the material used can be controlled through a condition should Members be minded to grant planning permission.
31. The garage is of simple form and design and will not appear incongruous. It will not therefore harm the Conservation Area or street scene.

Impact upon the Protected Village Amenity Area and countryside

32. The site lies right on the edge of the PVAA. I consider that the new rear dwelling is modest in scale and would be well screened by existing vegetation, particularly to the south by TPO protected trees. The garden would lie within the PVAA and for this reason I consider a condition to remove permitted development rights for the erection of structures would be necessary. Otherwise I do not consider the proposal will harm the PVAA. Unlike Conservation Areas and the setting of Listed Buildings the PVAA restrictions in policy do not refer to the setting of the PVAA. This application is not proposing any built development within the PVAA. There are other examples of PVAAs that include garden land.

Impact upon residential amenity

Front dwelling extensions

33. There are no windows proposed in the eastern elevation at first floor level that would have the potential to overlook the side and garden of the adjacent property, No. 68. A condition to ensure that no windows are added could be imposed if Members are minded to grant planning permission.

Rear dwelling

34. The site abuts the gardens to No. 68 Barton Road and No 2 Woottens Close. Windows in the western elevation of the dwelling to the rear look over fields, those in the southern elevation look towards mature trees and those in the northern and eastern elevations are rooflights that do not serve habitable rooms apart from one secondary bedroom window. However I consider that whilst there may be limited views of the garden to No. 68 from these windows there would be a perception of overlooking due to their proximity. A condition could be imposed requiring these to be obscure glazed and no further windows added in these elevations.
35. I do not consider there are any material overbearing or overshadowing issues in relation to either dwelling.

Footpath

36. I note that the County Council Definitive Maps Officer is raising no objections. I share the concerns about materials and, as referred to above, more appropriate materials such as a bound gravel can be secured through conditions.

Highway Safety

37. Each property will be served off its own access and parking and turning can be achieved for both properties. Appropriate pedestrian visibility splays can also be achieved. Subject to conditions to ensure these controls are in place I do not consider the proposal will result in any danger to highway safety.

Recommendation

38. Delegated Approval subject to no new material issues being raised during the amendment consultation period (as amended by letter dated 10th January 2007 and by drawing No. 5 Rev. B, drawing No. 8 Rev. A, drawing No. 11, drawing No. 1 Rev. B and drawing No.9 Rev. A date stamped 22nd February 2007) and subject to conditions to require submission of details of materials for walls and roofs and hard surfaced areas, landscaping and its implementation, removal of permitted development rights for rear dwelling, no further windows in the first floor east elevation of front property and north and east elevations of rear property, rooflights in north and east elevations of rear property to be obscure glazed, no occupation of the rear dwelling until the works to the front dwelling and the demolition of its existing garage building have been completed and parking, turning and visibility.

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development),
P5/5 (Homes in Rural Areas) and
P7/6 (Historic Built Environment);
 - **South Cambridgeshire Local Plan 2004:**
HG10 (Housing Design and Mix),
EN30 (Development in Conservation Areas) and
SE10 (Protected Village Amenity Areas)
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy**, adopted January 2007
ST/6 (List of Group Villages)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity
 - Character and Appearance of the Streetscene
 - Character and Appearance of the Comberton Conservation Area
 - Protected Village Amenity Area
 - Surface and Foul Water Disposal
 - Highway Safety
 - Ecology

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/2259/06/F; S/1295/06/F; S/1432/06/CAC and S/1031/83/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0186/07/O - FOWLMERE**Retention of Existing House and Erection of Three Dwellings Following Demolition of Outbuildings****Recommendation: Delegated Approval/Refusal****Date for Determination: 28th March 2007****Notes:**

This Application has been reported to the Planning Committee for determination because the recommendation of the officers conflicts with that of the Parish Council

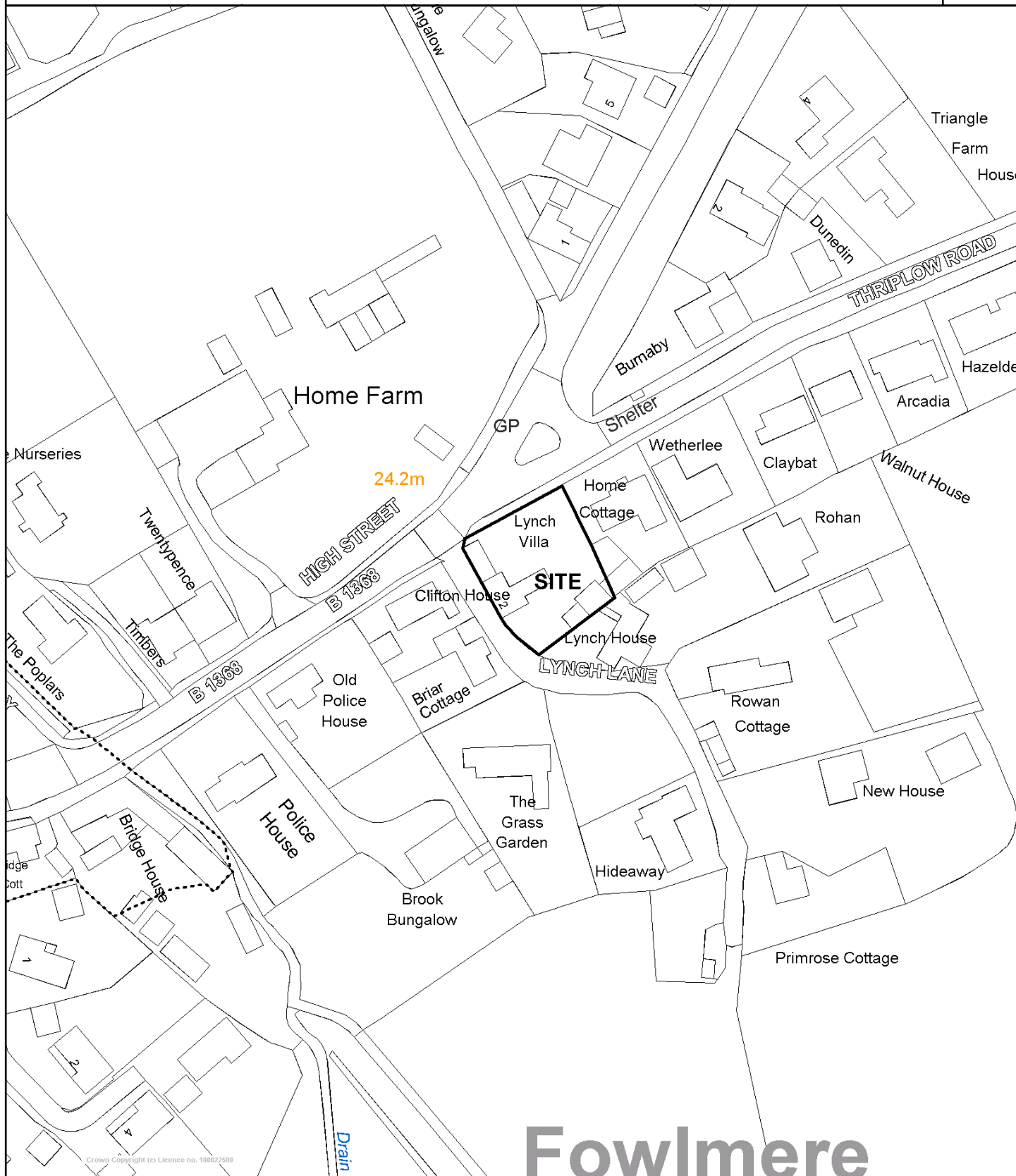
Site and Proposal

1. The site 27m x 31m (217 sq.m/0.08ha) is located within the village of Fowlmere on the corner of the junction between Lynch Lane, Thriplow Road and High Street. The site currently consists of a traditional rendered cottage fronting Lynch Lane to the west with a row of outbuildings stretching along its southern boundary. The north area of the site consists of an open garden, which is bounded by a low wall and wire fence allowing views across the site. Mixes of modern chalet style dwellings are located to the east and west of the site with traditional dwellings off Lynch Lane to the south.
2. The outline application received 31st January 2007 proposes the retention of the existing dwelling and the erection of 3 additional dwellings following the demolition of the outbuildings. The details to be considered for this application are the layout and the access. Scale, appearance and landscaping are reserved for further consideration. The density equates to 50 dwellings per hectare.

Planning History

3. The planning history for this site dates back to early 2001 when an outline application was submitted for the erection of two dwellings following the demolition of the existing house at Lynch Villa, Lynch Lane, planning reference **S/0774/01/O**. The application was considered at Committee in August with a recommendation for approval. It was resolved to grant delegated approval because the consultation period had not expired. It was taken back to committee in September following the receipt of a petition with 390 signatures requesting that Lynch Villa be retained to protect the character of the village of Fowlmere. A further 7 letters of objection were received, Parish Council recommended refusal and the Conservation Manager recommended that the dwelling be retained also. The recommendation at September Committee was again for approval with reserved matters condition attached. Planning Permission was issued 17th September 2001.

S/0186/07/O



Fowlmere



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4. Another outline application was submitted in August 2003, this time for the retention of the existing house and the erection of three dwellings, planning reference **S/1676/03/O**. This was approved under delegated powers with the reserved matters condition attached.

Planning Policy

5. **Policy P1/3** 'Sustainable Design in Built Development' of the Cambridgeshire and Peterborough Structure Plan 2003 seeks to ensure that all new developments incorporate a high standard of design that respond to the local character of the built environment.
6. **Policy ST/6** of the Core Strategy identifies Fowlmere as a Group Village.
7. **Policy HG10** of the South Cambridgeshire Local Plan 2004 'Housing Mix and Design' sets out the requirements for residential developments to make the best use of sites in addition to be informed by the wider character and context of the surrounding area.

Consultation

8. **Fowlmere Parish Council** recommends this scheme for refusal. *"The Parish Council is very concerned that since the original approval there is now constant flooding in Lynch Lane and suggest that more investigation be carried out before this application proceeds"*.
9. **Local Highway Authority** comments will be reported verbally.
10. **Chief Environmental Health Officer** comments will be reported verbally.
11. **Ecology Officer** comments will be reported verbally.
12. **Anglian Water** comments will be reported verbally.

Representations

13. No comments have been received to date.

Planning Comments – Key Issues

14. The key planning issues that need to be considered in determining this application are whether the proposed development could be accepted in terms of loss of character and visual amenity, whether the proposal would result in highway danger, what impact the proposal would have upon the amenity of neighbouring properties and whether there would be an adverse impact upon the sewerage system.
15. Without the aforementioned comments from varying consultees it is difficult to assess whether there have been any major changes since the approval of the outline consent in 2003. The application is identical to that of the previously approved scheme.
16. With reference to the layout of the scheme, this comprises 2 two-storey and 1 single storey dwelling with parking on the frontage of the site for 8 cars, shown on the drawings as 'covered barn parking'. The layout demonstrates that the proposed dwellings would not infringe on the amenity of the adjacent neighbours. The buildings

would not dominate the neighbouring properties and with an appropriate design would not cause overlooking.

17. Although neither the site nor Lynch Lane is within medium or high risk flood zones, it is suggested that any permission be the subject of a Condition requiring the approval of a surface water drainage scheme.

Recommendation

18. I am of the opinion that in terms of specifically planning related issues and considering the proposed layout, the scheme is acceptable and should be granted delegated powers of approval/refusal subject to the outstanding awaited comments and to the following conditions:
1. ScB. Time limit. (RcB);
 2. Sc1. Reserved Matters: scale, appearance and landscaping (Rc1);
 3. Sc5(b) surface water drainage scheme (Rc5(b));
 4. 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 protect the amenities of the adjoining properties and to ensure that the appearance of the site does not detract from the character of the area, in accordance with the requirements of Policy P1/3 of the Cambridgeshire Structure Plan and Policy HG10 of the South Cambridgeshire Local Plan 2004.)
 5. Sc52. Implementation of landscaping scheme (Rc52).
 6. No power operated machinery shall be operated on the premises during the period of demolition and construction, before 08.00 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 during the demolition and construction process.)
 7. Before the commencement of the development, visibility splays shall be provided on either side of the junction of the proposed access road with the public highway and thereafter maintained. The minimum dimensions to provide the required splay lines shall be 2.4 metres measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and the length of the site frontage measured along the channel line of the public highway from the centre line of the proposed access line. (Reason - In the interests of highway safety.)
 8. Before the commencement of the development, visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2.0m x 2.0m measured from and along respectively the back of the footway. (Reason - In the interests of highway safety.)
 9. The vehicular access shall be un-gated. (Reason - In the interests of highway safety.)
 10. Before development commences, an ecological consultant experienced in working with bats and appointed by the developers shall survey the site and building for bats. The results of the survey shall be submitted to the Local

Planning Authority before development commences. If bats are found, a report shall be submitted to and approved in writing by the Local Planning Authority before development commences specifying:

- (a) How the development would affect the bats;
- (b) If the report shows that the bats would be affected, mitigation and compensatory measures aimed at minimising the impact of the development on the bat population; and
- (c) Measures to ensure that the bats are safely excluded from the building before development commences.

All subsequently approved mitigation and compensatory measures, and working periods, shall be fully implemented following the prior written approval of the Local Planning Authority.

(Reason - All species of bat and their places of shelter are protected under the Wildlife and Countryside Act 1981, further protection is afforded under the habitats Regulations 1994 and in accordance with Policy EN13 of the South Cambridgeshire Local Plan 2004.)

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy**, adopted January 2007
ST/6 (Group Villages)
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
 - **South Cambridgeshire Local Plan 2004:**
HG10 (Housing Mix and Design)

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/0186/07/O, S/1676/03/O, S/0774/01/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director/Corporate Manager – Planning and Sustainable Communities

S/0060/07/F – HASLINGFIELD**Dwelling at Land Adjacent 12 Fountain Lane for Mrs P Kahn****Recommendation: Approval****Date for Determination: 7th March 2007****Notes:**

This Application has been reported to the Planning Committee for determination because the Officer recommendation conflicts with the Comments of the Parish Council.

Members will visit this site on Monday 5th March.

Site Visit**Site and Proposal**

1. The application received 10th January 2007 seeks the consent for the erection of a new dwelling house at Land adjacent 12 Fountain Lane, Haslingfield. The proposed scheme comprises an attached 2 bed dwelling to that of No 12 creating an end of terrace development.
2. The 0.027ha application site is located within the village framework. Neighbouring properties comprise a 2-storey chalet bungalow sited to the south west at an angle to the application site, allowing clear views into the rear garden of No.12. The adjoining property to the east mirrors that of No. 12 and shares a boundary wall.
3. The rear of the application site is currently used as garden land and the front part of the application site is used for off road parking for the vehicles of No. 12. The application splits the plot in two and allows for space to the rear of both properties to have private amenity space. Access is proposed from Fountain Lane. No 12 parking arrangements are to be located at the front of the dwelling for 2 off road parking spaces. The proposed scheme shows 2 off road parking spaces with a turning area on site.
4. The scheme comprises a 2-bed property attached to that of No 12. A small passageway at ground floor level between the two dwellings allows access to No. 12 without the requirement to cross the proposed new rear garden area and retains the single storey flat roof element at the rear of No. 12, internally a kitchen.
5. The proposed design of the dwelling introduces a slightly subservient ridgeline and a roof hipped away from No. 10 Fountain Lane. The density equates to 37 dwellings per hectare.

S/0060/07/F



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Planning History

6. An application submitted in 2005, planning reference **S/0253/05/O**, sought outline consent for a detached dwelling house. Officers were minded to refuse this scheme under delegated powers due to adverse impact on the neighbouring properties by virtue of being overbearing and over development of the plot. It was withdrawn before a formal decision was made.
7. Informal advice was given to the applicant at that time that a smaller, semi detached scheme or two storey extension may receive the support of officers. The applicant at the time did not wish consider this option further
8. The current owner of the property, Mrs Kahn also sought preliminary advice. The same advice was given and officer concerns raised regarding parking and turning, and neighbour amenity were duly expressed. This scheme reflects the comments made in the early discussions.

Planning Policy

9. **Policy P1/3** 'Sustainable Design in Built Development' of the Cambridgeshire and Peterborough Structure Plan 2003 seeks to ensure that all new developments incorporate a high standard of design that respond to the local character of the built environment.
10. **Policy ST/6** of the Core Strategy 'Group Villages' identifies Haslingfield as a Group Village.
11. **Policy HG10** 'Housing Mix and Design' sets out the requirements for residential developments to make the best use of sites in addition to be informed by the wider character and context of the surrounding area.

Consultation

12. **Haslingfield Parish Council** recommends refusal for the following reasons.

"The proposed building is overdevelopment of a narrow plot. Further, the plot is on a bend and is raised above street level. In short, the plot is not appropriate for an additional dwelling. We would also query the boundary line with No. 12. The apparent passageway through to the rear of No. 12 seems to be within the boundary."

Representations

13. One letter of objection has been received from the occupiers of 5 Scotts Yard. Issues raised are as follows:
 - Parking is already hazardous; the introduction of a new dwelling would further intensify this.

Planning Comments – Key Issues

14. The main issues in relation to this application are; the impact on the character of the street scene, the impact on the neighbouring properties and Highway safety.

Character and appearance on the street scene

15. The proposed development takes on the form of an end of terrace development. This type of development is not apparent in the street scene on this stretch of road. However there is a variation of dwellings in Fountain Lane comprising semi detached, detached and chalet bungalow all varying in design and detail. In my opinion another dwelling type is not unacceptable, particularly as the proposal takes on the simple style and form to that of the existing dwelling. The ridgeline is slightly subservient to the height of No. 12 and could be perceived as a large two-storey side extension. The front door is located in a single storey porch located at the side of the property, nearest to that of No. 10 Fountain Lane. This has been located in such a way so parking is not restricted. I am of the opinion that the street scene and character of Fountain Lane is not adversely affected by the introduction of the proposed scheme.

Impact on neighbouring properties

16. The proposed scheme is to be attached to that of the existing dwelling at No. 12. A small passageway is proposed at ground floor to allow rear access to the occupiers of No. 12. The proposed scheme will have minimal impact on the occupiers of No. 12 and will not introduce any additional overlooking than already exists from No. 14 and No. 10. The impact on No. 10 will also be minimal. The two-storey element of the proposed dwelling is located 3 metres from the boundary that separates it from No. 10. The single storey element is closer with only 1 metres distance, allowing access to the rear of the proposal.
17. The house at No. 10 Fountain Lane is a chalet bungalow that has had various additions over time and has box dormers on the rear elevation. The house is angled approximately 45⁰ south west to that of No. 12 and therefore the openings in the rear elevation look directly into the rear garden of No. 12. The proposed dwelling will have minimal views into the rear garden of No. 10 given the distance between them and the oblique views from the proposed openings.

Impact on Highway Safety

18. The proposed parking shows two off road parking spaces but with no potential to turn on the site. Subject to vehicles being able to manoeuvre onto the highway in forward gear I am of the view that highway safety is adequate on this plot. I am also of the view that this can be arranged with some minor amendments to the layout.

Recommendation

19. Subject to amendments to the arrangement of parking facilities, Approve, subject to:
1. Standard Condition A – Time limited permission (Reason A);
 2. Sc5a – Details of materials for external walls and roofs (Rc5a);
 3. Sc60 – Details of boundary treatment (Rc60);
 4. Sc5f – Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (Reason – To minimise disturbance to adjoining residents);
 5. Sc22 – No windows at first floor level in the west elevation of the development (Rc22);
 6. Restriction of hours of use of power operated machinery during construction (Rc26)
 7. Notwithstanding the submitted details, no development shall commence until details of the parking and turning of vehicles have been submitted to and

approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking and turning of vehicles. (Reason – To ensure Highway safety is not compromised);

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)
 - **Local Development Framework: Core Strategy 2007 ST/6** (Group Villages)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Highway safety

Informatives

1. General Environment Agency Standing Advice re soakaways.

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

- Local Development Framework Core Strategy 2007
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/0060/07/F and S/0253/05/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0134/07/F – HASLINGFIELD**Erection of Two Dwellings and Carports following Demolition of Existing Bungalow at 43 New Road, Haslingfield****Recommendation: Approval subject to the loss of the carports****Date for Determination: 16th March 2007****Notes:**

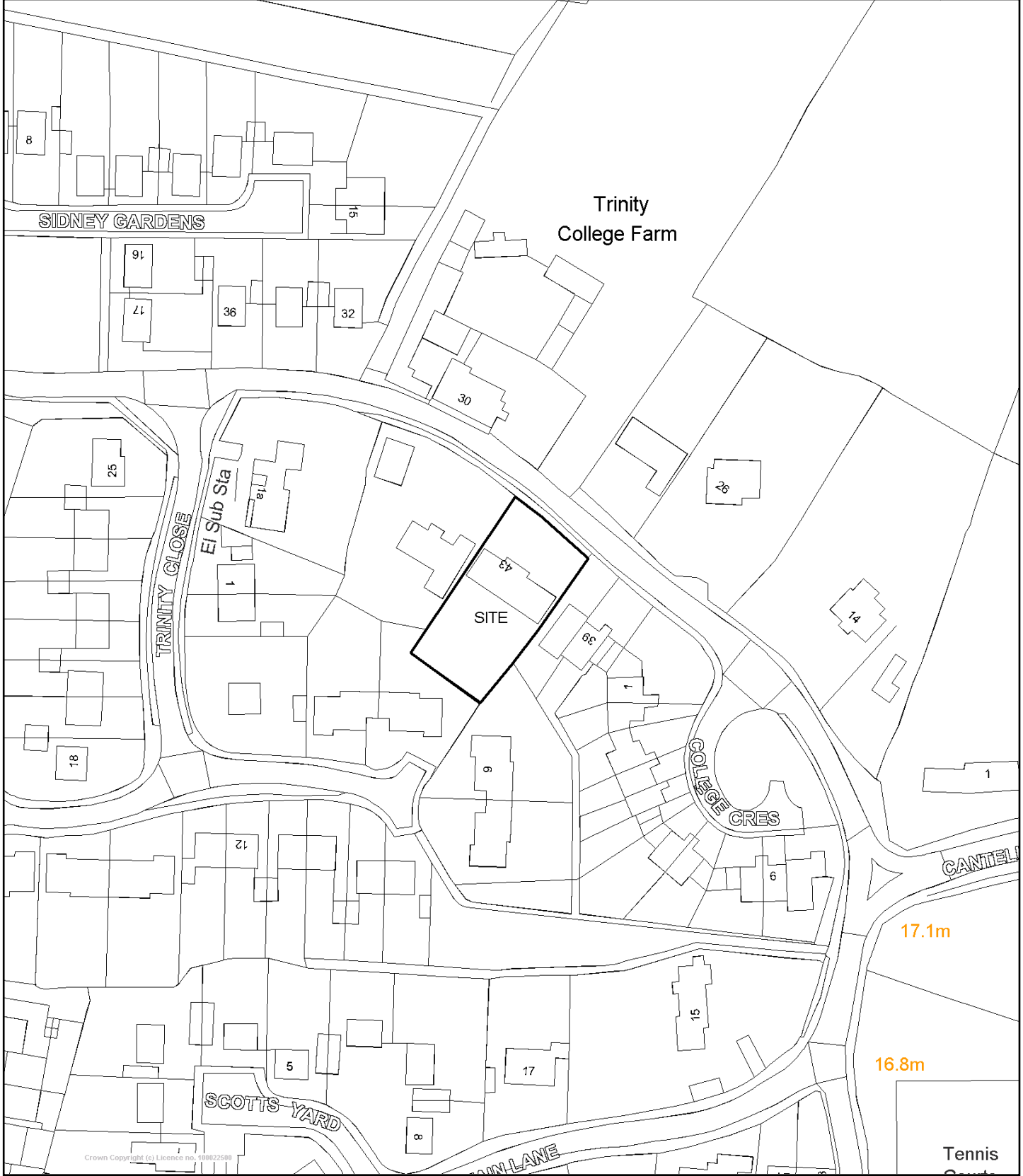
This Application has been reported to the Planning Committee for determination because the officer recommendation conflicts with the comments of the Parish Council.

Members will visit this site on Monday 5th March

Site and Proposal

1. The application received on 19th January 2007 seeks the consent for the demolition of the existing bungalow at No 43 New Road Haslingfield and the erection of two detached, 2 storey, 4 bed dwellings with carports. The site is in the village framework of Haslingfield.
2. The application site is approximately 0.89 ha (894.16 sq. m) in size and currently comprises a single storey dwelling that stretches along the frontage of the plot. There is off road parking to the front of the property for 2 or more cars and approximately 12 metres from the front of the driveway to the closest part of the dwelling house that fronts the road. There is one point of access at present. A rear garden is some 22m deep x 20m wide.
3. The site neighbours a large two storey detached dwelling to the north west and a smaller two storey detached dwelling to the south east. The rear of the plot abuts gardens of the bungalows in Trinity Close, namely No. 5 and 6. The rear garden of No. 5 is particularly shallow in depth, although at present is of a far enough distance from the existing bungalow as to not cause any loss of neighbour amenity.
4. The application submitted proposes the erection of 2 two storey dwellings comprising 4 bedrooms, one en suite, living room, kitchen, dining room, study and front room. The frontages are approximately 9 metres in width and 14.5 metres in depth. The proposed rear gardens measure approximately 17 metres from the rear boundary to the proposed rear elevations.
5. There are two wooden carport structures (3.7 metres to the ridge) included in the submitted application and the addition of a new access at the front of the site.
6. An additional site visit was carried out to ensure the dimensions submitted were accurate.

S/0134/07/F



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Scale 1/1250 Date 26/2/2007

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March 2007 Planning Committee

Planning History

7. There is no history relevant to this application.
8. Preliminary discussions with the applicant advised that the scheme may be better approached as a pair of semi-detached dwellings. However should he wish to pursue the current scheme he would have to ensure neighbour amenity, street scene and parking facilities were all carefully considered. A reduction in the depth of the dwellings was also suggested.

Planning Policy

9. **Policy P1/3** 'Sustainable Design in Built Development' of the Cambridgeshire and Peterborough Structure Plan 2003 seeks to ensure that all new developments incorporate a high standard of design that respond to the local character of the built environment.
10. **Policy ST/6** of the Core Strategy 2007 identifies Haslingfield as a 'Group Village'.
11. **Policy HG10** 'Housing Mix and Design' sets out the requirements for residential developments to make the best use of sites in addition to be informed by the wider character and context of the surrounding area.

Consultation

12. **Haslingfield Parish Council** recommends refusal due to overdevelopment of the plot. "In our view a pair of semi-detached houses would be preferable and more site appropriate. We are also concerned about the adverse impact on adjoining properties, especially the loss of light to No. 41. We would request a site visit to examine the site."
13. **Trees Officer** has no objections to the loss of the silver birch in the rear garden if landscaping is to be submitted but would like to see the beech hedging at the front retained.

Representations

14. There have been 3 letters received with reference to this application.
15. One letter of objection has been received from the occupier of No 5 Trinity Close. Concerns raised include overcrowding of the site, overbearing impact on the occupier and the rear garden, loss of privacy, urbanisation of a rural village, no affordable housing considered, detrimental impact on local wildlife and lack of information regarding the boundary detailing.
16. The occupiers of No. 45 New Road have no objections but there are several concerns regarding the boundaries that the neighbour would like clarified. These are as follows:
 - (a) How far will the new house walls be away from the boundary and their property?
 - (b) Are the external walls to be constructed as the enclosing walls as this is not clear on the drawings?
 - (c) Retention of the existing boundaries.

17. In addition they request that the current fence height is retained in order to preserve privacy and to ensure all fencing is secured throughout construction to safeguard the safety of children and pets.
18. The occupiers of No 41 New Road have several concerns in regard to the loss of light, loss of privacy, inaccuracies and lack of clarity in the plans, environmental issues and overdevelopment of the plot.
19. In more detail concerns raised consider the potential loss of light to various openings on the side of their property as this is considered to be the front of their property in relation to the location of their front door that will open to the side elevation of Plot 1. In particular the front porch that is glazed, which is the only source of light into their downstairs lobby, staircase and upper landing. A window in the downstairs and upstairs cloakroom, again the only source of light into these rooms and two windows in the kitchen, the other window in the kitchen faces north and lets in minimum light.
20. The proximity, design and height of the proposed dwelling at plot 1 is said to reduce light and cause an overbearing impact on the occupiers of No. 41, creating a 'dark tunnel' particularly during the winter months.
21. The proposed roof lights will be at the same level as their bathroom window that is their only opening for this room and they have requested that these be non opening and/or obscure glazed to retain privacy.
22. The letter also refers to further clarification of the plans, concerns raised include the street scene in the drawings submitted, indicating that their property is detached. It is attached to No. 39. This gives a false impression of the street scene, indicating that it is made up of large detached dwellings when it is not. The objector believes semi detached properties would fit more appropriately here.
23. The letter also points out that the drawings show the retention of the existing 1.8 metre boundary fence. This is said to be erroneous as the current boundary consists of a beech hedge, four timber panels (approx 7 metres) and then a privet hedge, which runs along the rest of the boundary. The question is asked whether these hedges that make up the majority of the boundary are to be retained? It also mentions that there is also no mention of the apple trees or silver birch or their fate.
24. The occupiers would wish to see these hedges retained for aesthetic quality and the wildlife that resides within them. A site visit in the late afternoon has also been requested to assess the proposal on site.

Planning Comments – Key Issues

25. The key issues in considering this application are the impact on the street scene and the impact on neighbouring properties, given that redevelopment is acceptable in principle.

Impact on the character and appearance of the street scene

26. The proposed development comprises two detached properties that fill the majority of the frontage, much like that of the existing bungalow. Although there is an increase in depth of the houses from approximately 9 metres to 14.5 metres, the projection does not significantly project the existing building line to the rear of No. 41 New Road and is less than that of No. 45.

27. The design of the 2 dwellings mirrors one another and the design is not out of keeping given the varying designs in the streetscape. The major difference is that of the height, measuring 8 metres to the ridge. This is similar to the height of No 45 and marginally taller than that of No. 41. I am of the opinion that this does not adversely impact on the setting or character of the street scene.
28. The proposed carports sited at the front of the plot are out of character and there is nothing in the street scene that reflects building forward of the building line. The garage at No 45 is on a far larger plot and has a very open frontage. The introduction of carports here would over develop the plot and therefore I am of the opinion these should be omitted from the scheme.

Impact on the occupiers/owners of No. 41 New Road

29. The dwelling house at No. 41 is sited in such a way that its front door is located on the side elevation, immediately opposite that of the proposed plot 1. The openings in the side elevation of plot 1 comprises two roof lights at first floor, one over the ground floor dining room allowing for extra light overhead and the other for the en suite bathroom to bedroom 1. At ground floor is a large glazed window for the dining area; the plans do not show these as opening.
30. The elevation facing No. 41 comprises two gable ends and a sloping roof that lowers to ground floor eaves height, linking the taller two-storey elements together; this has been designed in such a way that it will have less impact on the neighbouring properties. For No. 41, the existing boundary comprises mostly hedging and tree tops from the neighbouring plot, the proposed long sloping roof, albeit very different from that of the existing will potentially open up an area that will help overcome any impact the development of this site may have on the occupiers of No 41 and help reduce loss of light to the windows in this neighbouring property.
31. The windows on the adjacent elevation of No. 41 are for lobby areas, stairways and secondary windows to that of the kitchen. The cloakroom windows on this elevation are the only openings for light and ventilation but this is not classified as 'habitable rooms'.
32. Although the proposal does not create an ideal relationship and the development is very different to that of the existing dwelling, I am of the opinion that the minor impact the development may have on these openings would not warrant a recommendation for refusal.

Impact on the occupiers/owners of No. 5 Trinity Close

33. The existing dwelling sits approximately 27 metres from rear elevation to the closest point of No. 5 Trinity Close. The proposed scheme sits approximately 22.5 metres from elevation to elevation. This is seen as an adequate distance between the two properties. The increase in height from single to two storey at 8 metres to the ridge will introduce a new elevation to the occupier of No. 5 Trinity Close. However I am of the opinion that this is also an adequate distance between dwellings and will not adversely compromise the privacy of the occupiers at No. 5. The distance between the rear elevation of No 5 and that of the property at No. 45 New Road is a few metres less than the proposed scheme and again therefore I am of the opinion the I could not justify a recommendation for a refusal.

Impact on the occupiers of No. 45 New Road

34. It is my opinion that there is not any adverse impact on the dwelling at No. 45 New Road.

Recommendation

35. Subject to the omission of the carports, Approve subject to the following conditions:
1. Standard Condition A – Time limited permission (Reason A);
 2. Sc5a – Details of materials for external walls and roofs (Rc5a);
 3. Sc51 – Landscaping (Rc51);
 4. Sc52 – Implementation of landscaping (Rc52);
 5. Sc60 – Details of boundary treatment (Rc60);
 6. Sc21 – Removal of PD rights, Part 1 Classes A and B (alterations and additions). (Reason - To protect from overdevelopment of the site and to protect the amenity of neighbouring properties);
 7. Sc5f – Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (Reason – To minimise disturbance to adjoining residents);
 8. Sc22 – No further windows at first floor level in the south east elevation of Plot 1 and the north west elevation of Plot 2. (Rc22);
 9. Sc26 - Restriction of hours of use of power operated machinery during construction (Reason - To safeguard the amenity of the adjoining properties);
 10. The development shall not be occupied until space has been laid out (in accordance with the attached plan hereto) for 2 cars to be parked and to turn clear of the Highway, and that area shall not thereafter be used for any purpose other than parking and turning of vehicles. (Reason – In the interest of Highway Safety);
 11. The existing hedge on the front boundary of the site shall be retained except at the point of access unless otherwise agreed in writing with the Local Planning Authority; and any trees or shrubs within it which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, 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 protect the hedge, which is of sufficient quality to warrant its retention and to safeguard the character of the area).

Informatives

Reasons for Approval

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

- **South Cambridgeshire Local Plan 2004:**
HG10 (Housing Mix and Design)
- **Local Development Framework: Core Strategy: 2007**
ST/6 (Group Villages)

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

- Loss of privacy
- Overdevelopment of the plot
- Loss of light
- Adverse impact on neighbouring properties
- Impact on the street scene

General

General Environment Agency Standing Advice re: Soakaways

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

- Local Development Framework Core Strategy 2007
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/0134/07/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0003/07/F - HISTON
Foul Drain to Serve Proposed Retirement Development
At Kay Hitch Way
For Bovis Homes Ltd.**

Recommendation: Delegated Approval

Date for Determination: 6th March 2007

Notes:

This Application has been reported to the Planning Committee for determination because the Officer's recommendation conflicts with that of the Parish Council.

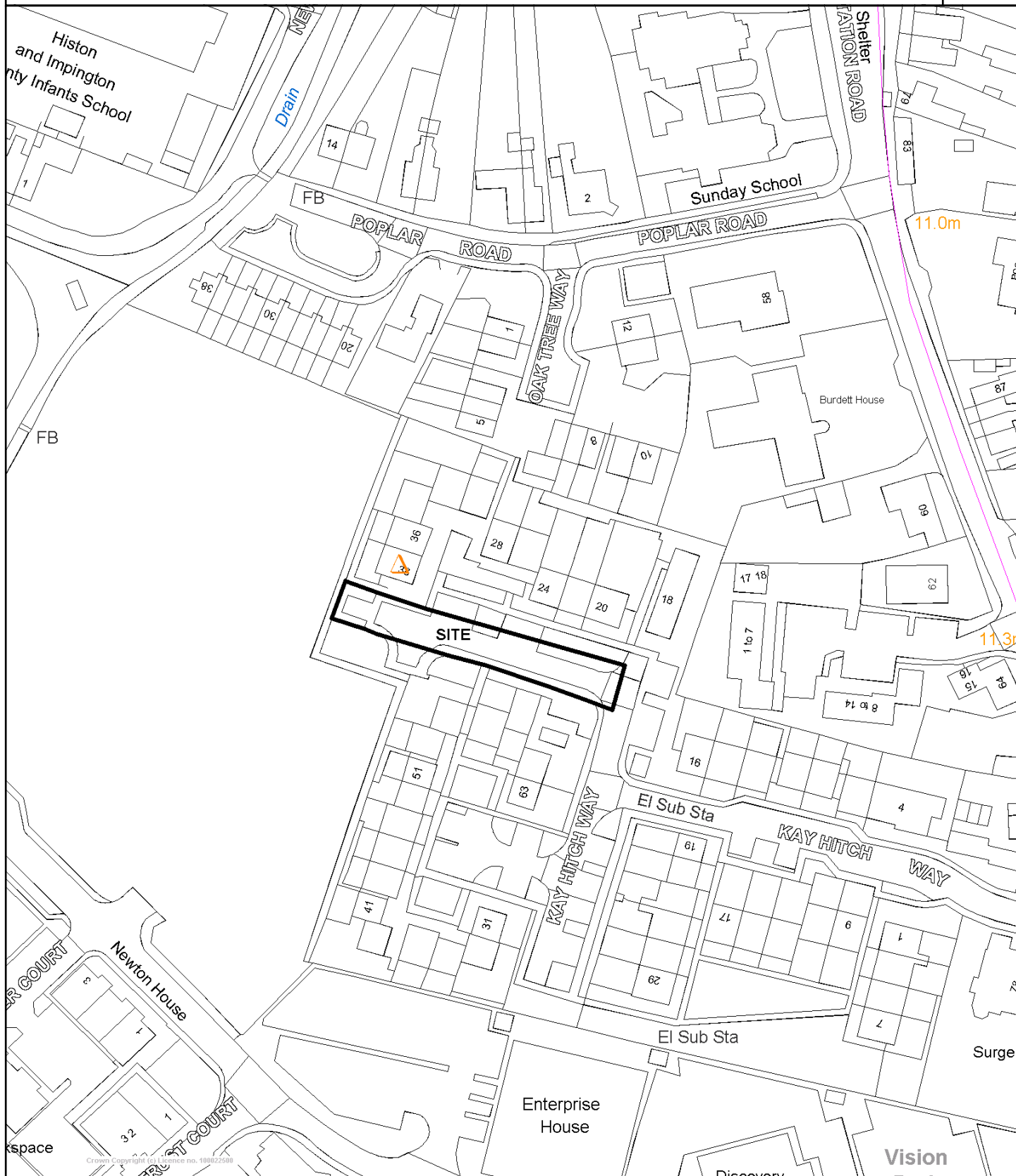
Site and Proposal

1. Kay Hitch Way is a development of bungalows that are sheltered homes owned by the Council. The application site is the verge, SCDC parking spaces and roadway at western end of Kay Hitch Way, an area measuring 450 square metres. The road terminates at a turning head at the western end of the application site, beyond which is a grassed verge. Beyond this is an area of land that is currently being developed with a scheme of 46-sheltered retirement apartments. There are bungalows on the northern side of the road.
2. This full planning application, received on the 4th January 2007, seeks permission for an alternative foul drainage system to that approved, which would serve the retirement flats under construction. The development will be by a 150mm foul drain that is connected to a foul water pumping station within the site boundary of the retirement flats. From this point it is pumped to the public sewer in Kay Hitch Way. The pumping station is proposed within the development so as to not exacerbate existing problems with the foul drain when there is surcharging of the sewer in wet weather. The pumping station will buffer the outflow from the development if the receiving drain has surcharged.
3. The application is accompanied by a Design and Access Statement, which explains the proposals in full detail. As part of this statement, there is correspondence with Anglian Water that confirms it has approved the design of the foul sewer and agrees that it can be adopted by them.

Planning History

4. Planning application **S/1875/05/F** for the erection of 46 sheltered retirement apartments was refused. An appeal was subsequently allowed. This scheme is that to which this application relates and is currently being constructed on site.
5. An earlier planning application (ref. **S/1559/03/F**) was refused and dismissed at appeal for the erection of 57 dwellings on the site accessed from Kay Hitch Way. This was a

S/0003/07/F - Histon



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Planning Committee March 2007

larger site including land now being developed with a separate scheme for a care home (ref. **S/0116/06/F**).

Planning Policy

6. **Policy ST/4 'Rural Centres'** of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007 acknowledges that larger villages such as Histon and Impington can accommodate development and re-development provided that adequate service, facilities and infrastructure are available or can be made available as a result of the development.
7. **Policy CS3 'Foul and Surface Water Drainage'** of the South Cambridgeshire Local Plan, adopted 2004 indicates that there is a presumption that new development will be served by connection to a public sewer.
8. **Policy P6/1 'Development-related Provision'** of the Cambridgeshire and Peterborough Structure Plan, adopted 2003 allows development to be permitted only where the additional infrastructure and community requirements generated by the proposals can be secured.
9. **Regional Planning Guidance 6 (Eastern Region) 2000**: contains no policies that are relevant to this proposal.

Consultation

10. **Histon Parish Council** recommends refusal on grounds that "the current system was not fit for purpose, this would make it even worse, regardless of whether it has a holding tank or not. An absolute guaranteed from Anglian water is needed that what is put in place will meet ALL future demands for this area. The original plans were for a sewer to go to the private system. The Parish Council believes that if Bovis Home included this new aspect at the start it is foreseeable that the application would have been rejected".
11. **Environmental Health** conclude that there are no significant impacts from the Environmental Health stand point
12. **Building Control** has no adverse comments.
13. The **Drainage Manager** comments:

"The foul sewer in Kay Hitch Way has been the source of flooding for many years. Anglian Water has been contacted on numerous occasions in the past regarding this problem but has been either unable or unwilling to resolve the difficulties. The sewerage undertaker has indicated that it is prepared to accept the additional flows from the development and does not appear to recognise the problems associated with surcharging of the sewer during periods of heavy rainfall.

The developers have produced a design for foul sewerage that will minimise the impact on the Anglian Water sewer and this design is a reasonable attempt to deal with the problem. Although the proposal will reduce the frequency of the new pipe being surcharged, it is not possible to quantify the level of risk of surcharging in the new pipe. The design will not improve the existing Anglian Water system and the properties in Kay Hitch Way will remain at risk of flooding.

It appears that the key to resolving the flooding problems in the locality lies with Anglian Water."

14. **Housing's Project Manager** comments:

"Although Bovis are proposing to construct a pumping station and wet well as part of the works to minimise the impact of the new development on the existing AWA system the capability of this is a matter for AWA to address and approve.

It has been intimated that surface water ingress into the AWA system contributes to overload and hence causes a back up. I understand that Councilor Mason has been involved with a long running saga relating to this problem within the village and may wish to comment on this matter.

On behalf on this Authority's Housing Services Department **I must stress my concerns** on this proposed work to connect to the existing AWA drain which passes under Kay Hitch Way. This adopted foul drain also serves the existing SCDC development of sheltered bungalows in Kay Hitch Way, some residents of which experience problems with the disposal of their domestic waste due to the backing up of the AWA main drain during / after prolonged periods of rainfall.

This Authority's elderly tenants cannot be expected to endure this situation and the proposed new connection, is considered, will only increase the likelihood of it reoccurring. It is considered that remedial measures need to be undertaken on the existing foul system by AWA prior to any thoughts of further connections.

It trust AWA will insist on the necessary measures which can be incorporated in any planning consent you may deem to issue."

15. The **Lands Officer** has no comments in relation to this proposal.

16. **Anglian Water's** comments will be reported verbally.

Representations

17. **Councillor Mike Mason** comments include:

- (1) The connection now proposed is to an existing foul sewer in Kay Hitch Way which is regularly subject to surface water surcharge with the result that tenants and owners of properties are unable to flush toilets.
- (2) A full and detailed response from Anglian Water Services Ltd is required now.
- (3) Statutory consultees, in particular County Highways and Environment Agency would have been unaware of the current proposals and worked on the assumption that foul drainage would be dealt with in accordance with the original plans submitted for consultation and approved by the Inspector at Appeal that showed foul drainage connected to the private system within the adjoining Vision Park development.
- (4) It is likely that the Highway Authority would want to very carefully assess and place conditions on a new road opening involving very deep trenching into underlying gravels and the necessity for additional works within the adopted highway e.g. manholes, protection of other buried services final re-instatement and surfacing etc.
- (5) With regard to the response from Anglian Water Services Ltd. the Council should ask for a number of assurances:
 - i. That they (Anglian Water Services Ltd.), as the responsible drainage authority, are prepared to adopt and maintain the system from and including the pumping station through to manhole F1. Telemetry, controls, rate of discharge and maintenance should be under the control of the

publicly accountable water body and not left in private ownership which could change. Environment Agency comments about publicly adopted foul drainage should be noted.

- ii. That the design of the package pumping station/holding tank is totally self-contained in respect of emission of odours and noiseless in operation due to the close proximity to existing dwellings in Kay Hitch Way.
- iii. That the design is “fail-safe” to prevent uncontrolled operation during surcharge conditions.
- iv. That the holding capacity of 13900 litres is sufficient for the storage time anticipated under the worst case scenario of flooding and includes allowance for climate change and any other factors.
- v. That full provision is made for emergency pump out in the event of electrical or mechanical failure.
- vi. That they will now carry out a full investigation into the existing deficiency of the main sewer in Kay Hitch Way with a view to carrying out any necessary remedial or repair works to eliminate surface water surcharge.
- vii. Re-assurance that detection of surcharge conditions in manhole F3 to control the “buffering system” will be satisfactory and that calculations are related to historic experience is required.

(6) If this is successful then the matter of planning conditions will need to be addressed i.e. work programme, de-watering, noise from machinery, access to properties etc.

18. **Councillor Jonathon Chatfield** fully supports Councillor Mason’s concerns, noting that “we have all been contacted in recent years, as local members, by concerned residents from Kay Hitch Way. We must ensure that a currently poor situation is not made worse.”

19. Two letters from residents of Kay Hitch Way have been received in response to consultations. They raise the following concerns:

- (1) Existing drains are inadequate for the number of existing inlets.
- (2) After heavy rainfall the drains are full of surface water and there is then back up of the foul water into toilets, with water levels having been up to the rim on a number of occasions over the past few years (one resident noted that this was three times in two years).
- (3) An SCDC Officer had to visit the road on one occasion and, having lifted all the manhole covers, found the drains to be full of foul water. The drains were subsequently rodded but this has not resolved the problem.
- (4) Anglian Water is aware of the problem but has refused to do anything about it. One resident has a letter from Anglian Water to this effect. This is illegal and SCDC should do something about it.
- (5) The approved planning application showed the foul drains going to Chivers Way where they would connect up with a private pumping station.
- (6) Adding more outlets to an inadequate drainage system will cause more problems.

Planning Comments – Key Issues

20. The key planning issue in relation to this proposal is whether or not the foul drainage system proposed will be adequate to serve to serve the retirement apartments development. Responses to consultations also raise the issue of whether this proposal will exacerbate the existing problem of surface water backing up in the foul drain.

21. In terms of this application the applicants can only reasonably be required to provide adequate drainage to serve their own development. The responses of the Council's Drainage Manager and Building Control Officer indicate that this system is adequate to serve the development. Anglian Water has already approved the design and indicated that they will adopt the new drain.
22. To require the developer to address an existing problem is outside of the remit of planning control and would be unreasonable. Notwithstanding, the proposals should not make the situation worse than it currently is. The Council's Drainage Manager acknowledges in his comments that it is not possible to quantify the level of risk of surcharging in the new pipe that will result following the installation of the new foul drain, but this is not a planning matter and is an issue for Anglian Water to resolve.
23. Anglian Water has been consulted and asked to confirm that the storage capacity of the pumping station is adequate. Should any new information be provided, particularly in addressing the points raised by the Housing Department and Councillor Mason, this will be reported verbally to Members of the Committee.
24. The system's design appears to be acceptable in relation to matters that are relevant to planning. The applicant has been asked to address Councillor Mason's points i, ii, v and vii, as set out in paragraph 17 of this report and Members will be updated verbally.
25. Aside from material planning considerations, there is clearly an existing problem with the main foul sewer that the Council could seek to resolve in relation to the existing problems, however the planning system is not the appropriate mechanism by which to secure this. Similarly, the issues raised in point 6 at paragraph 17 relate to the construction and are not planning matters.

Recommendation

26. Delegated approval is sought subject to no objections being raised by Anglian Water and the receipt of further information from the developer.

Conditions

- (1) Standard Condition A – Reason A (Time Limit)
- (2) Any additional conditions required as a consequence of responses from Anglian Water Ltd and the developer.

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy 2007:**
ST/4 (Rural Centres)
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P6/1 (Development-related Provision)
 - **South Cambridgeshire Local Plan 2004:**
CS3 (Foul and Surface Water Drainage)

2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise: **Foul and surface water drainage**
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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

- South Cambridgeshire Local Development Framework Core Strategy 2007
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/0003/07/F, S/1878/05/F and S/0116/06/F
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2255/06/F - LONGSTANTON
Relocation of Unit 5 and Creation of Landscaped Courtyard
Unit 5, New Close Farm Business Park, Bar Road, Longstanton**Recommendation: Approval****Date for Determination: 17th January 2007**

This Application has been reported to the Planning Committee for determination because it represents a departure from Development Plan policies in regard to development in the countryside.

Departure Application**Site and Proposal**

1. The application site is within a collection of converted agricultural outbuildings and new units that create the small business park on site. It is located approximately 880m north of the village of Bar Hill and 2260m south of Longstanton. It is accessed from Hatton's Road that runs between these two villages. The 106m long access also serves a dwelling situated to the south of the business units.
2. There are a small number of designated business units on site, in two visibly distinct sections. Units 7-9 are set to the north of the site and form a converted farm building. Units 1-4 and Unit 6 form a "C" shape of development, consisting of low single storey buildings, with a two-storey element at Unit 2. Unit 5 currently sits within the "C" shape not attached to any of the other buildings and is a single storey unit measuring 14.8m by 5.4m.
3. The full application received on 22nd December 2007 is for the removal of Unit 5 in its current location, and its relocation joining up with Unit 4. This serves to form a square arrangement of business units and creates an open courtyard to the centre, that can be accessed by foot without passing through any of the buildings. The proposed addition would measure 11.3m by 7 to 7.5m in area. Two additional car parking spaces are also indicated on the site.

Planning History

4. **S/0327/92/F** – This application granted a change of use for Unit 7 from a farm building to B1 and B8 use, dated 19th May 1992.
5. **S/0328/92/F** – The application granted permission for the erection of units 2-5 on the site for use in class B1 or B8, dated 19th May 1992.
6. Units 7 and 9 on site were granted a change of use to a veterinary surgery through application **S/0758/96/F**, dated 11th July 1996. An application was recently approved

S/2255/06/F



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on unit 7 allowing alterations to the roof including the insertion of dormer windows and new windows at ground floor level (**S/0519/06/F**).

7. **S/1704/06/F** – This application dated 23rd October 2006 granted permission for the installation of windows and doors to the existing offices at unit 2 on the site.

Planning Policy

8. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ('the County Structure Plan') states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location. This policy is supported by **Policy DP/7** of the Local Development Framework, Submission Draft 2006.
9. **Policy P1/3** of the County Structure Plan requires a high standard of design and sustainability for all new development and which provides a sense of place which responds to the local character of the built environment. This policy is supported by policy DP/2 of the Local Development Framework, Submission Draft 2006.
10. **Policy P2/6** of the County Structure Plan states that sensitive small-scale employment development in rural areas will be facilitated where it contributes to one or more of the following objectives: supporting new and existing business and research and technology clusters (see Policy P2/4); enabling farm or rural diversification where appropriate to the local area, including appropriate rural tourism (see **Policies P4/1 and P4/2**); enabling the re-use of existing buildings; helping to maintain or renew the vitality of rural areas.
11. **Policy EN3** of the South Cambridgeshire Local Plan 2004 ('the Local Plan') states that in those cases where new development is permitted in the countryside the Council will require that (a) the scale, design and layout of the scheme (b) the materials used within it, and (c) the landscaping works are all appropriate to the particular 'Landscape Character Area', and reinforce local distinctiveness wherever possible.
12. **Policy EM10** of the Local Plan focuses on the conversion of rural buildings and future extensions. It states that outside village frameworks planning permission will be granted for the change of use and conversion of rural buildings to employment use subject to a number of provisions including:
 - (a) The buildings do not require major reconstruction;
 - (b) The conversion will not prejudice village vitality;
 - (c) The appearance after conversion is in keeping with the surroundings;
 - (d) The conversion does not materially change the character of the building or impact upon the surrounding countryside;
 - (e) Safe access and satisfactory provision for parking and turning of vehicles can be achieved without detriment to the setting of the building or the surrounding landscape;
 - (f) Scale and frequency of traffic generated can be accommodated on the road system without undue effects.

Paragraph 5.49 states: "Because most rural buildings in South Cambridgeshire are small the potential scale of activity of converted buildings will usually be similarly modest. Any elements of increased floorspace contained within conversion proposals

will be strictly controlled and usually limited to that which may be necessary to achieve an enhanced design or integrate the scheme with its surroundings”.

13. **Policy CS5** of the Local Plan states that planning permission will not be granted for development where the site is liable to flooding, or where development is likely to: (1) increase the risk of flooding elsewhere by materially impeding the flow or storage of flood water; or (2) increase flood risk in areas downstream due to additional surface water runoff; or (3) increase the number of people or properties at risk, unless it is demonstrated that the above effects can be overcome by appropriate alleviation and mitigation measures and secured by planning conditions or planning obligation providing the necessary improvements would not damage interests of nature conservation.
14. Adopted Local Development Framework ('LDF) core strategy **Policy ST/1** states that a Green Belt will be maintained around Cambridge. The detailed boundaries will be established in Development Plan Documents. The key Diagram suggests that the site will be in the Green Belt. It is not at the present time. **Draft Policies GB1 and GB2**, relating to Green Belt, will apply if adopted. **Policy GB1** states that there is a presumption against inappropriate development in the Cambridge Green Belt. Inappropriate development is defined in Section 3 of PPG2: Green Belts. **Policy GB2** further states that any development considered appropriate within the Green Belt must be located and designed so that it does not have an adverse effect on the rural character and openness of the Green Belt. 2. Where development is permitted, landscaping conditions, together with a requirement that any planting is adequately maintained, will be attached to any planning permission in order to ensure that the impact on the Green Belt is mitigated.
15. Draft Local Development Framework **Policy ET/9** states that when considering proposals for replacement buildings in the countryside for employment use, any increase in floor area will be strictly controlled, and must be for the benefit of the design, or in order to better integrate the development with its surroundings.

Consultation

16. **Longstanton Parish Council** – no comments received at time of writing report. Comments will be reported verbally at Committee.
17. **Lolworth Parish Meeting** - no comments received at time of writing report. Comments will be reported verbally at Committee.
18. **Chief Environmental Health Officer** – has considered the implications of the proposals in terms of noise and environmental pollution, and there are no significant impacts from the Environmental Health standpoint.
19. **Environment Agency** – confirms that it is the Local Authority's responsibility to address flood risk, on behalf of the Agency using standing advice provided in the flood risk matrix.

Representations

20. No representations have been received.

Planning Comments – Key Issues

Visual Impact on the Character and Appearance of the Countryside

21. Whilst the proposed development represents a technical departure from existing policy, as it represents 'new build' development in the countryside, it is worth noting that the proposed unit creates an identical amount of floorspace to that which contained within the existing unit 5, which is to be demolished as part of the scheme. The applicant has stated that the new structure is being sought as the existing structure, whilst capable of re-use, requires refurbishment at a cost equivalent to new build without providing best facilities, particularly for disabled use. The claimed intention is that by replacing the existing unit the overall business park is enhanced, by improving the quality of buildings and the amenity space that serves them. This approach is supported in the principles proposed in draft LDF Policy ET/9 and Planning Policy Statement 7, "Sustainable Development in Rural Areas", which indicates that the Government is supportive of replacement of suitably located, existing buildings of permanent design and construction for economic development purposes, particularly where the replacement building would bring about environmental improvements.
22. The proposed replacement unit is designed to be of a similar height, scale and form to the existing Unit 5, which is to be demolished as part of these proposals. The existing unit is a single storey, timber clad structure, which measures 4.2m to the ridge. The proposed structure, by comparison, is also a single storey, timber clad structure that measures 4.7m in height to the ridge. The two structures have an identical internal floor area (74.8m²) and matching eaves heights. Whilst the proposed structure will therefore be marginally taller than the existing, by virtue of the overall design, scale and form of the structures being similar, and given that the backdrop of the proposed unit will be a much larger, two storey barn, the impact of the development will be minimal in the countryside. Furthermore, the scheme offers improved amenity value within the business park estate, facilitating the creation of an landscape area within the development, which also serves to improve the visual appearance of the park.
23. For these reasons I do not consider that the proposal materially prejudices Development Plan Policies to warrant referral of the application to the Secretary of State.

Highway Safety

24. The principle of business units operating in this location has been established for a significant period of time. The proposed unit has a floor area matching that of the existing area of office accommodation that it is to replace. As such the proposed development would not result in a material increase in traffic generated by the business park as a whole. By repositioning the business floorspace two additional car parking spaces are created to serve the business park. The overall number of parking spaces on the site remains within the parking standards set out in Appendix 7/1 of the South Cambridgeshire Local Plan 2004.

Appropriateness in the Green Belt

25. The existing development is not in the Green Belt, but it is possible that this might change in the future. As discussed above, the principle of business accommodation in this location has been previously established, and the proposed development would not exacerbate the existing relationship with regard to vehicular and people movements. I am of the view that the proposed development would therefore be consistent with future Green Belt policies and would not have a materially greater impact on the openness of the area.

Environmental Impact

26. I have recommended the repetition of a number of conditions from the consent relating to the existing unit below, in order to safeguard the character and relationship between the existing business units and the neighbouring residents. These include restriction of the permitted use class, hours of operation for any power operated machinery and details of the type and location of any power driven plant or equipment.

Flood Risk

27. The site is within Flood Zone 2 (medium risk). A flood risk assessment has been submitted as part of the application. The details contained within the assessment follow the standing advice, provided by the Environment Agency. Floor level will be the same as existing buildings. No additional run off will result. Rainwater will discharge to the existing on site surface water drainage system (soakaways).

Recommendations

28. Approval
1. Standard Condition A – Time limited permission (Reason A);
 2. Sc5 - Materials to be used for the external walls and roofs;
 3. Sc51 – Landscaping (Rc51);
 4. Sc52 – Implementation of landscaping (Rc52);
 5. Sc5f – Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (Reason – To minimise disturbance to adjoining residents);
 6. Notwithstanding the provisions of Regulation 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 unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf:- I) Part 8, (Industrial and Warehouse Development) Class A. (Reason – To safeguard the character of the area.);
 7. No power operated machinery shall be operated on the premises before 0700 hours on weekdays and 0800 hours on Saturdays nor after 1900 hours on weekdays and 1230 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 the noise disturbance to adjoining residents.);
 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 but excluding office equipment and vehicles and the location of the outlet from the building of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions. (Reason - To minimise the noise disturbance to adjoining residents.).

Informatives

Reasons for Approval

1. Although the proposal does not comply with Policy P1/2 of the Structure Plan 2003, it will not result in a greater amount of development in the countryside and will represent an environmental improvement in accordance with PPS7, "Sustainable Development in Rural Areas". The development is considered generally to accord with other Development Plan policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
P2/6 (Rural Economy)
 - **South Cambridgeshire Local Plan 2004:**
EN3 (Landscaping and Design Standards for New Development in the Countryside)
EM10 (Conversions of Rural Buildings and Future Extensions)
 - **South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)**
ST/1 (Green Belt)

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Highway safety
 - Visual impact on the Character and Appearance of the Countryside
 - Appropriateness in the Green Belt if extended over the site
 - Flood Risk

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

- South Cambridgeshire Local Development Framework Core Strategy 2007
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/2255/06/F, S/1704/06/F, S/0328/92/F, S/0327/92/F and S/0758/96/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1948/06/F - LONGSTANTON
Erection of Dwelling at Land adj 23 Thatchers Wood**Recommendation: Approval****Date for Determination: 5th December 2006**

This Application has been reported to the Planning Committee for determination because the Parish Council objection does not accord with the Officer recommendation.

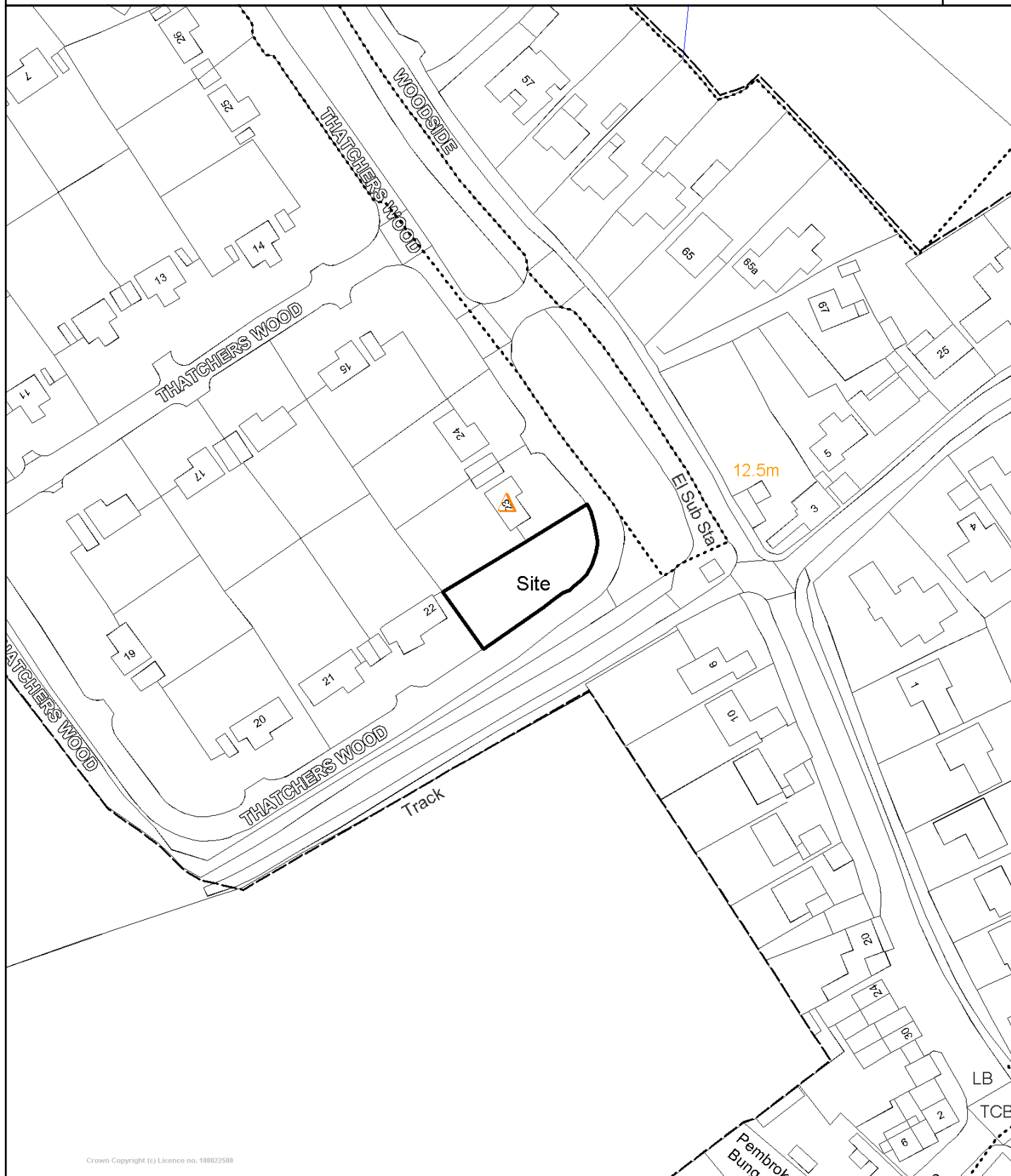
Site and Proposal

1. This approximately 800m² site forms a corner plot on part of the Thatchers Wood estate, within the Longstanton village framework. The dwellings are former MoD houses sold off privately some years ago. The estate is characterised by large dwellings on spacious plots with a lot of open space to the frontages, and the majority of the dwellings are built on similar building lines that aids the spacious open character.
2. The original application submission was for Reserved Matters following the grant of Outline Planning Permission. However since the grant of that consent it has been established that flaws in the site dimensions on the Outline plans mean that the position of the approved dwelling (siting was approved at Outline stage) could not be achieved. Consequently the application has been amended to take account of the true dimensions and converted to full. This full application proposes the erection of a 2½ storey 4 bedroom detached house with attached single storey double garage to the side. The house would be approximately 8.8m high to the ridge and 5.2m to the eaves. The density equates to 12.5 dwellings per hectare.
3. A small gable is located to the front of the dwelling for the staircase. A single-storey element is set to the rear of the dwelling to provide a family room. The garage is set to the southeast of the dwelling, and would measure 5m in height to the ridge. The garage would be located 1.5m from the verge and 3.5m from the road to the southeast.

Planning History

4. **S/1698/06/F** – This application for a house adjacent to No. 11 was for a two and a half storey property, whose single storey garage element was located next to no. 11, with the bulk of the house approximately 2.2m from the road. The dwelling measured 8.5m to the ridge of the roof. It was refused under delegated powers because of its size and siting resulting in a two-storey building mass being positioned closer to the street on the southwestern side than any other dwelling in Thatchers Wood. It would therefore have appeared incongruous, dominate the street scene and be out of character with the open surroundings.

S/1948/06/RM



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5. **S/1950/06/F** – This application for a house was refused on a plot of land adjacent to no. 18 Thatchers Wood, by letter dated 5th December 2006. This was refused for similar reasons as the above i.e. that the main height (8.8m) and bulk of the dwelling were located much closer to the road than the existing dwellings in this spacious and open estate, and would therefore appear incongruous and would harm the visual quality of the surroundings.
6. **S/1949/06/F** – This application for a house was refused by letter dated 5th December 2006 for similar reasons. The two and a half storey element would come up to within 3.2m of the footpath and 5m from the road, almost twice as close to the road as any existing dwelling. It would have therefore appeared incongruous in the street scene and harmed the visual quality of the surroundings.
7. **S/0892/06/O** – Outline planning permission was granted for a dwelling on the application site as the plot has the capacity to accommodate a dwelling within the building lines of the existing dwellings on the estate.

Planning Policy

8. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 ('the County Structure Plan') requires a high standard of design and sustainability for all new development and which provides a sense of place which responds to the local character of the built environment. This policy is supported by policy DP/2 of the Local Development Framework, Submission Draft 2006.
9. **Policy P5/5** of the County Structure Plan adds small-scale developments will be permitted in villages only where appropriate, taking into account the character of the village and its setting.
10. **Policy ST/6** of the adopted South Cambridgeshire Local Development Framework lists Longstanton as a Group Village.
11. **Policy SE9** of the South Cambridgeshire Local Plan 2004 (the Local Plan) seeks development on the edge of villages to be sympathetically designed and landscaped to minimise the impact of the development on the countryside.
12. **Policy HG10** of the Local Plan 2004 states the design and layout of schemes should be informed by the wider character and context of the local townscape and landscape.

Consultation

13. **Longstanton Parish Council** – recommends refusal. It states:
"The applicant states that the current application is for a new detached 4 bedroom house. The Parish Council recommends a refusal because this development will detract from the original Thatchers Wood aesthetic appeal as it stands and will be moving out of the original building line".
14. **Chief Environmental Health Officer**
No objections.
15. **Conservation Manager**
"Last year I commented on the outline application for this site. At that time I noted the following:

"When the Conservation Area at Longstanton was last reviewed, its boundaries were extended to include the tree belt that lies between Thatcher's Wood and Woodside. The appraisal noted 'This tree belt is visually very prominent and is important to the setting of the Conservation Area. It also effectively screens the housing in Thatcher's Wood from the Conservation Area.' The site for the proposed dwelling is immediately to the west of this tree belt and lies outside the extended Conservation Area. As noted in the Conservation Area Appraisal, this site is effectively screened from the Conservation Area by the tree belt, and therefore development on this site will not impact on the setting of the Conservation Area. That said, Thatcher's Wood comprises a former group of officers' houses that form a distinct architectural entity, with each dwelling set in a relatively large plot. The insertion of a new dwelling adjacent to No. 23 will upset the architectural integrity of the existing group and may also set a precedent for the introduction of other dwellings, particularly within the gardens to Nos 14 and 15, thereby further eroding the character of the area. Whilst the proposal would not directly impact on the setting of the adjacent Conservation Area (and would not therefore be in conflict with Policy EN30) I would nevertheless recommend that this application is refused since I regard the retention of this site in its present form as essential to the character of this part of the village (and is therefore contrary to Policy SE4 part a)."

Having recommended refusal of the outline application I then found it difficult to comment with any enthusiasm on the approval for reserve matters last November and again noted:

" I do not find it to be of any great architectural or design merit. However, on the basis that it is effectively screened from the historic part of the Conservation Area by the tree belt, I am satisfied that it will not impact on the historic built environment in Longstanton. I would also note that the dwelling is quite tall and that no attempt has been made to show it in relation to the adjacent dwelling. In my view the ridge height of this new dwelling should not exceed that of the adjacent dwelling. Furthermore, I note designer makes the claim that this house will be 'one of the most sustainable homes in the county.' However I find that statement rather hard to accept given that it is proposed to use uPVC for the windows, a material made from oil and which will deposit harmful chlorine gas into the environment when the material is disposed of at the end of its life."

Recommendation:

The amended layout will not significantly change the impact on the dwelling on the historic built environment, and therefore is not contrary to Policy EN 30."

16. **Environment Agency** - No objections. The site is within floodzone 1 (low risk). The application proposes to recycle and reuse surface water.
17. **Trees and Landscape Officer**
"The trees are not afforded any statutory protection, although apart of the street scene, as stated for removal no objection but would like to see replacement planting."

Representations

18. Three letters of objection have been received from the occupiers of Nos. 16, 19 and 22 Thatchers Wood.

The points raised are summarised as follows:

19. The special character of Thatchers Wood – openness, green expansive frontages shared open space will be significantly harmed.
20. The new dwelling would come forward of the building line.
21. The new dwelling will harm the spacing and rhythm of the street scene.
22. The building is larger in scale than existing dwellings.
23. No. 19 states that the site could possibly take a new house provided that the massing is reduced, the roof pitch to respect the 40deg. pitch of the estate, the garage be detached and placed to the rear, the fence set back, the gap increased between the proposed new house and No. 23 and reduce the ground floor rear extension in order to lessen the overshadowing to the rear of No. 23.
24. Open spaces on corners were left there by the MoD for safety reasons. There are no pavements or road signs.
25. Good that there will be hardstanding at the front corner and no fence to obstruct the view of drivers around the corners. Perhaps this should set the precedence for future new buildings at this estate.
26. No. 16 comments: “This new build is going to be seen from all rear windows of our house and we will be looking onto it from our rear garden. It is accepted that there is a large tree that currently blocks some of the view in the summer – however this is not a permanent feature – and the new owners may well chop it down in the future.”
27. Increase in number of windows looking into No. 16 and loss of pleasant view and light.
28. No. 16 would like to see changes: height no greater than existing dwellings, the roof of the extension should not be higher than the roof at No. 22 and width should be similar to No. 23 or dwelling set further forward.

Planning Comments – Key Issues

29. The key issues to consider in the determination of this application are:
 - (a) Impact upon the character and appearance of the Streetscene;
 - (b) Impact upon Residential amenity;
 - (c) Surface Water Drainage and Sewage.

Impact upon the character and appearance of the Streetscene

30. The Council has previously accepted the principle of developing the corner plots within the Thatchers Wood estate for new dwellings in 2000, 2003 and 2006, subject to the proposed development being of a suitable design, size and scale to accord with the streetscene.
31. The Thatchers Wood development is characterised by large dwellings set in wide green open frontages with houses set back at least 10m from the road in a uniform arrangement. The density has the appearance of being very low. However, the site does not lie within the Conservation Area and the corner plots are large and can accommodate development. The proposal is for a large dwelling which is in keeping with the scale of surrounding properties. The main bulk of the dwelling will respect the

building line. The garage will come forward of this line and I would prefer to see it removed. However, on balance I do not consider the garage would have an unacceptable visual impact on the street scene and the main bulk of the dwelling is set back from the road in line with properties to the north and west.

32. Members may recall granting planning permission at the Feb 2007 Committee for a dwelling of very similar design on a site with very similar characteristics on land adj No. 11 Thatchers Wood. (Ref S/2395/06/F).
33. I note that the Conservation Manager has stated that development of these corner sites is undesirable but I consider that on balance planning permission for dwellings that keep the main bulk within existing building lines on large open plots and of appropriate scale and design should not be withheld.

Impact on Residential Amenity

34. The proposed dwelling is to be positioned so that it is located in line with the frontage of the existing dwelling at No. 23 Thatchers Wood. Whilst the proposed structure is slightly deeper in footprint, the 2 ½ storey element of the structure would be located 19.5m from the rear boundary fence, which lies adjacent to No. 22 Thatchers Wood. Some windows are proposed in the side elevation facing No. 23 Thatchers Wood, but these serve three W.C.'s, a kitchen and a utility room and secondary lounge windows at ground floor level. This will not result in any loss of privacy to No. 23.
35. Views into the rear garden of No. 22 will be possible but this garden is already overlooked by existing windows in No. 23 and No. 24 at a similar distance. Again I do not consider there will be any material loss of privacy.
36. The bulk of the new dwelling will be visible from No. 22 but this bulk is some 19.5m away from the boundary fence and positioned to the northeast. I do not consider it will appear overbearing or result in any material loss of light. An existing tree will help to visually separate the site from view.

Surface Water Drainage and Sewage

37. With regard to the issues raised previously by the Parish Council, the site is identified as being in Flood Zone 1 (low risk) area. As such, a flood risk assessment is not necessary for this development. The applicants have stated that it is their intention for the development to be connected to the main sewer for the disposal of foul water, which is an acceptable method of water disposal. It is the obligation of the applicants to obtain the necessary permission of the relevant statutory undertakers prior to carrying out this work. Should this permission be denied it would therefore also be the responsibility of the applicants to find an alternative method of foul water disposal. The applicant intends to recycle rain and grey water.

Highway Safety

38. Vehicle speeds around this small group of dwellings are low and the erection of the proposed dwelling will not harm visibility such that any material loss of highway safety will result.

Recommendation

39. Approval (as amended by letter date stamped 26th January 2007 and plans ref. 603.01 Rev A and 603.02 Rev A date stamped 7th February 2007).
1. Standard Condition A – Time limited permission (Reason A);
 2. Sc5a – Details of materials for external walls and roofs (Rc5aii);
 3. Sc51 – Landscaping (Rc51);
 4. Sc52 – Implementation of landscaping (Rc52);
 5. Sc5f – Details of materials to be used for hard surfaced areas within the site including driveways and car parking areas (Reason – To minimise disturbance to adjoining residents and to ensure a high quality for the development).

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
P5/5 (Homes in Rural Areas)
 - **South Cambridgeshire Local Plan 2004:**
SE9 (Village Edges) and
HG10 (Housing Design and Mix)
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy**, adopted January 2007
ST/6 (List of Group Villages)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity
 - Character and Appearance of the Streetscene
 - Surface and Foul Water Disposal
 - Highway Safety

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/2395/06/F; S/1948/06/F; S/0892/06/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

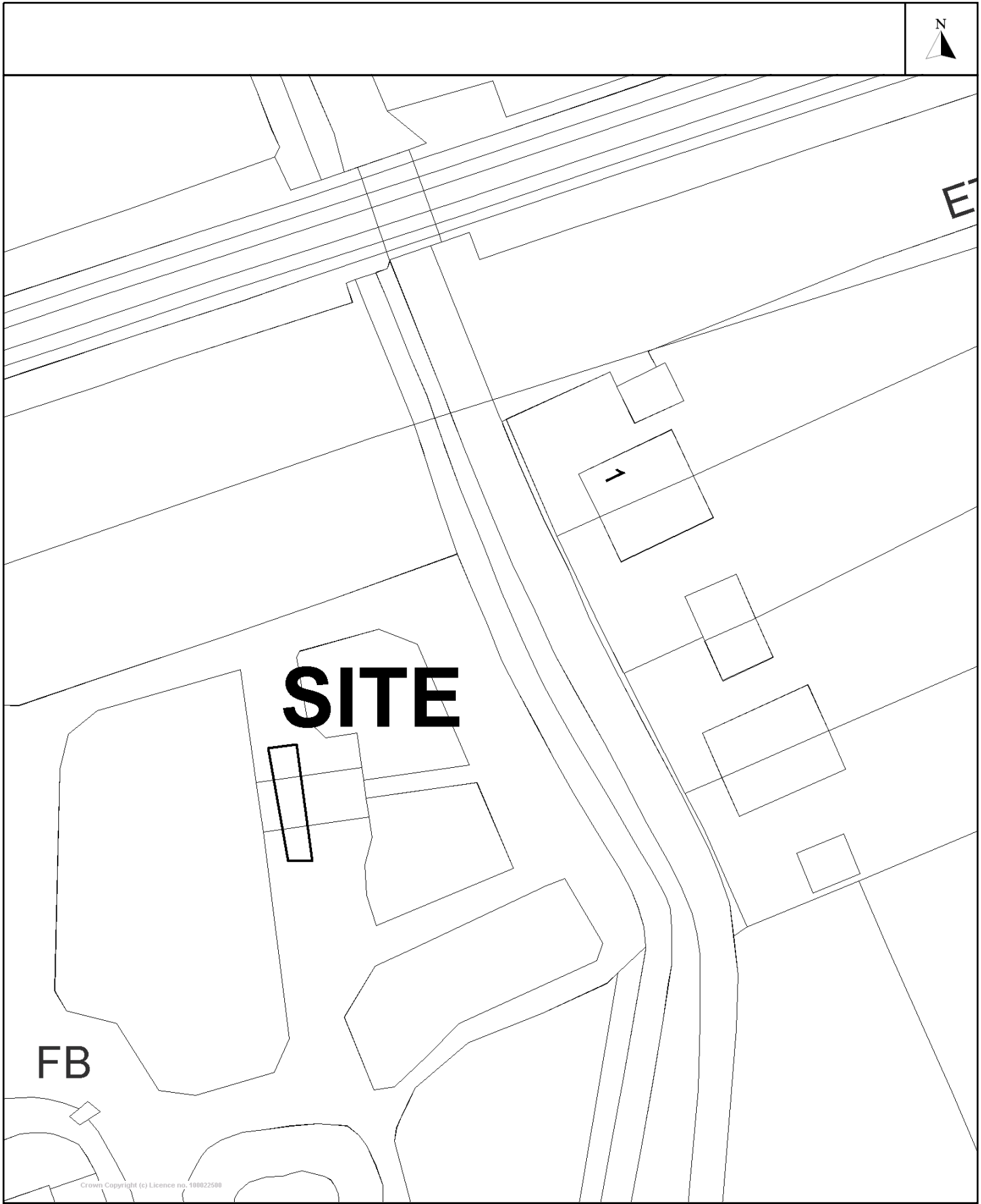
**S/0038/07/F – SHEPRETH
Tiger Walkway and Pony Stable (Part Retrospective Application)
Shepreth Wildlife Park, Station Road for T Willers****Recommendation: Approval****Date for Determination: 27th February 2007****Notes:**

This Application has been reported to the Planning Committee for determination because the Parish Council has objected to the application and the Local Member for Shepreth has requested that it be determined by Planning Committee.

Members will visit this site on the 5th March 2007

Site and Proposal

1. Shepreth Wildlife Park is a private business and local tourist attraction on the edge of the village of Shepreth. Due to the nature of the animals housed at the park the site is enclosed by tall post and wire fencing, the northernmost section of which abuts the tracks of the Kings Cross to Cambridge railway. To the south of the said section of fence there is an earth bund that visually screens the majority of the site from the open countryside to the north. Within the site itself there is a range of artificial habitats with associated built development that have been created to house the Park's animal inhabitants. There is also a dwelling within the site that is occupied by the applicant and his family.
2. The access to the Wildlife Park runs adjacent to a linear commercial/industrial estate that abuts the rail tracks to the north. To the southwest of the site the Park's parking area abuts village playing fields. The closest residential properties to the boundaries of the site are two pairs of semi-detached properties in Angle Lane (Edieham Cottages). A public footpath runs to the north past the eastern boundary of the site and the front elevations of Edieham Cottages and out into the open countryside to the north.
3. The full planning application received on the 2nd January 2007 seeks to regularise the construction of a tiger walkway that is located in an eastern area of the site and proposes the construction of a pony stable near to the western boundary of the site. The galvanised steel tiger walkway is 13.7m long by 1.1m wide with an elevated viewing area that is 5.7m above ground level. Although proposed when the application was submitted the pony stable has now been completed. The building is finished in black feather edged boarding and grey slates and is 4.8m by 9m with an overall height of 4.8m. An amended site plan has been requested as the site plan that has been submitted is not of the correct scale; as such it does not show the correct distance of the tiger walkway from the boundary of the site.



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Planning History

4. The planning history of Shepreth Wildlife Park is a long and complicated one that consists of planning approvals and refusals, a considerable number of which were determined at appeal. Planning permission for a wild animal sanctuary on the site was approved in 1986 (**S/0113/86/F**). There are no applications that specifically relate to the proposed developments or the areas of the site that are the subject of this latest application.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003

5. **Policy P1/2** 'Environmental Restrictions on Development' of the Cambridgeshire and Peterborough Structure Plan 2003 states that developments in the countryside will be restricted unless demonstrated to be essential in a particular rural location.
6. **Policy P4/1** 'Tourism, Recreation and Leisure Strategy' requires that new or improved tourism, recreation and leisure developments protect or improve the local environment, landscape and residential amenity.

South Cambridgeshire Local Plan 2004

7. **Policy RT1** 'Recreation and Tourism Development' has regard to the scale, form, design and materials for recreation and tourist related developments. The policy also considers issues of screening and traffic generated by such developments.

Consultation

8. **Shepreth Parish Council** – Recommends that the application be refused as the tiger walkway has been constructed without permission and the occupants of numbers 2 and 3 Edieham Cottages feel it is an invasion of privacy with visitors looking into their bedroom windows. The Parish Council feels that a recently approved application for the conversion of a pony stable to a dwelling indicates that there is no longer a need for a pony stable.
9. **Environment Agency** – Has no comment to make in view of the scale and nature of the development.

Representations

10. One letter of objection has been received from the owner/occupiers of 2 Edieham Cottages who object to the tiger walkway as visitors using the walkway look directly into their bedroom. An objection is also raised to the possible screening of the walkway by taller trees, which would block out the sun reaching their property in the afternoons.
11. Letters of objection have also been received from the owner/occupiers of unit six, Station Road and 5 Station Road, who object to the application on the basis that it has been submitted retrospectively and that wooden posts restrict vehicular access, particularly for fire/ambulance services, to units 1-6 Station Works and Shepreth Wildlife Park.

Planning Comments – Key Issues

12. The long and varied history of planning applications and developments at Shepreth Wildlife Park is a matter of concern for nearby residents and property owners as well as for the Parish Council. The fact that these latest developments are part retrospective, which was also the case with a recently approved application for a walkway and nocturnal house that went before Members in August of last year, has done little to allay concerns expressed locally about unauthorised developments. Although these latest developments are retrospective, Section 63 of the Town and Country Planning Act 1990 allows for applications to be made for planning permission that relates to buildings or works constructed or a use instituted before the date of the application. Members should consider their acceptability based on the material planning considerations that have come to light during the consultation process. These issues are the impact of the use of the tiger walkway on neighbour amenity and the visual impact of both the walkway and the pony stable on the surrounding countryside.

Impact upon neighbour amenity

13. Due to its height and proximity to the eastern boundary of the site the tiger walkway has lead to objections based on the fact that the public have views of the upper windows of properties in Angle Lane (particularly numbers 1, 2 and 3 Edieham Cottages). Although the first floor windows of the said dwellings are visible from the walkway I believe it is necessary to consider the distance that users of the walkway are from the windows and the natural screening that exists during different times of the year. No objections have been raised to the impact upon neighbour amenity of the pony stable.
14. On the plans that were originally submitted the 1:500 scale plan is incorrect as it shows the distance of the walkway from the nearest Edieham Cottage as being 25m, a figure that is also quoted by the objecting occupants. The correct distance, according to the ordnance survey maps, is approximately 38m, a distance that if it were between the windows of two proposed dwellings would be considered more than acceptable.
15. The eastern boundary of the site adjacent to Angle Lane is well-screened at ground level by a secure boundary fence and mature vegetation, which is made up of both coniferous and deciduous species. Moreover there is a ditch and public footpath the other side of the boundary fence before one reaches the curtilages and front elevations of the properties in Angle Lane. The density of the evergreen species adjacent the boundary fence prevents any views into the lower windows of Edieham Cottages and if left to grow taller the views into the upper windows would also be limited during the times of the year when the deciduous species provide less screening. Although the objecting occupants of 2 Edieham Cottages have stated that they would be against an increase in the height of the trees on the boundary if Members were to consider this necessary I do not consider an increase in height of the boundary trees/hedge by 0.5m to be unacceptable, especially given the distance between the boundary trees/hedge and Edieham Cottages (approximately 14m).
16. One final point that should be considered is that the primary purpose for visitors to use the tiger walkway is to observe and take photos of the tigers who are to the west of the viewing area and not to observe the occupants of Edieham Cottages who are 38m to the east of the walkway. On the basis of the distance between visitors using the walkway and the screening that limits views of Edieham Cottages at certain times of the year I do not consider that any overlooking would have a sufficiently adverse

impact upon neighbour amenity to recommend the refusal of this application. Though if Members were to consider it necessary the attached condition could be used to allow for additional screening to prevent any loss of amenity from overlooking.

Visual impact upon the surrounding countryside

17. Both the tiger walkway and the pony stable are well within the site, which, although entirely outside the village framework, is not considered to be open countryside due to its enclosed and already developed nature. The earth bund near the northern boundary of the site and the distance of both developments from the boundaries means that neither development has a significant visual impact when viewed from the public footpath that passes Edieham Cottages and continues in a northerly direction towards Barrington.
18. The Parish Council has commented that the previously approved application for the conversion of a stable block to a dwelling means that the additional pony stable is not required (S/2108/06/F). However the previous stable block was within an area of the Park that is not open to members of the public, whereas the new pony stable is an attraction to be viewed by visitors. Given the fact that Park is in the business of attracting visitors, and the fact that the pony stable has a limited visual impact when viewed from outside the site, I do not consider it to be an unacceptable development.

Recommendation

19. Approval – Subject to the following conditions
 1. Within one month of the date of this decision notice, or within a period agreed in writing by the Local Planning Authority, details of the treatment of the eastern site boundary shall be submitted for approval in writing by the Local Planning Authority. The approved boundary details shall then be implemented within one month of the date of written approval and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.
(Reason - To protect the privacy of the residents of the nearby properties in Angle Lane.)

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)
P4/1 (Tourism, Recreation and Leisure Strategy)
 - **South Cambridgeshire Local Plan 2004:**
RT1 (Recreation and Tourism Development)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity (overlooking)

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

- South Cambridgeshire local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/0113/86/F; S/0038/07/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2364/06/F - MILTON**Retention of Gypsy Caravan Site of 29 Plots & Access Road (retrospective application) at Sandy Park for R.Moss & Others****Recommendation: Delegated Approval for temporary permission of 3 years
Date for Determination: 8th March (Major Application)****Site and Proposal**

1. The site is on the north-eastern outskirts of the City in an area known as Chesterton Fen. The surrounding area is generally flat and much of the land is still open in character. The Cambridge to Ely railway line runs to the west, the river Cam and a towpath lie to the east and the A14 to the north. Chesterton Fen Road is a long cul-de-sac, which runs roughly northwards from the level crossing over the railway line to a point ending close to the A14 road. As this is the only access into the area, the Fen is relatively isolated.
2. The site is on the western side of the road and was until recently unkempt pasture. It is currently divided into a number of plots, most of which are occupied by caravans. There are two accesses into the site – one to the south providing access to the proposed transit plots, and the other more or less as shown on the submitted plans. Part of the land to the north was formerly a coal yard, but caravans now also occupy this and other land. Beyond this lie extensive areas of pasture land. Immediately to the south of the site is a 16-pitch site known as Grange Park, which was granted approval in August 2002 (see paragraph 6.8). Opposite the site are three longstanding Gypsy sites. There are other Gypsy sites to the south, interspersed with areas of open land.
3. The site includes most but not all of the land that has been the subject of enforcement action detailed below.

Planning History

4. An enforcement notice (reference E237) alleging the unauthorised laying of hardcore and construction of hardstandings/roadways was issued on 23rd May 1996. This was in respect of the appeal site and the site of Grange Park. A further notice (reference E237A) was issued on 5th November 1997 alleging the unauthorised change of use of agricultural land for the siting of residential caravans and their accompanying vehicles. Appeals against the second enforcement notice and a separate planning application (to site caravans on the Grange Park land) were dismissed on 29th April 1998. The notice came into effect on 29th April 1999.
5. The site remained free of caravans until July 2002, when the Council became aware that hardcore was being laid and caravans were being parked. Travellers on the site were advised that occupation was in breach of the enforcement notice. An application for a 34 pitch Travellers' site was received on 17th July and refused by the Council's Development and Conservation Control Committee on 2nd October 2002. A second

S/2364/07/F - MILTON



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round of applications were submitted on an individual basis and supported by statutory declarations in most (but not all) instances on 23rd April 2003. This confirmed that most of the appellants had purchased a plot in June 2002. The applications were refused on 13th June 2003.

Planning Policy

6. The relevant Development Plan comprises the approved Cambridgeshire & Peterborough Structure Plan 2003 and the adopted South Cambridgeshire Local Plan 2004.
7. **Policy P5/4** of the Structure Plan says that local plans should make provision to meet the locally assessed need for housing specific groups including Travellers and Gypsies.
8. **Policy P1/2** says, inter alia, that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
10. **Policy 7/4** says that development must relate sensitively to the local environment and contribute to the sense of place, identity and diversity of the distinct landscape character areas.
11. **Policy SE8** of the Local Plan says that there will be a general presumption in favour of residential development within village frameworks and that residential development outside these frameworks will not be permitted.
12. **Policy EN1** relates to Landscape Character Areas, and it is concerned with respecting, retaining and wherever possible, enhancing landscape character.
13. **Policy HG23** is a specific policy concerned with caravan sites for Gypsies and Travelling Show-People. It indicates that proposals for caravans for Gypsies will only be considered when the need for a site is shown to be essential to enable the applicants to exercise a travelling lifestyle for the purpose of making and seeking their livelihood. Where the need is proven 9 criteria have to be met if planning permission is to be granted for such sites. The criteria relevant to this application are as follows:-
 - (1) The site is reasonably located for schools, shops and other local services.
 - (2) The site would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided.
 - (3) The site would not, either on its own, or cumulatively, have a significant adverse effect on the rural character and appearance, or the amenities of the surrounding area.
 - (4) The site can be satisfactorily assimilated into its surroundings by existing or proposed landscaping; an approved landscaping scheme will be required.
 - (5) The use of the site would not give rise to unacceptable parking, highway access or service provision problems.
 - (6) The use would not detract from convenient, safe and enjoyable use of a public right of way.
14. **Policy CNF6** of the Local Plan says that the expansion of existing residential caravan sites or the sporadic siting of individual caravans will not be permitted, with the

exception of an area on the west side of Chesterton Fen Road up to and including the Grange Park site where permission may be granted for private Gypsy sites to meet local need so long as they are properly landscaped and drained.

1. Also relevant are Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites and PPG3 Housing. Circular 1/2006 confirms that the Government is committed to ensuring that members of the Gypsy and Traveller communities should have the same rights and responsibilities as every other citizen and provides updated guidance on the planning aspects of finding sites for Gypsies and Travellers and how local authorities and Gypsies and Travellers can work together to achieve that aim. The policies in this Circular apply throughout England.
 2. Advice on the use of temporary permissions is contained in paragraphs 108 – 113 of Circular 11/95, The Use of Conditions in Planning Permission. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no available alternative Gypsy and Traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission. Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations DPD. In such circumstances, Local Planning Authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.
15. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

Gypsy and Traveller Development Plan Document

16. Consultants CDN Planning began working on this project in April 2006. The Member Reference Group on the 15th February considered responses to the consultation on the first Issues and Options Report and was asked to agree the approach to the next phase (site options). The Member Reference Group recommended to council that:
- (a) The responses to representations on the GTDPD Issues and Options 1 Report and the Sustainability Appraisal at Appendix 3 be agreed.
 - (b) The list of Preferred Options at Appendix 2 be approved in order for stage 2, the site options search to begin.
 - (c) The actions put forward in Appendix 1 and summarised in Appendix 2 be addressed and taken forward into stage 2 of the Issues and Options process (Site options selection).
 - (d) The three-tier scoring matrix at Appendix 4 be used in the next stage of the GTDPD Issues and Options process.
 - (e) Authority be delegated to the Corporate Manager for Planning and Sustainable Communities, to make any minor editing changes necessary to the responses

as set out in Appendices 1 and 3 with any which involve a material change being delegated to the Planning and Economic Development Portfolio Holder.

17. Arising out of the meeting, the following changes were recommended to Council and accepted at their meeting on the 22nd February:

Page/Policy	Action
APPENDIX 3	
Page 140 rep 19095	Remove the word “authorised” as any site should be considered regardless of planning status.
Page 125 Rep 19572	Amend in the Council assessment column “county” to “region”.
Pages 98 and 99 Repts 18695, 18591 and 19529	Typo - need to add “no” in between 'be' and 'more' in the Council assessment column to correct typing error and be consistent with the approach proposed.
APPENDIX 2	
GT2	Amend proposed policy wording to: “New Gypsy and Traveller pitches will be proportionately distributed throughout the district to promote integration and assist equal access to services.
GT17A	Amend proposed policy wording from “half hourly” to “hourly” to better reflect the approach selected.
GT33	Final policy wording needs to reflect the different needs of Travelling Show People.
GT44A	Amend policy wording from “county” to “region”. The DPD should include a clear definition of what constitutes a transit site.
GT48	Amend policy wording to: “SCDC will support and encourage programmes and initiatives to regenerate SCDC managed Gypsy and Traveller sites at Whaddon and Blackwell if they remain in use following this GTDPD.
GT49	Option should not be pursued through a policy in the DPD, but instead should be explored through the new Community Strategy.
APPENDIX 4	
	Remove reference to 'Gypsy Preference Areas' from scoring matrix.

Consultation

Advertised 20th December 2005

Parish Council

18. Although we acknowledge that this site is contrary to the SCDC Policy for Travellers' sites in Chesterton Fen, we approve the allocation of this land for a Travellers' site provided that the land owned by the City and allocated for Travellers is withdrawn as an option for Travellers.

Local Councillor

19. Councillor Hazel Smith has raised the possibility of using S.101A of the Water Industry Act to provide mains sewerage. This amendment means that if the owners of two or more properties require the provision of mains sewerage to their properties, and there are environmental problems with the existing systems all they have to do is to make an application to the Water Company, that serves their area. This application does not need to be in detail and only has to state that there are environmental problems that can only be solved by new public sewers. The Water Company will undertake all consultations necessary, plus a technical and economic appraisal of a scheme to sewer your area, and report back to you on their findings. The duty to provide a public sewer arises if some or all of the various technical criteria are met, and a sewer is the most cost effective solution. The technical criteria are very briefly as follows:-
- a) There is a risk to water sources;
 - b) There is evidence of a risk to public health from the existing systems (but not neglect);
 - c) Polluting matter is reaching, or can reach a watercourse;
 - d) Sewage pollution is damaging the local amenity value;
 - e) Statutes or other requirements are being breached resulting in environmental problems;
 - f) There are other practical / technical criteria as well, which may form part of the assessment.
20. Finally there is an economic assessment, which will be undertaken as part of the proposals.

Environment Agency

21. No objections, the Flood Risk Assessment is acceptable in principle to the E.A. Conditions relating to a flood warning evacuation plan and foul water drainage are recommended.

County Highways

22. The carriageway of Chesterton Fen Road to the north of the rail crossing is relatively narrow, although the various accesses along the northern route provide informal passing places. Footway provision along the northern section is sporadic.
23. The approach highway network to the site is not really considered suitable to cater for the vehicular and pedestrian traffic likely to be generated by residential development, consequently such proposal would normally result in a highway objection. However notwithstanding the obvious verge overrunning that occurs in places, the traffic generated by the residential and commercial uses within Chesterton Fen Road appears to cope with the restricted infrastructure.
24. In the circumstance, I would not wish to raise an objection to the proposal from a highway point of view.

Chief Environmental Health Officer

25. Considered the proposal and has commented that any consent will be subject to a Caravan Site Licence and comply with the condition of the licence. This relates to the

need for an investigation of the site to establish the nature and degree of contamination and any remedial works to deal with any contamination that may be identified.

Cambridge City

26. Has no objection in principle to the proposed development. They confirm the need for Gypsy and Traveller sites in Cambridgeshire and that the loss of an existing site would add to this need. In respect of this application, we have general concerns about the impact of traffic on residential streets in Chesterton and with regard to the suitability of making such provision near to the River Cam on or near to the floodplain.

Travellers Officer

27. Comments that the site is kept clean and tidy. He confirms that many site residents have relations on the adjacent and nearby authorised sites. There are a number of children and elderly people present on the site. It is his belief that the site meets a local genuine need.

Representations

28. Advertised in Cambridge Evening News 28th October 2004.
29. Two Letters of objection in which the following comments were made:
- (a) Private traffic studies carried out by residents as well as the County Council in relation to the waste transfer business have shown conclusively there is a serious traffic problem in this area and this would be exacerbated by the proposal. This would be the case even if Traveller sites were not as they invariably are congregations of individual businesses, each with their own vehicle. This means that a Traveller site can be expected to have the same impact as an industrial development;
 - (b) This area is already overcrowded;
 - (c) Fen Road is too narrow to take the amount of traffic that uses it;
 - (d) The site has been there for some time in breach of planning laws;
 - (e) The amount of fly tipping in the area of by Sandy Park has increased since it being there;
 - (f) The area is in the flood plain and is likely to cause flooding in other areas that currently do not have a problem.
30. One letter from an agent acting on behalf of a local landowner who comments that the application indicates the considerable need for Gypsy sites within the District, and more particularly the attraction of the Chesterton Fen area to Gypsy families who are established in the area and now require additional pitches for their extended families.
31. Comments made by the applicants' agent are set out in the attached letters of the 6th November and 4th December. The first letter evaluates the alternative sites in the area, including the land owned by the City Council and identified as being suitable for use as a Traveller site, and concludes that there is no alternative available in Chesterton Fen Road that will meet all their clients needs.

32. The second letter revisits this issue and also comments on the Flood Risk Assessment and access.
33. The applicant has, in accordance with the guidance in Circular 1/2006, been requested to provide the following:
- (a) Evidence of Gypsy status?
 - (b) Who is/will be living on the site? Names and family relationships?
 - (c) Are occupants to be treated as a single group for the purposes of the application, or as individual families?
 - (d) Particular educational or health needs?
 - (e) Number and type of caravans and any other ancillary accommodation?
 - (f) Any proposed business use?
 - (g) Need for the site - How long have they been here? Where were occupants living previously?
 - (h) Attempts to find an alternative site? Any written evidence of this?
 - (i) Is temporary or permanent permission sought? If temporary, how long for and why?
 - (j) If permission is refused, what alternative accommodation is realistically available?

Personal Circumstances

34. The relevant personal circumstances of the occupants of Sandy Park have been requested. However from feedback from Council Officers, it is understood that they wish to live together in extended family groups for care and support in accordance with Traveller tradition, and gain access to healthcare and education. These personal circumstances are material considerations and the grant of personal planning permissions for the occupants to remain at Sandy Park would bring clear and substantial benefits to the persons concerned.

Equal Opportunities Implications

35. In line with general and specific statutory duties under the Race Relations Act 1976 and Race Relations (Amendment) Act 2000, the Council operates a Race Equality Scheme (RES). This was last revised and agreed by the Council in July 2006, with an update of the 2005 - 2008 action plan.
- (a) The Council is committed to treating everyone fairly and justly, whatever their race or background.
 - (b) The Scheme gives priority to actions relating to Travellers as the biggest ethnic minority in the district (around 1.0% of the district's population).
 - (c) Planning is identified as being amongst the services most relevant to promoting race equality.
 - (d) The lead Cabinet Member for Race Equality, Councillor Edwards, is establishing an RES Member Working Group. This will highlight to the Cabinet and GTDPD

Member Reference Group findings and recommendations from ODPM Circular 1/2006 and the Commission for Race Equality's "Common Ground" report, which may be appropriate to the Council's strategic approach to Traveller issues and the Gypsy and Traveller Development Plan Document.

Planning Comments – Key Issues

36. The key issues are conflict with countryside policies, Green Belt policy, concentration of sites, sustainability and highway safety and policy for Gypsy caravan sites with regard to the need to limit impact on the landscape and rural character of the area, together with the special circumstances that are argued here, together with the advice in circular 1/2006 concerning temporary consent while councils such as South Cambs are preparing a Development Plan Document.
37. The site is basically clean and tidy and it is clear that the applicant has refrained from finishing the site and improving it while there is continued uncertainty as to its future.
38. In terms of the relevant criteria it is reasonably well located for schools shops and other local services. Indeed the children on the site are well established at local schools. The site has limited impact on the amenities of neighbours and the points made by neighbours relate to matters addressed elsewhere in this report (i.e. flooding and highway issues) or cannot be attributed to the occupiers of this site (i.e. fly tipping).
39. It is seen in the context of the adjacent permitted and unauthorised Traveller sites, and to that extent it does add to the concentration of sites. However, I give weight to the comments made by the Parish Council that would link full permission for this site to the removal of the land owned by the City Council and allocated for Traveller site development in the existing local plan. This can only happen through the process of approving the GTDPD, and would argue for a temporary permission while that document proceeds through the relevant planning stages.
40. The highway issues have been carefully assessed by the Highways Officer, and I do not dispute the conclusion that there is no significant highway problem. My view on this is strengthened by coupling the long term future of the site with loss of the local plan site since that in itself would generate traffic and the outcome of the recent County Council appeal that resulted in the approval of a waste transfer site further along the road despite the highway objections raised against it. Nor would it adversely in itself detract from the use of a public right of way.
41. There have been no adverse comments from any of the service providers including flooding and foul drainage. However I do see value in exploring with Anglian Water the possibility of mains drainage provision for the whole of Chesterton Fen Road. However, such provision could not just be limited to this site alone, nor should consent be tied to such provision since septic tank drainage is clearly acceptable.
42. The scale of the development on the site proposed site would have a significant adverse effect on the rural character and the Green Belt. However if the site's development were to be linked to the loss of the existing local plan allocation, this would be a significant factor to take into consideration, as it would in the case of the point related to concentration of sites. The Council has accepted the need for additional Traveller sites in the immediate area in response to the clear need notwithstanding the area's inclusion within the Green Belt.

43. The consultation on the options for Traveller site provision within the district are proceeding and it seems to me that this is an entirely appropriate case to be considered for a temporary consent on a without prejudice basis. Such consent would enable the Parish Council's reasonable concerns about the cumulative impact of the existing local plan allocation in addition to this site to be considered through the GTDPD.

Recommendation

43. That subject to satisfactory evidence being submitted in respect of the applicants' Gypsy status, the proposal be advertised as a departure from Green Belt and Local Plan Policies and referred to Secretary of State, and subject to his agreement I be delegated power to grant a temporary permission for 3 years subject to conditions.
44. Further, that the Council approach Anglian Water to explore the provision of mains drainage for the significant number of sites approved along Chesterton Fen Road.
45. In addition, investigations continue in connection with those plots subject to enforcement action but not included within this application.
- South Cambridgeshire Local Plan 2004
 - Cambridgeshire and Peterborough Structure Plan 2003
 - Circular 1/2006
 - Cambridge Sub-Region Traveller Needs Assessment 2006
 - Gypsy and Traveller Development Plan Document

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0176/07/F - WIMPOLE**Variation of Condition 1 and 2 of Planning Consent S/0240/04/F
(To allow Occupation of Mobile Home other than by those Currently Specified)
73 Cambridge Road for Mr and Mrs Gunn-Roberts****Recommendation: Approval****Date for Determination: 22nd March 2007****Notes:**

This Application has been reported to the Planning Committee for determination because Wimpole Parish Council has recommended that the application be refused, contrary to the officer recommendation.

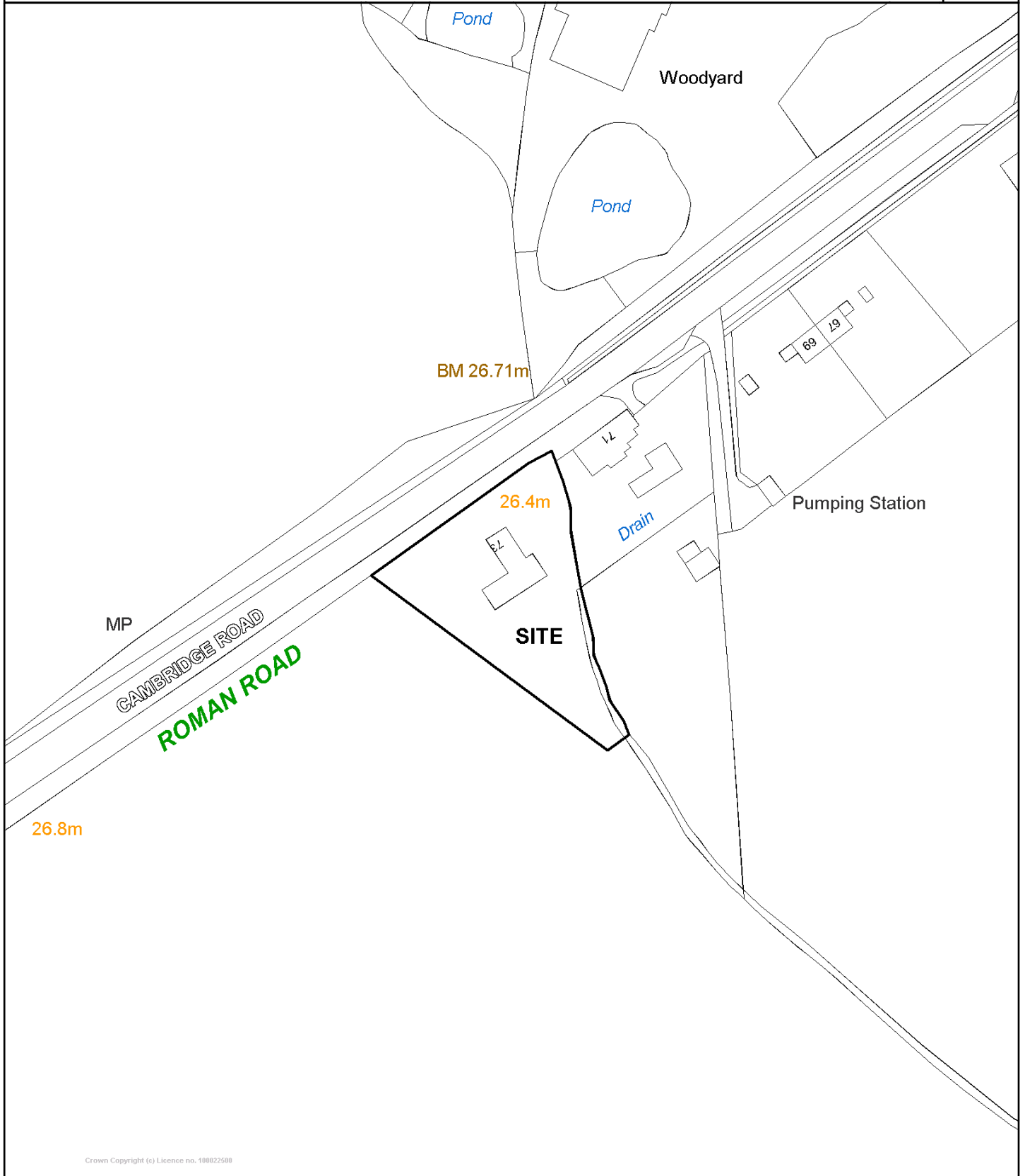
Site and Proposal

1. 73 Cambridge Road is a single storey dwelling that is located centrally within a triangular curtilage that abuts the southwestern boundary of the Wimpole village framework. The dwelling has a wing projecting towards the highway that screens views into the rear garden from the northern approach to the site. The southwest and southeast boundaries of the site are defined by tall hedges that screen views into the site when approaching the village from the southwest on Cambridge Road. To the southwest of the dwelling there is a one-bedroom mobile home that is 13.2m x 3.9m and has a shallow pitched roof at a height of 3.7m.
2. The full planning application received on the 25th January 2007 proposes to vary condition numbers 1 and 2 of planning consent S/0240/04/F, which require that the aforementioned mobile home only be occupied by Mr A B Harvey and Mrs S Harvey and that within two months of the mobile home ceasing to be occupied by the said couple that it be removed and the use of the land as garden be reinstated.

Planning History

3. Planning consent was originally granted for the bungalow at 73 Cambridge Road in the early 50s (**SC/0163/51**) and the property has had consent granted in the 80s for various developments (**S/1757/84/F; S/1232/86/F; and S/0576/87/F**). The mobile home to which this latest application relates was granted consent in March 2004 (**S/0240/04/F**), with three conditions requiring that the mobile home only be occupied by Mr and Ms Harvey; that the mobile home be removed when the occupation by Mr and Mrs Harvey ceased; and that the mobile home not be sub-divided into more than one unit. The planning condition relating to the specific occupation of the mobile home by Mr and Mrs Harvey was specifically requested by the Parish Council.

S/0176/07/F



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Planning Policy

South Cambridgeshire Local Plan 2004:

4. **SE9** 'Village Edges' requires that developments on the edge of village frameworks should minimise the visual impact upon the countryside.
5. **Policy HG12** 'Extensions and Alterations to Dwellings with Frameworks' sets out requirements for development of dwellings within frameworks having regard to impact upon neighbour amenity and the street scene.

Consultation

6. **Wimpole Parish Council** – "Feels that the conditions should not be altered as the original permission was for the benefit of a specific elderly couple. The Parish Council feels that this should not be part of the sale of the original property."

Representations

7. None received.

Planning Comments – Key Issues

8. The key issues for Members to consider in the determination of this application is whether the retention of the mobile home would have an unacceptable impact upon the character of the village and whether it would have an unacceptable visual impact on the surrounding countryside.

Impact upon the character of the village

9. Wimpole is a village with a strongly linear character with dwellings either side of Cambridge Road. The siting of the mobile home is to the southwest of the main dwelling, in line with its forward most point; and as such it is not out of keeping with the linear character of the village. If the mobile home were to be separated from the main dwelling then it would represent a planning unit that would be out of keeping with the pattern of development due to its proximity with number 73 Cambridge Road and the limited curtilage it would enjoy. However due to the physical proximity of the dwelling and the mobile home any subdivision would be unlikely. Moreover with a variation of the first two conditions of S/0240/04/F the third condition would still prevent the sub-division of the planning unit without the specific consent of the Local Planning Authority, and the alternative condition below would serve a similar purpose.

Visual impact upon the surrounding countryside

10. Although the mobile home is the most south westernmost development within the Wimpole village framework the fact that the site is so well screened by the vegetation on the southeast and southwest boundaries means that views of the mobile home from outside the site are limited. In order to limit any future visual impact on the surrounding countryside I consider it reasonable to include a condition requiring that the boundary hedge be retained whilst the mobile home occupies the land.

Recommendation

11. Approval

1. The mobile home, hereby permitted, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 73 Cambridge Road, Wimpole.
(Reason - To ensure that the use of the mobile home does not result in the creation of a new planning unit that would be out of keeping with the pattern of development that characterises the village of Wimpole.)
2. The existing hedges on the southwest and southeast boundaries of the site shall be retained at a height of not lower than 2m whilst the mobile home, hereby permitted, is located within the curtilage of number 73 Cambridge Road, unless otherwise agreed in writing with the Local Planning Authority; and any trees or shrubs within it which die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
(Reason - To prevent the loss of the mature hedges that form the boundaries of the site and visually screen the mobile home from views from Cambridge Road.)

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Plan 2004:**
SE9 (Village edges),
HG12 (Extensions and alterations to dwellings within frameworks)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Impact upon the character of the village
 - Visual impact upon the surrounding countryside

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

- South Cambridgeshire local Plan 2004
- Planning Files Ref: S/0240/04/F and S/0176/07/F

Contact Officer: Edward Durrant – Planning Assistant
Telephone: (01954) 713082

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2450/06/F - SAWSTON**Erection of 2 Bungalows & Garages Following Demolition of Existing House at 11 Babraham Road for C Bromwich****Recommendation: Approval****Date for Determination: 15th February 2007****Notes:**

This Application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the recommendation of the Parish Council.

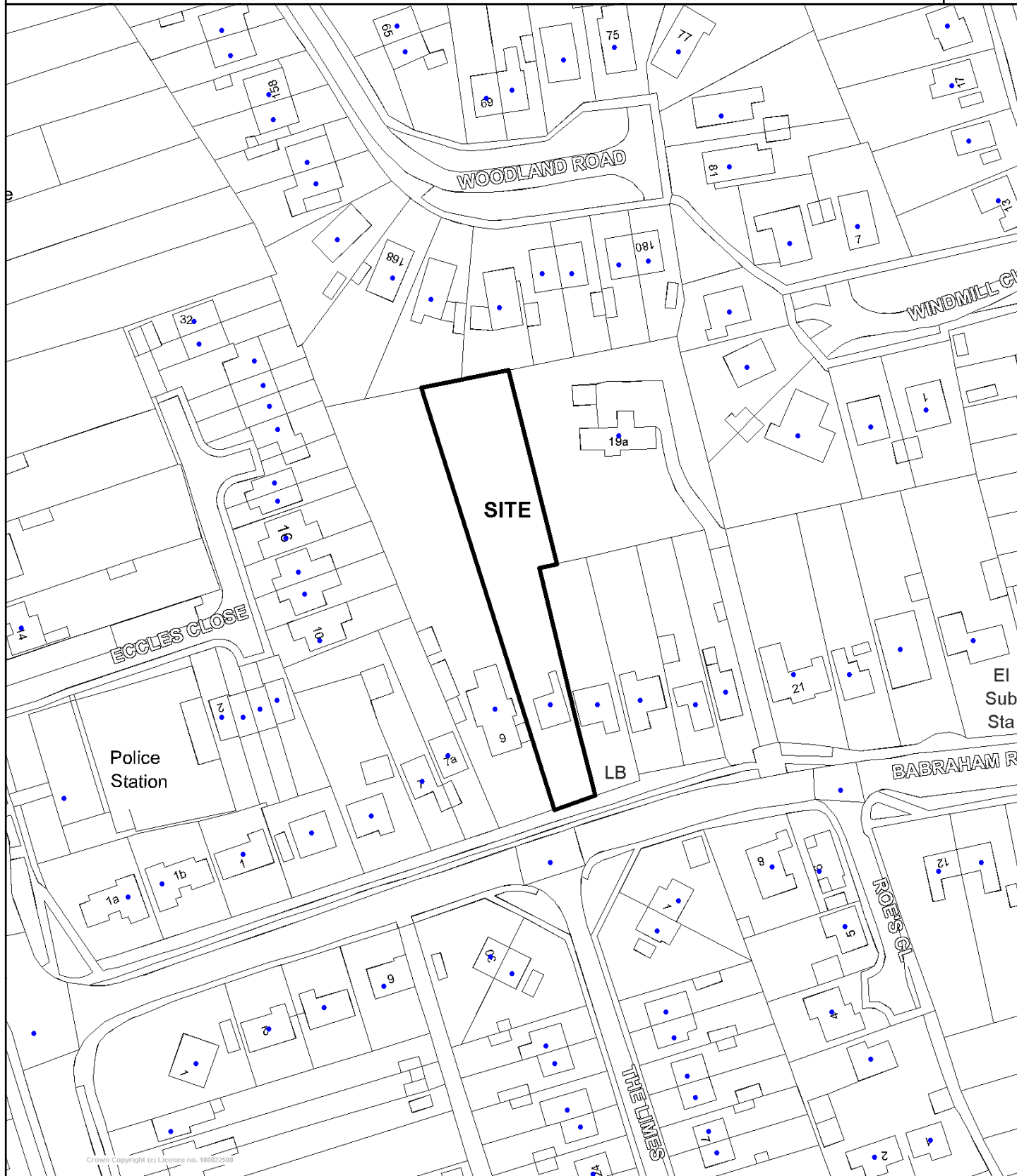
Site and Proposal

1. This 0.17 hectare application site is occupied by a detached two storey red brick house located on the north side of Babraham Road. To the east is a two storey dwelling whilst to the west is a detached bungalow. Bungalows lie beyond the rear/northern boundary of the site and beyond the eastern boundary of the rear section of the site is a two storey backland dwelling. There is a protected oak tree along the frontage of the site.
2. The full application, submitted on 21st December 2006, seeks consent for the erection of two bungalows and garages on the site (1 x 4-bed and 1 x 3-bed) following the demolition of the existing house. The proposed bungalows would be constructed in a tandem form of development, with the forward most element of the frontage plot sited in approximately the same position as the front of the existing dwelling, and the backland dwelling sited around 12 metres from the northern/rear boundary. The existing point of access would be widened to 5 metres and the driveway serving the rear plot, as well as the garages for both dwellings, sited alongside the eastern boundary of the site.

Planning History

3. **S/1195/05/F** – Application for erection of two houses following demolition of existing dwelling was refused for the following reasons:
 - (a) The proposed means of access serving the garage/parking area for Plot 1 and also serving Plot 2 would be just 2 metres away from the eastern side elevation of No.9 Babraham Road within which there are a number of openings including a window that is the sole opening to a bedroom. The occupiers of No.9 Babraham Road would therefore suffer undue noise and disturbance from vehicles passing in close proximity to this window. Consequently, the proposal would be contrary to Policy SE2 of the South Cambridgeshire Local Plan 2004 which requires new residential development to be sympathetic to the amenities

S/2450/06/F - SAWSTON



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of the locality and to Policy HG11 (2) of the South Cambridgeshire Local Plan 2004 which states that development to the rear of existing properties will only be permitted if it would not result in undue noise and disturbance to existing residential properties through the use of its access.

- (b) In the absence of driveway entrance construction detail and hand dig investigation in the area adjacent to the oak tree at the frontage of the site, which is protected by a Tree Preservation Order, it is unclear whether the proposed access and hardstanding areas would result in damage to this tree. Furthermore, the driveway and dwelling on Plot 2 would compromise a substantial amount of vegetation and trees that presently exist along the boundary with No.9 Babraham Road and within Plot 2. Consequently, the proposal would contravene Policy EN5 of the South Cambridgeshire Local Plan 2004 which requires trees and hedges to be retained wherever possible in proposals for new development.

4. **S/1974/06/F** – Application for erection of two dwellings and garages (a part 1¹/₂ storey and part single storey dwelling to the front and a bungalow to the rear) following demolition of existing dwelling was refused for the following reasons:

- (a) The proposed dwelling on Plot 1, by virtue of the siting, height and length of the 1¹/₂ storey element, would seriously harm the outlook from the sole window to the master bedroom sited within the eastern side elevation of No.9 Babraham Road. Consequently, the proposal would be contrary to Policy SE2 of the South Cambridgeshire Local Plan 2004 which requires new residential development to be sympathetic to the amenities of the locality.
- (b) The proposed dwelling on Plot 1 has a contrived and awkward design consisting of a dominant 1¹/₂ storey element set well behind the front elevations of adjoining dwellings to the east and west, and a forward projecting single storey element. This dwelling would therefore have a harmful visual impact upon the street scene to the detriment of the character of the area. Consequently, the proposal would be contrary to Cambridgeshire and Peterborough Structure Plan 2003 Policies P1/3, which requires a high standard of design that responds to the local character of the built environment, and to Policy SE2 of the South Cambridgeshire Local Plan 2004 which requires new residential development to be sympathetic to the character of the locality.

Planning Policy

- 5. Sawston is identified within **Policy ST/4** of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007, as a Rural Centre. This policy states that development and redevelopment will be permitted providing adequate services, facilities and infrastructure are available or can be made available as a result of the development.
- 6. **Policy P1/3** of the County Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.
- 7. **Policy HG11** of the South Cambridgeshire Local Plan 2004 states that development to the rear of existing properties will only be permitted where the development would not:

- a) Result in overbearing, overlooking or overshadowing of existing residential properties;
- b) Result in noise and disturbance to existing residential properties through the use of its access;
- c) Result in highway dangers through the use of its access;
- d) Be out of character with the pattern of development in the vicinity.

Consultations

8. **Sawston Parish Council** objects to the application for the following reasons:
 - a) "Gross overdevelopment of site
 - b) Would set a precedent
 - c) Loss of privacy for neighbours
 - d) Fencing, hedging already removed and needs replacing
 - e) Contrary to Cambs-Peterborough Structure Plan 2003 P1/3 and Policy SE2 of SCDC Local Plan 2004 (not sympathetic to the character of the locality)".
9. The **Chief Environmental Health Officer** raises no objections subject to a condition restricting during construction the hours of use of power operated machinery being attached to any consent in order to minimise noise disturbance to neighbours. With regards to the concerns raised by the occupiers of No.9 Babraham Road relating to the proximity of the backland bungalow to their pigeon lofts (used for keeping approximately 100 racing pigeons), the Environmental Health Officer has raised no objections.
10. **The County Archaeologist** states that the site is located in an area of high archaeological potential and that recent archaeological investigations to the immediate west of the site have identified the remains of a Roman road and possible military activity. A condition should therefore be added to any consent requiring a programme of archaeological investigation to be carried out.
11. **The Trees and Landscape Officer** has not been specifically consulted about this application but was consulted in respect of the previous application reference S/1974/06/F. The Trees Officer had visited the site to inspect pits dug in the root zone of the protected oak and these were found to be clear of any roots. As such, no objections were raised in respect of the proposed driveway widening. In addition, it was considered that there was no vegetation of significance within the remainder of the site.
12. The comments of the **Building Inspector** in respect of access for emergency vehicles will be reported verbally at the Committee meeting.

Representations

13. Letters of objection have been received from 5 adjoining residential properties, Nos. 9, 13 and 19a Babraham Road, and Nos. 170 and 172 Woodland Road. The main points raised are:
 - (a) Is the erection of two 5 bedroom properties in place of one much smaller dwelling necessary or justifiable?
 - (b) The proposal would result in overdevelopment of the site;
 - (c) Trees and boundary hedgerows and some fences have been cleared/removed from the site;

- (d) Erection of wooden, rather than chain-link, fence on east boundary of site would result in loss of light to No.19a Babraham Road;
- (e) Traffic noise associated with cars driving to the rear plot would result in undue noise and disturbance to the occupiers of No.19a Babraham Road, whose bedroom is on this side of the property;
- (f) The large bungalow on the rear plot would be out of keeping with the character of the area;
- (g) Overlooking of No.9 Babraham Road from the door and windows in the west side elevation of the frontage dwelling;
- (h) There would be unacceptable noise and disturbance to No.9's bedroom window;
- (i) Loss of light to No.9 Babraham Road's bedroom window;
- (j) No plans for replacement boundary fencing to No.9 Babraham Road;
- (k) Driveway alongside No.13 should be paved or tarmac (rather than gravel) to avoid excessive noise;
- (l) There is insufficient room for the landscaping indicated adjacent to the frontage plot, there being just enough room between this dwelling and the eastern boundary for a 3.7 metre wide driveway. The eaves of the bungalow would overhang the driveway. Is there enough room for fire engines to access the rear bungalow?
- (m) There could be complaints from future occupiers of the proposed backland bungalow to racing pigeons kept by No.9 Babraham Road in pigeon lofts in the rear garden.

Planning Comments – Key Issues

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

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

Impact upon character of area

15. There is a backland dwelling located to the rear of Nos. 13 – 19 Babraham Road immediately to the east of the site whilst, beyond the garden area of No.9 Babraham Road to the west, are houses constructed on the old police station site. Immediately adjoining the site are a mixture of bungalows (to the north and west) and 2 storey dwellings to the east. Taking into account the characteristics of the immediate area, I do not consider the creation of a backland plot and the erection of two bungalows on the site to be out of keeping with the character of the area.
16. The frontage dwelling proposed within the previous application on this site (ref: S/1974/06/F) incorporated a 1¹/₂ storey element set well behind the front elevations of adjoining dwellings and a forward projecting single storey element. The design was considered to be contrived and awkward and, hence, harmful to the character of the area. In this latest application, the design of the frontage plot has been revised to reduce the height of the rear element to single storey, with the eaves height being the same as that of the forward projecting element. I am satisfied that the design of this

dwelling has been simplified to an extent that the scheme would no longer be harmful to the character of the area.

Residential amenity

17. No.9 Babraham Road to the west of the site has a bedroom window in its east elevation, this being the sole window serving the master bedroom. No.13 to the east has no windows in its west side elevation. The first application on this site (ref: S/1195/05/F) sought to erect 2 two storey dwellings on the site with the access running alongside the west boundary. The impact upon the amenities of the occupiers of No.9 Babraham Road, arising from the proximity of the access to their master bedroom window, was considered to be unacceptable. In the subsequent application (ref: S/1974/06/F), the access was switched to the east side of the plot and this resulted in the frontage dwelling being sited much closer to the boundary with No.9 than the existing house. The 1¹/₂ storey element of that dwelling was approximately 6.6 metres high to the ridge and 3.6 metres high to eaves and was considered to be unduly intrusive in the outlook from No.9's bedroom window. In this latest application, the ridge and eaves heights have been reduced to 5.8 metres and 2.6 metres respectively and I am satisfied that these revisions are sufficient to overcome the serious harm to the outlook from No.9's bedroom window. The development would not result in an undue loss of light to this window as the element that projects beyond the rear elevation of the existing dwelling on the site is located on the north-east side of this window. Indeed, the development would increase the light to this window as the existing two storey house located directly to the east of this window would be replaced with a single storey structure.
18. Openings are shown at ground floor level within the west side elevation of the frontage bungalow. At present, the boundary between the site and No.9 at this point is relatively open. It would therefore be essential that any permission be conditional upon the provision of boundary fences/treatment to avoid overlooking of adjoining properties.
19. Although the height of the frontage dwelling has been reduced, there still appears to be sufficient height within its rear element for the addition of some first floor accommodation. Whilst any internal works would not require planning permission, I consider it to be essential to remove permitted development rights for the insertion of rooflights and dormers so that the impact of such potential additions upon the amenities of adjoining residents can be considered as part of any application.
20. The plans show a space of approximately 4.5 metres directly adjacent to No.9's bedroom window. Whilst not indicated as such on the plans, this could potentially be used for parking, thereby resulting in undue noise and disturbance to the occupiers of No.9. Any approval should therefore be conditional upon this area not being used as parking/turning space.
21. Nos. 13 and 19a have expressed concern about noise and disturbance arising from the use of the access to the rear plot. As No.13 has no windows in its west side elevation and there is an existing fence along the boundary with this property, I am satisfied, subject to the agreement of satisfactory materials, that the access would not result in undue noise and disturbance to the occupiers of this property. With regards to the impact on No.19a, which has a bedroom window facing the site, this dwelling is sited in excess of 10 metres away from the boundary and more than 20 metres away from the end of the driveway and the parking/turning area serving the rear plot. Given the distance between the access and the bedroom window, I consider the proposal would not result in undue harm to the amenities of occupiers of No.19a.

Trees

22. Following the refusal of the first application on this site, the applicant has demonstrated to the Trees Officer's satisfaction that the existing driveway can be widened to 5 metres without compromising the protected oak tree. Much of the vegetation referred to within the refusal of the first application, has since been cleared from the site. Whilst regrettable, none of this vegetation had any statutory protection and consent was therefore not required for its clearance.

Recommendation

23. Providing no objections are raised by this Authority's Building Inspector in respect of access for emergency vehicles, approval.

Conditions

1. Standard Condition A (Reason A);
2. Sc5a – Details of materials for external walls and roofs of the bungalows and garages (Rc5aⁱⁱ);
3. Sc5 – Details of materials to be used for the access and driveway (Reason – To minimise noise disturbance to neighbouring properties);
4. The access road shall be of a minimum width of 5 metres for a distance of 10 metres from the edge of the existing carriageway (Reason – In the interests of highway safety);
5. Before the occupation of the dwellings, hereby permitted, the access from the existing highway shall be laid out and constructed to the satisfaction of the Local Planning Authority after consultation with the Local Highway Authority (Reason – In the interests of highway safety);
6. Sc60 – Boundary treatment details (Rc60 and to prevent of overlooking of adjoining dwellings);
7. Sc 21 - Withdrawal of Permitted Developments - No rooflights, dormer windows or openings of any kind shall be inserted in the roofspace of the frontage dwelling (referred to as plot 1 on drawing number WC.131.1.B) unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf (Rc22);
8. The space between the forward projecting element of the frontage dwelling and the western boundary of the site shall not be used for the parking or manoeuvring of vehicles (Rc26);
9. Sc51 – Landscaping (Rc51);
10. Sc52 – Implementation of landscaping (Rc52);
11. Sc66 – Archaeological investigation (Rc66);
12. During the period of demolition and construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions (Rc26).

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy:**
ST/4 (Rural Centres)
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
 - **South Cambridgeshire Local Plan 2004:**
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;
 - Impact on character of area.

General

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. During 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. Before the existing property is 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.

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

- South Cambridgeshire Local Development Framework (LDF) Core Strategy 2007.
- Cambridgeshire and Peterborough Structure Plan 2003;
- South Cambridgeshire Local Plan 2004;
- Planning application references: S/2450/06/F, S/1974/06/F, S/1195/05/F

Contact Officer: Lorraine Casey – Senior Planning Assistant
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

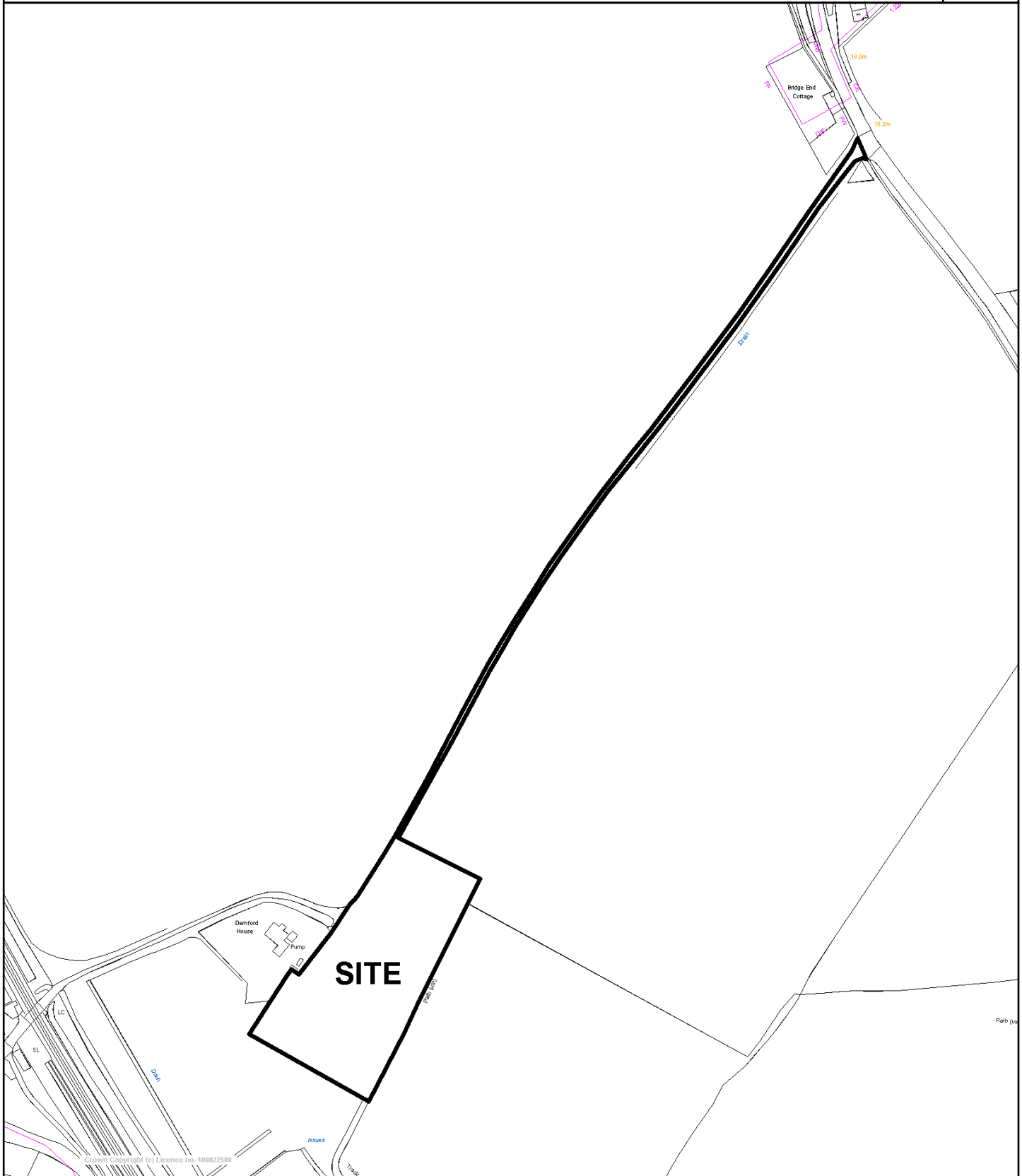
S/0012/07/F - SAWSTON**Erection of Hostel Building at Dernford Farm, Stapleford for Hale Investment Properties UK Ltd****Recommendation: Approval****Date for Determination: 9th April 2007****Notes:**

This Application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the recommendation of Sawston Parish Council.

Departure Application**Site and Proposal**

1. The application site is located in the countryside and Green Belt between the villages of Stapleford and Sawston on the west side of the A1301. It comprises a range of timber and render former agricultural buildings together with a brick bungalow. Beyond the western boundary of the site is a detached farmhouse. The site is accessed via an approximately 450 metre long unmade track.
2. Members may recall that, at Committee in November 2004, consent was granted for the change of use of the agricultural buildings to hostel accommodation for up to 50 agricultural workers and ancillary office accommodation, and for the use of the existing bungalow as warden controlled accommodation. Since consent was granted, one of the buildings sited near to the eastern boundary of the site (a single storey building to be used as a dining room/social area), has burnt to the ground and only the footprint of the building is now visible on the site.
3. The full application, submitted on 4th January 2007, and amended on 12th February 2007, seeks to erect a building on the site as a replacement for the structure that burnt down referred to in paragraph 2 above. It would have the same ridge and eaves heights (5.7m and 3m respectively) as the previous building. In addition, the width, depth and footprint of the building would be identical. The proposed replacement building would, however, include first floor accommodation with the dining/social and kitchen area sited at first floor level and 10 bedrooms (15 bed spaces) provided on the ground floor for the accommodation of agricultural workers. The building would comprise natural stained timber walls, a profiled metal sheeting roof, and grey painted timber windows. Openings at first floor level would be restricted to the north and west elevations of the building.
4. A supporting statement has been submitted with the application. This explains that the applicants wished to take the opportunity to rebuild the structure on the original

S/0012/07/F - SAWSTON



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footprint and height but to use the volume of the building more economically by creating 5 double and 5 single bedrooms in addition to the dining room/social space. It is stressed that there is no intention to increase the intensity of use/ number of bed spaces on the site. The bedspaces in the previous scheme were extremely cramped and, by incorporating bedroom accommodation in the replacement building, the accommodation within the northernmost building (Building A) can be made more spacious by reducing the number of beds from 41 to 26. A drawing has been submitted showing that the total number of bedspaces within this revised scheme (49) would be identical to that proposed within the previously approved application.

Planning History

5. **S/0771/04/F** – Application for change of use of agricultural buildings to hostel accommodation for agricultural workers and ancillary office accommodation together with erection of covered external area and use of existing bungalow as warden accommodation approved, following consideration at Committee in October and November 2004. Conditions of the consent sought to minimise disturbance to occupiers of the adjacent farmhouse by requiring: the acoustic insulation of the buildings; vehicles associated with the early morning transport of workers to be parked in a position away from the common boundary with the adjacent property; and the use of the nearest building (Building D) as offices only. An additional condition restricted the use of the hostel accommodation to agricultural workers to ensure that the use is appropriate to a rural area and in keeping with the aims of Policy P1/2 of the Structure Plan.
6. This permission was also subject to a legal agreement requiring the applicant/owner to undertake all reasonable endeavours to limit the use of motorised transport to and from the site in accordance with a scheme to be agreed with this Authority [which would include the involvement of local Members]; and to discourage vehicle movements during hours of peak school traffic (7.45 – 8.45am and 3.15 – 4.15pm).
7. **S/1967/06/F** – Application for erection of replacement building on the same site as that proposed within the current application was withdrawn. Like the current application, this building included first floor accommodation but was larger than the previous structure. It also incorporated 20 bed spaces but failed to demonstrate that there would be no increase in the intensity of use of the site. Officers had intended to refuse the application due to the proposed additional footprint/volume, to the extent of the proposed fenestration, and to the apparent increase in the number of farm workers that would be accommodated on the site.

Planning Policy

8. The site lies within the Green Belt and countryside. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 states that development will be restricted in the countryside unless proposals can be demonstrated to be essential in a particular rural location.
9. **Policy P1/3** of the Structure Plan requires a high standard of design and sustainability for all new development which minimises the need to travel and reduces car dependency.
10. **Policy P9/2a** of the Structure Plan restricts development in the Green Belt to that required for agriculture and forestry, outdoor sport, cemeteries or other uses appropriate to a rural area.

11. **Policy GB2** of the South Cambridgeshire Local Plan 2004 states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated. Development is defined as inappropriate unless it comprises (in part):
- (a) "Buildings for agriculture or forestry;
 - (b) Buildings providing essential facilities for outdoor sports and recreation or for other uses of land which preserve the openness of the Green Belt and do not conflict with Green Belt purposes;
 - (c) The re-use of buildings provided that (a) the development does not result in a materially greater impact on the openness and purpose of the Green Belt; (b) strict control is exercised over any proposed extensions and associated uses of surrounding land; (c) the buildings are of permanent and substantial construction; and (d) the form, bulk and general design of the buildings are in keeping with their surroundings".

Consultations

12. **Sawston Parish Council** objects to the application for the following reasons:
- (a) Poor road access onto busy A1301
 - (b) Too large a building
 - (c) Overdevelopment of site
 - (d) In Green Belt
 - (e) Must have restriction for use for 'agricultural worker occupancy only'
13. **Stapleford Parish Council** raises no objections.
14. The comments of **Great Shelford Parish Council** will be reported verbally at the Committee meeting.
15. The comments of **Little Shelford Parish Council** will be reported verbally at the Committee meeting.
16. The comments of **Chief Environmental Health Officer** will be reported verbally at the Committee meeting.
17. **The County Archaeologist** states that the site is located in an area of high archaeological potential. There is evidence of Saxon and Medieval settlement in the area and recent archaeological investigations to the immediate north have identified extensive evidence of late prehistoric and Roman activity. A condition should therefore be added to any consent requiring a programme of archaeological investigation to be carried out.
18. **The Environment Agency** advises that the application, as submitted, does not consider sufficiently issues of foul and surface water drainage and pollution control. A condition requiring the submission and agreement of such details prior to commencement of development should therefore be added to any consent.
19. **The Cambridgeshire Fire and Rescue Service** requests that adequate provision be made for fire hydrants, by way of a Section 106 agreement or planning condition.
20. **The Countryside Services Team** raises no objections providing the footpath that runs through the site remains open and unobstructed at all times; that the applicant

ensures they have lawful authority to use the footpath for vehicular access to the site; and that the surface of the footpath is not altered without the consent of the County Council.

21. **The Ramblers Association** raises no objections providing the footpath is not obstructed during construction, that the surface of the path is not disturbed by increased traffic to the site, and that any signage is not obscured or damaged.

Representations

22. Letters of objection have been received from the occupiers of Dernford House and also from solicitors acting on behalf of Dernford House and the owners of the field (it is in separate ownership) adjoining the property that is the subject of the application. The main points raised are:
- (a) The building will put a greater strain on Dernford's limited well water supply and sewerage systems. Dernford is not connected to either mains water or mains sewerage. Water shortages, which have occurred in the past, are more likely to occur once the approved sand and gravel extraction programme gets underway;
 - (b) In the previous application, the attached field was to be converted into a sewerage reed bed to alleviate the problem of waste. This has not been constructed to date and was used last summer to accommodate over 15 tents for workers. The sewerage system should be in place prior to any further occupancy on the site;
 - (c) If the application is approved, the number of people accommodated on the site could be greater than max 50 specified within the previous application. Will the hostel accommodation be in addition to the tents and mobile homes occupied last summer, and how will numbers be restricted and monitored?
 - (d) The previous application stated that there would be little traffic increase, as workers would be bussed to and from the site. This has not happened and a fleet of cars is used to take workers to and from the site. The farmyard area has become unsightly and there are more cars than specified in the previous application;
 - (e) The access track is in a bad state of repair and more people on site will necessitate the use of more cars;
 - (f) The increased volume of traffic going directly onto this dangerous stretch of the A1301 poses a hazard for motorists, cyclists and pedestrians, including school children;
 - (g) Increased security risk for nearby residents. Dernford Bungalow was broken into last summer;
 - (h) There has been an increase in noise levels and if this application is granted there will be even more noise;
 - (j) The replacement building should be no bigger than the original and should conform to the design of a traditional barn.

Planning Comments – Key Issues

23. The key issues to consider in the determination of this application relate to:
- (a) Whether appropriate development in the Green Belt and, if not, whether there are any very special circumstances to justify the proposal;
 - (b) Impact on the character of the area and upon the openness of the Green Belt;
 - (c) Residential amenity;
 - (d) Highway safety;
 - (f) Effect on the public footpath;
 - (g) Drainage issues.
24. The principle of using the buildings as agricultural workers accommodation has previously been established in the granting of application reference S/0771/04/F. The implications of using the site for accommodating up to 50 people, in terms of noise, traffic, impact upon the openness of the Green Belt etc has previously been considered and deemed to be acceptable.
25. The erection of a new building contravenes Policy P9/2a of the Structure Plan which restricts development in the Green Belt to that required for agriculture and forestry, outdoor sport, cemeteries or other uses appropriate to a rural area. It also constitutes inappropriate development in the Green Belt under the terms of Policy GB2 of the Local Plan *unless very special circumstances can be demonstrated*. It is therefore necessary to consider whether there are the very special circumstances required to support inappropriate development in the Green Belt in this instance.
26. The application seeks to replace a building, that formed part of the original consent for agricultural workers hostel accommodation, with a building of identical size, albeit with the roofspace utilised to provide first floor accommodation. The like for like rebuilding of a fire damaged building is considered to represent the special circumstances required to support the application in principle. Compared to the previous withdrawn application, the size of the building has been reduced so that the footprint is identical to that of the original. In addition, in the previous application, the building had too many openings and the proposed fenestration was very regular and domestic in appearance. The original building had few openings and Officers considered the fenestration in the proposed replacement to be out of keeping with the character of an agricultural building and harmful to the character of the area. In this latest application, there are still more openings than in the original building. However, the number and design of the openings, particularly in the east side elevation, have been altered such that the impact of the building upon the character of the countryside and upon the openness of the Green Belt is now considered to be acceptable.
27. Concerns have understandably been expressed by the adjoining residents about the implications of approving additional accommodation on the site in terms of noise and disturbance, traffic etc. Members may recall that, when the scheme was approved at Committee in November 2004, it was considered to be acceptable only with strict conditions designed to minimise noise disturbance to the neighbour and a legal agreement seeking to minimise traffic movements. There were no conditions relating to the number of people that could be accommodated on the site, although the application showed the provision of 49 bed spaces. This latest application states that there would be no increase in the number of bed spaces and shows the number of people that would now be accommodated in the remaining buildings. Given that the application now includes extra floorspace, I consider it to be critical to restrict the number of people that can be accommodated on the site at any one time to 50, thereby ensuring that the implications of the proposal in terms of traffic movements, noise etc will be no greater than those of the original application.

28. I am aware that the site was used in the summer by agricultural workers housed in tents and mobile homes but, to the best of my knowledge, this use has now ceased. Certainly, the application makes no reference to accommodating people on the site in tents and mobile units and, should this situation occur again, this Council would need to consider whether it should take action to secure the cessation of such a use. The residents of the adjacent farmhouse have expressed concern about the volume of traffic using the site over the summer and the number of cars/vehicle movements associated with the use. I would like to stress that this has not been agreed or authorised by this Authority as part of the Section 106 Agreement. To the best of my knowledge, the 2004 permission for the use of the buildings has not been implemented to date and none of the details required by the conditions and legal agreement of this permission have been discharged. These conditions and legal agreement would need to be reapplied to this latest application should Members be minded to grant approval for the scheme. This includes the requirement for the submission and agreement of foul and surface water drainage details prior to the commencement of development and restricting the occupation/use of the building to agricultural workers only.
29. Having regard to the very special circumstances identified above, I do not consider that the application needs to be referred to the Secretary of State either under the Departures or the Green Belt Directions 1999 and 2005 respectively.

Recommendation

30. Approval, as amended by drawing number 06/1155:010A date stamped 12th February 2007, subject to a Deed of Variation (if required) in regard to the S.106 Agreement dated 13th September 2005 and to the following conditions:

Conditions

1. Standard Condition A – Time limited permission (Reason A);
2. Sc5a – Details of materials for external walls and roofs (Rc5aii);
2. Sc51 – Landscaping (Rc51);
4. Sc52 – Implementation of landscaping (Rc52);
5. Sc60 – Details of boundary treatment (Rc60);
6. Before the use of the building, hereby permitted, commences the building shall be acoustically insulated in accordance with a scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority (Reason – To minimise noise disturbance to neighbouring properties);
7. Before the use of the building, hereby permitted, commences, a wall shall be constructed between Buildings B and D (in the position denoted on the attached plan ref 06/1155:010A) in accordance with a scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority (Reason – To minimise noise disturbance to neighbouring properties);
8. Vehicles associated with the early morning transport of workers shall be parked immediately adjacent to the eastern edge of the wall shown between Buildings B and D (shown on the attached plan ref 06/1155:010A) and vehicles shall be started, loaded with passengers and driven directly off site from this location (Reason – To minimise vehicle noise disturbance to the adjacent dwelling);

9. 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 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. (Reason – To prevent the increased risk of pollution to the water environment);
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. (Reason – To ensure a satisfactory method of surface water drainage);
11. The hostel accommodation, hereby permitted, shall not be used other than for the accommodation of agricultural workers only and for no other purpose (Reason – To ensure that the use is appropriate to a rural area and in keeping with the aims of Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003);
12. Sc66 – (Rc66) - Implementation of a programme of archaeological work;
13. No development shall commence until details of any external lighting 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 protect the amenity of the occupiers of the adjacent dwelling and the rural character of the Green Belt);
14. No more than 50 agricultural workers shall be accommodated in total within the building, hereby permitted, together with buildings A and B shown on drawing number 06/1155:010A (Reason – To ensure that this application would not result in an intensification in the use of the site, with consequent highway safety and residential amenity problems);
15. No further windows, doors or openings of any kind shall be inserted in the building, hereby permitted, including in the roofspace, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf (Reason – To ensure that openings that would not otherwise require permission are not added to the building with consequent harm to its appearance and impact upon the countryside and Green Belt).

Informatives

Reasons for Approval

1. Although the proposal represents the erection of a new building in the Green Belt, it will replace on a like for like basis the floorspace of a previous building and will be used to accommodate agricultural workers. It is considered therefore that very special circumstances exist to justify inappropriate development in the Green Belt in accordance with the following policies.
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
 - P1/2** (Environmental Restrictions on Development)
 - P1/3** (Sustainable Design in Built Development)
 - P9/2a** (Green Belts)

- **South Cambridgeshire Local Plan 2004:**
GB2 (Development in the Green Belt)
2. The proposal is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- Residential amenity including noise disturbance
 - Highway safety
 - Visual impact on the locality and upon the openness of the Green Belt
 - Suitability of the buildings for conversion

General

1. This permission is subject to a Section 106 legal agreement dated 13th September 2005 attached to planning application reference S/0771/04/F;
2. The development must not encroach onto the footpath, any encroachment would constitute an obstruction, which is an offence under s.137 of the Highways Act 1980;
3. The public footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it;
4. The surface of the footpath must not be altered without the consent of the County Council Countryside Services Team (it is an offence under s1 of the Criminal Damage Act 1971 to damage the surface of a public footpath);
5. The footpath must not be used for vehicular access to the site unless the applicant is sure that they have lawful authority to do so (it is an offence under s34 of the Road Traffic Act to drive on a public footpath);
6. The County Council as Highway Authority is only responsible for maintenance of the surface up to footpath standard, for the purpose of legitimate use by members of the public in relation to that status; damage to the surface caused by non-public footpath use is repairable by those private users.
7. The applicant's attention is drawn to the comments of the Environment Agency set out in the attached letter dated 5th February 2007.

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/0771/04/F, S/1967/06/F and S/0012/07/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0076/07/F - PAMPISFORD**Extension at Eastern Counties Leather Plc, Langford Arch Industrial Estate, London Road - for Eastern Counties Leather Plc****Recommendation: Approval****Date for Determination: 8th March 2007****Notes:**

This Application has been reported to the Planning Committee for determination because Pampisford Parish Council recommends refusal, contrary to the officer recommendation.

Site and Proposal

1. Eastern Counties Leather is a large, two-storey factory building that is situated on the northern section of the Langford Arch Industrial Estate, within the Pampisford village framework. The site lies just outside Flood Zone 2 (medium risk) as defined by the Environment Agency.
2. The application, received on 11th January 2007, proposes the erection of a two-storey extension on the northern side of the building to be used as a finished goods store. It measures 22.95 metres in length, 3.25 metres in width, and 6.2 metres in height and would replace the existing plant room, external staircase and area used for outside storage. The proposed materials are brick and fibre cement panels to match the existing building.

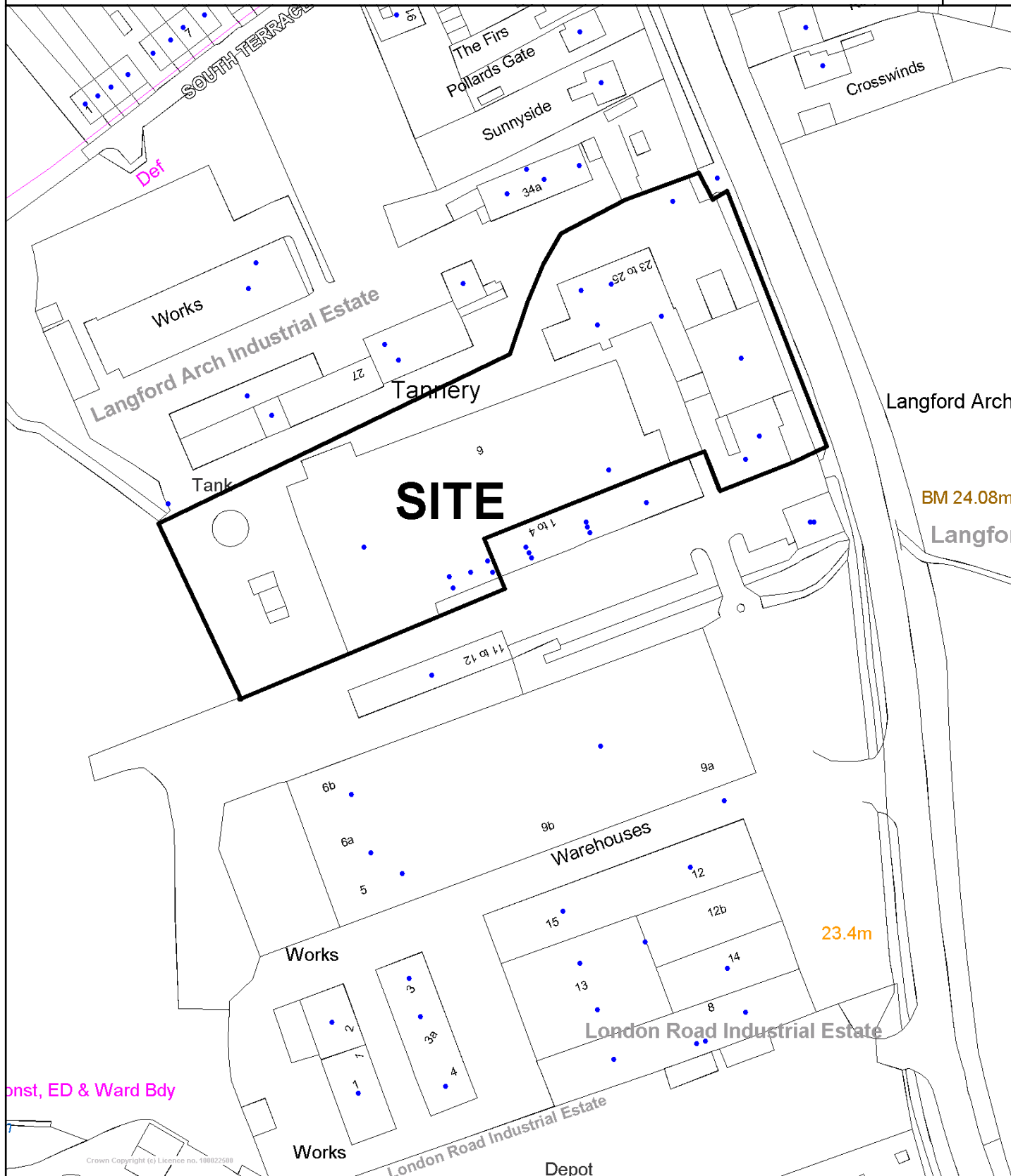
Planning History

3. Planning permission was granted in July 2005 for an extension to the factory for a seasoning drum area (reference **S/0805/05/F**).
4. Planning permission was granted in November 2005 for an open building to the west of the main factory for the storage and loading/unloading of hides and skins prior to treatment (reference **S/1364/04/F**). This application also included improvements to the main entrance to the site.

Planning Policy

5. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 seeks to ensure that all new developments incorporate high standards of design that respond to the local character of the built environment.
6. **Policy EM7** of the South Cambridgeshire Local Plan 2004 supports the expansion of existing firms within village frameworks providing there would be no adverse impact

S/0076/07/F - PAMPISFORD



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upon residential amenity, traffic conditions, village character, other environmental factors, and the development would contribute to a greater range of employment opportunities. It also restricts occupancy of new premises.

7. **Policy CS5** of the South Cambridgeshire Local Plan 2004 states that planning permission will not be granted for development where the site is liable to flooding or where development is likely to increase the risk of flooding elsewhere by materially impeding the flow or storage of flood water; increase the risk of flooding in areas downstream due to additional surface water run-off; or increase the number of peoples or properties at risk, unless it is demonstrated that the above effects can be overcome by appropriate alleviation and mitigation measures.

Consultations

8. **Pampisford Parish Council** recommends refusal and makes the following comments:-
- a) The plans enclosed with this application are unclear and insufficient to see clearly where the extension is being sited;
 - b) We feel that a site visit by planning officers would be advisable as the plans submitted look as though they will involve extending the present building outwards by about 3 metres. This will then encroach upon the width of the road access for lorries and emergency vehicles going to buildings beyond, including one currently under construction;
 - c) The entrance from London Road, to the whole site has not yet been widened, which was one of the conditions of a previous planning approval (3 years ago?) on this site; and,
 - d) Are the Health and Safety Executive aware of the processes occurring on the site? Are the use of chemical and their disposal regulated in any way?
9. The **Chief Environmental Health Officer** has concerns that problems could arise from noise and suggests conditions in order to minimise the effects of the development upon nearby residents or occupiers and informatives with regards to environmental pollution.
10. **Environment Agency** comments are awaited.

Representations

11. None.

Planning Comments – Key Issues

12. The main issues to be considered relate to:-
- a) The principle of expansion of this employment site;
 - b) Siting, design and external appearance of the building;
 - c) Highway safety; and,
 - d) Environmental issues.

The Principle of Expansion

13. Eastern Counties Leather Plc. is an existing local firm that is situated on an industrial estate within the village framework and its expansion is considered acceptable in principle.

Siting, Design and External Appearance of the Building

14. The extension would project three metres from the building and would be situated between two loading bay doors in a space that is currently occupied by a plant room, staircase and external storage area. It would not encroach upon the main part of the internal road network, the width of which would remain at 5 metres, which is above the 3.7 metres required to allow emergency vehicles to access the buildings beyond. The design and external appearance of the building visually matches that of the existing building and the adjacent extension recently granted planning permission.

Highway Safety

15. Whilst the extension would increase the floor area of the building by approximately 66 square metres, it would not result in additional traffic movements in and out of the site, as the extension would be used for a purpose that is already an existing use on the site. Therefore, the access width is considered acceptable in relation to this application. I will, however, investigate the condition on the previous consent in relation to the width of the access as raised by Pampisford Parish Council and liaise with the Local Highway Authority in regards to whether the works have been carried out. This would not affect the outcome of this application.

Environmental Issues

16. The use of the extension would be for the storage of finished wool and rugs at the end of the production line before they are collected for transportation to retail outlets. It is not be used as part of the industrial process. I do not consider that the Health and Safety Executive would have any concern, as the extension would not involve the use or storage of hazardous substances or chemicals.
17. The Council is aware that groundwater within the area is known to have been contaminated by solvents from a nearby industrial process. Safeguarding conditions and informatives would be attached to any consent to ensure that the extension accords with health and safety standards.
18. Noise, odour, dust and fumes from the extension is unlikely to be a problem as its use is for storage and conditions regarding the type of equipment and hours of use would be attached to any consent.
19. The site lies just outside Flood Zone 2 (medium risk) as defined by the Environment Agency. The highest flood level recorded on the site was in 1968 and measured at 21.82m AOD. In a previous application the Environment Agency stated that floor levels should be set a minimum of 300mm above the highest recorded flood level. The floor levels of the building would be at 23.00 AOD and 900mm above the recommended minimum floor level. I do not consider that the proposed development would be at risk of flooding.
20. The extension would increase the floor area of the building by 66 square metres, but would be built upon an existing area of hardstanding. I do not consider that the extension would increase the risk of flooding to the surrounding areas as it would not result in additional surface water run-off.

Other Matters

21. The site location plan plainly shows the location of the extension on the north of the main building and the site survey shows the existing site layout but marks the position of the seasoning drum extension already granted consent and the proposed finished good store extension that is subject of this application. In addition, the elevations show the position of the extension between the two loading bay doors on the elevation. I do not therefore consider that the plans are unclear.

Recommendation

22. Approval subject to conditions:
1. Standard Condition A – Time limited permission (Reason A);
 2. Sc19- Matching Materials (Sc19);
 3. During the period of construction, no power operated machinery (or other specified 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);
 4. 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 but excluding office equipment and vehicles and the location of the outlet from the building of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.
(Reason - To protect the occupiers of adjoining buildings from the effect of odour, dust or fumes);

+ any additional conditions requested by Environment Agency.

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: EM7** (Expansion of Existing Firms at Villages), **CS5** (Flood Risk)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Clarity of plans
 - Highway safety

- Health and safety
- Noise

General

1. Should pile driven foundations be proposed, then before works commence a statement of the method for construction of these foundations shall be submitted to 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 District Environmental Health Officer in accordance with best practice and existing waste management legislation.
3. The ground water underlying this area is known to have been contaminated by solvents from a nearby industrial process. Whilst the Council is not aware of any problems at the moment and the health risk is thought to be negligible it may be prudent to install gas impermeable membrane in the foundations of the building and to treat all services to prevent the ingress of solvent vapours. If you require any further information, please contact the Specialist Support Unit within the Environmental Health Department.
4. South Cambridgeshire District Council: Health Act 2006- Smoke Free Public Places.

South Cambridgeshire District Council is keen to promote smoke free public places in accordance with the proposed regulations under the Health Act 2006. The regulations will require all substantially enclosed buildings (not including private accommodation) to be smoke free. As smokers will not be allowed to smoke in any substantially enclosed place from the 1st July 2007, you should consider the implications for your development.

If you need any further help or guidance in complying with the new legislation, please contact Iain Green on 08450 450063 or e-mail iain.green@scambs.gov.uk

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

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning File references S/0076/07/F, S/0805/05/F and S/1364/04/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2338/06/F - HINXTON**Erection of Building to Provide 8 Guest Rooms, The Red Lion Public House
32 High Street, for Mr A Clarke****Recommendation: Approval****Date for Determination: 30th January 2007**

This Application has been reported to the Planning Committee for determination because the recommendation of Hinxtton Parish Council does not accord with the officer recommendation.

Members will visit this site on Monday 5th March 2007.

Conservation Area**Site and Proposal**

1. The Red Lion Public House is a Listed Building in a prominent location within Hinxtton Conservation Area. The garden area to the rear of the building is laid to lawn and is adjoined on the south by a two-storey dwelling at 20 High Street. To the west, this part of the garden area is adjoined by a two-storey dwelling at 22a High Street, and the rear garden boundary of 28 High Street. To the east, the site has a boundary with agricultural land. There is parking provision for 37 vehicles to the north of the garden area.
2. The full planning application, received 5th December 2006, shows the erection of a detached single-storey building to provide eight guests rooms. Additional parking provision for six spaces is shown in the garden area adjacent to the existing parking court. An amended layout plan was received 19th February 2007. This has corrected survey inaccuracies contained in the originally submitted layout plan, as referred to by Hinxtton Parish Council and some local residents.

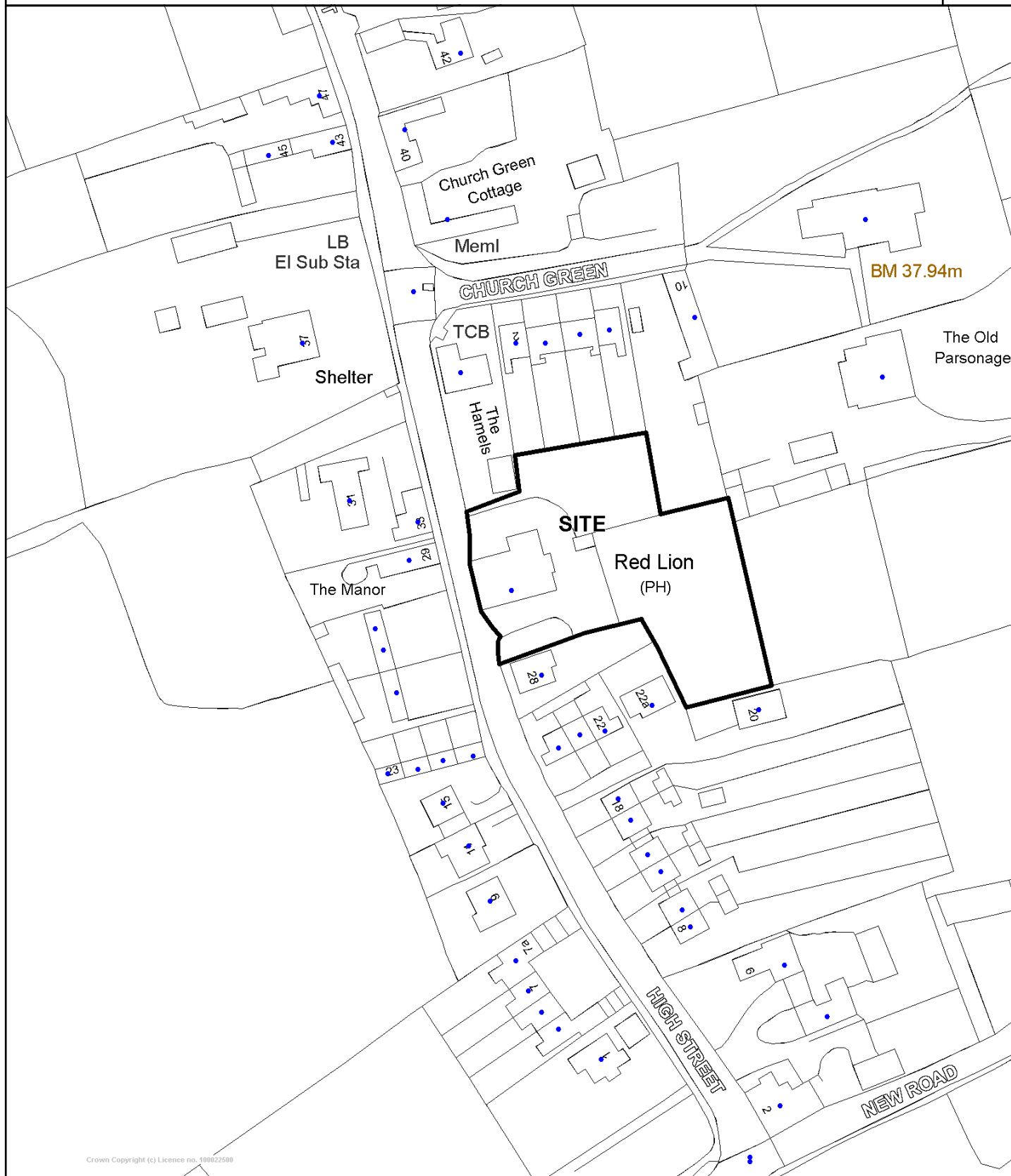
Planning History

3. **S/0160/06/F** – Erection of building to provide 10 guest rooms – application withdrawn following concerns expressed by Hinxtton Parish Council, adjoining residents and The Conservation Manager.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003

S/2338/06/F - HINXTON



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4. **P1/3** (Sustainable Design in Built Development) requires compact forms of development through the promotion of higher densities that responds to the local character of the built environment.
5. **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.
6. **P7/6** (Historic Built Environment) Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

South Cambridgeshire Local Plan 2004

7. **EN28** (Development within the Curtilage or Setting of a Listed Building) – where development would damage the setting, well-being or attractiveness of a listed building, planning permission will be refused.
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.
9. **RT1** (Recreation and Tourism Development): In considering applications for the development of recreation and tourist facilities, the District Council will have regard to the need for such facilities and the benefits which might accrue. The District Council will resist any proposals which would:
 - (1) Result in the irreversible loss of the best and most versatile agricultural land (grades 1, 2 and 3a);
 - (2) Not be in close proximity to and not be well related with an established settlement and its built-up area;
 - (3) Result in buildings and other structures not directly related to the proposed use;
 - (4) By reason of its scale, form, design and materials of the proposal, together with any associated development such as clubhouses, pavilions, and other buildings and structures would create an intrusive feature in the landscape or surrounding area;
 - (5) Result in the loss of ecological, wildlife and archaeological interests;
 - (6) Generate significant motorised traffic movements;
 - (7) Have inadequate provision for parking and manoeuvring of cars and service vehicles to the District Council's standards;
 - (8) Not provide appropriate provision for screening and to minimise the visual intrusion into neighbouring development and the countryside;
 - (9) Not undertake adequate measures for the screened storage and safe disposal of refuse.

10. **RT12** (Holiday accommodation within frameworks) – The District Council will support proposals for the construction, extension or conversion to hotels, motels and guest houses within the defined frameworks of the village having regard to the criteria in Policy RT1 and RT10.

Inset Proposals Map No.50

11. The supporting text to the Hinxtton Inset Proposals Map states, at paragraph 50.16, “The strong linear character of the village is complemented by a number of important open spaces which penetrate the street scene, adding to its attractive setting east of the Cam or Granta. There will be a strong presumption against backland development in order to retain this character”

Consultation

12. **Hinxtton Parish Council** - Recommendation of refusal for the following reasons:
- (a) Major impact on neighbouring properties in terms of visual impact, light pollution and noise. The noise buffer zone between the public house and the neighbours will be lost. Residents will be able to drink at all hours
 - (b) In the South Cambridgeshire Local Plan, no backland development is acceptable in Hinxtton, nor any development on a Green Field site. This would provide a precedent for further backland development.
 - (c) The design is inappropriate within the curtilage of this listed 16th century building, which has itself been extended.
 - (d) The plans do not accurately depict the distances to neighbouring properties. The PC requests the Planning Committee to visit the site.
 - (e) The present car park is already inadequate, resulting in parking on High Street, which is at its narrowest at this point. The vehicular access is hazardous with restricted views. Large vehicles already have difficulty entering and exiting. Traffic calming on High Street would be unacceptable.
 - (f) This will provide a facility for visitors rather than locals. Hinxtton is well serviced for accommodation. The Red Lion will no longer be a ‘village pub’.
 - (g) What will be the impact on water supply, sewerage, drainage and the level of the water table?
 - (h) There has already been substantial development in the village within the last two years, with more threatened. The Parish Council considers it totally inappropriate to increase the number of buildings within the Conservation Area which will further damage the peace, tranquillity and rural aspect of Hinxtton.
13. **Conservation Manager** – No objection. He has held discussions with the applicant following the withdrawal of previous application S/0160/06/F. He comments that the siting of the proposed bedroom block appears to have been sensitively handled, such that it is discreetly located in relation to the setting of the Listed Building and forms a continuation to the line of houses that are at right angles to the High Street in that locality, with a second, lower wing aligned along the east boundary of these houses (thereby also retaining views from the Listed Building out over the garden area and of the high flint wall on the east site boundary. The reduction in bedroom numbers means that the whole of the new structure is now on a single floor, that is stepped to

follow the fall in the ground, which further reduces the impact of the new block. The roof pitch has also been reduced, with a change to natural slate, which will assist in making this block read as a subservient group of outbuildings, as suggested by their vernacular form and appearance.

He recommends that, in the event of planning permission being granted, there would need to be conditions requiring further agreement over the detailing of the flintwork, the size and manufacturer of the conservation roof lights, detailing of the porches and material samples. Furthermore, if the scheme is to include any free-standing bollard lights or lighting columns, details must be agreed in advance with the LPA.

14. **Trees and Landscape Officer** – in relation to S/0160/06/F, the T and LO had no objection, subject to the car parking spaces closest to the Walnut being constructed using a ‘no dig’ method, and the tree being protected during the development.
15. **Chief Environmental Health Officer** – No objection. He recommends condition/informatives to ensure that neighbouring residents are not unduly disturbed during the construction period.
16. **Local Highways Authority** - in relation to S/0160/06/F, the LHA noted that the public house projects forward of the highway boundary on either side, which results in visibility from both accesses being restricted. Notwithstanding this, the LHA also accepted the argument that overnight guests eating at the restaurant will effectively take the place of others who would have driven there. Subject to existing parking spaces being retained, the LHA did not feel able to sustain a highway objection to the proposal. The current scheme has confirmed that existing parking spaces will be retained. Any additional comments received in response to the current proposal will be reported verbally at the meeting.

Representations

Representations from the applicant

17. The applicant has provided the following response to the concerns of the Parish Council:
 1. Impact of the location of the application on the neighbouring properties:
 - This has been recognised from the start and the design has been made with this in mind so minimising this impact in every way possible under the guidance of the Planning Officers. The only element that the Officers were not prepared to consider was an alternative siting of the building.
 2. Local Plans - a Greenfield site with backfill not permitted:
 - I presume that the Planning Officers would have raised this if it was a legitimate concern.
 3. Design - inappropriate within the curtilage of the listed building
 - This has been at the heart of the design from the start which has been made with the guidance of David Grech, the Conservation Area and Design Officer.
 4. Plans - not accurate
 - The site has been professionally surveyed by Anglia Land Surveys Ltd to ensure that the plans of the site and the neighbouring properties are accurately represented.

5. Access and Parking - hazardous and inadequate
 - The parking available will be in excess of The Local Plan recommended number for the services provided. There are some customers that choose to park on the High Street even when the car park is not full, however there is not much I can do about that.
 - The Local Highways Authority did not object to the previous application with regards to access and there are now fewer rooms in this application.
 - For the record I do not remember a "stretch limo" turning up here and do not anticipate the provision of rooms changing this.

6. Impact on Amenities / threat to village pub
 - If the amenities of Hinxton village cannot cope with 8 overnight guest rooms then this is indeed a concern for the whole village
 - It is the village pub that I am trying to protect here. The residents of the village cannot be expected to support the pub to the degree of making it commercially viable without additional income from visitors. The Red Lion has a strong food reputation that pulls in visitors from the surrounding area, however, the downturn in the economy experienced in this sector over the last 12 months has shown that this model alone is not recession proof and more diversification is needed to ensure the survival of the village pub.

7. Noise and Light Pollution
 - There are no plans to extend our service hours throughout the day. Breakfast will be provided, but is not anticipated to be a noisy session.
 - Lighting of the building will of course be low level and sympathetic to be in keeping with the conservation area
 - Arguably, a building provides a better buffer zone for the neighbours from the goings on of the pub than a grass area

8. Accommodation in the Area - well serviced already
 - the evidence I have suggests otherwise, as can be seen from the supporting letters submitted by the tourist board and all our local business customers and other villagers and locals

9. Benefit to the village
 - I believe The Red Lion is the only remaining business in the village and that it is perceived as a benefit to the village. See 6 above for comments on protecting this business.

10. Preservation of Rural Environment and Linear Nature of Hinxton:
 - 8 letting rooms will make a marginal, if any, change to the rural environment of the village. The cap on the traffic flows of the pub is the number of guests it can accommodate for food and drink. Given that 90% of overnight guests will be eating at the pub, they will just be taking up this capacity and not be in addition to this capacity.
 - The Planning Officers have been particular in insisting on the siting of the guest rooms in line with the already existing line of buildings perpendicular to the High Street.

Representations

18. Objections to the proposals have been received from the occupiers of the adjacent dwellings at 20 and 20a (22a) High Street, and from 15 other households on High

Street (Nos. 2, 22, 23, 26, 27, 27a, 29, 37, 66, 115, 117 and The Oak House, The Old Chapel and The Old Parsonage). The following concerns have been raised:

19. **20 High Street**

Very large, inappropriate scale for conservation area.

Tall, would dominate the surrounding area.

Close to existing housing at 22A and 28

Outlook from 20 would be harmed– view of 19m wall of new building from 4 windows in north elevation, and loss of light to these rooms.

Noise pollution from use of the annexe especially late at night.

Noise disturbance during the construction period.

20. **Light pollution.**

Loss of outlook from front garden No.20.

Tourist provision is not required in Hinxton. There is adequate bed and breakfast accommodation available locally.

Harm to the setting of The Red Lion, a fine listed building.

Hinxton is a infill-only village with a strong linear character, where there would be a strong presumption against backland development in the Local Plan policies. This is backland development.

Patrons of the public house already park on High Street at busy times. The development will lead to an increase in such parking.

The existing car park exit is dangerous, as it is on a hill where the carriageway width narrows.

The loss of a green area would be detrimental to the enjoyment of the public house.

The development would not bring any benefit to the village.

The north elevation drawing incorrectly shows two windows in the north elevation of No.20 to have views past the gable end of the proposed development. The views would actually be onto the rear elevation of the new building.

The garden length of No.28 has been lengthened in the submitted layout plan, which makes the house seem further away from the proposed new building.

21. **20a (also known as 22a) High Street**

Coaches and delivery lorries visiting the public house already block High Street.

There is poor visibility north from the car park exit along High Street, especially as parked cars on High Street reduce it to effectively a single-carriageway road.

Increased traffic on High Street will make it more dangerous for pedestrians.

The new development will tower over the adjoining gardens.

Windows in the western elevation will overlook the rear garden of No 20a.
Windows in the western elevation will have views into windows in the rear (northern) elevation of 20a.

Lighting from windows and onto paths will be detrimental to residential amenity, and detracting from the character of the village.

Noise disturbance from customers.

Remaining residents

22. **Conservation**

Out of keeping with the listed public house.

Inappropriate development in an undeveloped part of the conservation area.

Precedent for further unwanted building in the conservation area.

23. **Street Scene**

Backland development in a linear village, and against local plan policy.

24. **Residential Amenity**

Keeping the view of the east wall unobstructed is less important than preserving the outlook of adjacent residents.

Noise disturbance from increased traffic through the village.

Additional noise and light pollution.

Unacceptable development at the rear of other residential properties.

Increased noise disturbance from use of the car park over a longer period. With a residential part to the pub, the bar could be open all hours.

25. **Village Life**

The development will result in the loss of a 'village pub' facility, to the detriment of village life.

26. **Overdevelopment**

Unacceptable size and scale which will virtually double the footprint on this land.

The height differences between the current and previous schemes are not significant. There could be roof conversion at a later date.

Most of the garden would be lost to car parking. The pub garden would become a thoroughfare to the new accommodation.

27. **Access and car parking**

Access and exit are already dangerous from poor visibility because this is the narrowest part of High Street.

Emergency vehicles would not be able to access the building because of the poor access.

Road calming measures on High Street would be unacceptable, because of on-street parking.

28. **Need**

There is insufficient need for this facility, as there is overspill accommodation at Genome Campus and Sawston Hall and B&B in the surrounding area. The development would harm the viability of these businesses.

The business case for the development is not clear, as the business was being run successfully without the need for this development four years ago before it changed hands.

29. **Other issues**

It is vital that the Planning Committee should visit the site prior to considering the proposal.

Possible impact on water provision and water table in the village.

Existing buildings on the site should be refurbished for use.

30. **Support**

Letters of support have been received from 4 households on High Street (Nos 5, 7, 84 and The Old School), one patron who lives in Cambridge, Cambridge Visitor Information Centre and eleven local businesses (based at the Genome Campus and at Pampisford, Great Abington, Duxford, Whittlesford, Little Chesterford, Babraham and Elmton). The points of support made are:

31. **Need**

There is often more demand than supply for accommodation on site at the Genome Campus. This facility would complement the provision for visitors.

There is a shortage of good quality bed-and-breakfast accommodation in the Hinxton area. The other smaller hotels and bed-and-breakfasts in the area are always fully booked.

The location of the proposed accommodation would provide a good base for visitors whether in the area for touring, visiting friends or relatives or business. It is always a problem in these rural locations to find somewhere for visiting friends and relatives to stay, also visitors to local tourist attractions.

There is a need for accommodation in an informal environment to visitors to accommodate smaller meetings, and individual meetings. Several businesses state that they would use this facility regularly.

Accommodation with disabled access is needed in the area.

32. **Rural business and village facilities**

It is very important that rural businesses should be encouraged to continue and prosper.

Hinxton used to have three public houses, a post office and a village shop. The future of The Red Lion could be made so much more secure if the turnover could be made up of more diversified and regular income.

33. **Access and car parking**

There would be little difference to traffic numbers, as staying guests would eat at the restaurant, so would replace and not add to, existing trade.

The car park has more than sufficient spaces to accommodate guests and patrons. There will not be any additional traffic in the village.

34. **Design**

A small outbuilding would create exactly the bedrooms that would be appropriate to an inn, just as if it were a converted coach house or stable barn.

Planning Comments – Key Issues

Principle of development

35. The proposed facility is intended as visitor accommodation, which is encouraged in principle by Policy RT12 subject to the criteria in Policy RT1. As there is policy support in principle for such development within village frameworks, it is not necessary for the Local Planning Authority to be satisfied that a demonstrable business case has been made out or that a significant market demand for the facility exists in individual cases.

Concerns have been put forward that the proposal represents backland development in a linear settlement, which refer to the statements at paragraph 50.16 of the supporting text to the Hinxton Inset Proposals Map. This aspect is similar to the consideration of the effect of the development on the character and appearance of the conservation area, which is discussed below.

Conservation

36. Several concerns raised by residents and Hinxton Parish Council relate to the need to safeguard the character and appearance of the conservation area. The Conservation Manager is persuaded that (subject to conditions) the submitted scheme will achieve this. Members who visit the site will be able to make an assessment of this aspect.

Neighbour amenity

37. The concerns of the residents at Nos 20 and 20a(22a) High Street are noted. In the case of No.20, the proposed development will be sited between 4.0m and 6.2m from the boundary wall, and 6.5m from nearest windows. The ground floor windows in the northern elevation of this dwelling are secondary serving the dining room, whilst the first floor windows serve two bathrooms. There are no windows in the south elevation of the proposed building, other than rooflights servicing ground floor accommodation only. I do not consider that the development will give rise to any serious loss of amenity due to loss of light, loss of outlook or privacy to this dwelling from the proposed development.

In the case of No.20a, the single storey range will be sited between 2.0m and 3.4m from the eastern boundary of the dwelling. The existing boundary fence is 1.8m high which is adequate to maintain privacy. The proposed drawings show three bathroom windows and a secondary bedroom window in the western elevation to face towards this garden area, which can be required by condition to remain obscure glazed. The eaves height will be 3.0m reducing to 1.8m, and the ridge height 4.7m, reducing to 4.3m. In my opinion, the development will not be overbearing or result in undue loss of light or privacy to the garden area or windows in the rear elevation of No.20a.

The proposal, if developed, will introduce activity close to two adjoining residential curtilages. The doors to the rooms are contained within the courtyard formed by the development, and there are no new car parking spaces close to these boundaries. Windows facing towards the garden area of No.20a are either bathroom or secondary bedroom, which can be required to be fixed shut. Subject to these restrictions, I do not consider that any significant noise disturbance to adjoining occupiers can reasonably be expected to occur as a result of the development. If planning permission is granted, I recommend that a condition be attached to prevent the insertion of any further window openings without a further grant of planning permission.

In order to ensure that unneighbourly external lighting of the building and the pathways does not take place, and in order to preserve the appearance of the conservation area, I recommend that, in the event of planning permission being granted, a condition requiring details of external lighting to be submitted and agreed be attached.

Access and parking

38. The Local Highway Authority has expressed concern at the current level of safety from the two existing accesses, which is reflected in the comments of Hinxton Parish Council and comments of local residents. However, the LHA has assessed that the development **will** not result in a material increase in traffic using these accesses. I am not persuaded that a refusal on the grounds of highway safety can be supported in this case.

Recommendation

41. Approval, as amended by drawing no. 04/161/06A, subject to the following conditions:
1. Standard Condition A – Time limited permission (Reason A);
 2. Restriction of use to ancillary hotel accommodation (Rc40);
 3. Sc5 – Samples of materials for external walls and roofs, detailing of the flintwork, the size and manufacturer of the conservation roof lights and, (Rc5aii);
 4. Sc51 – Landscaping (Rc51);
 5. Sc52 – Implementation of landscaping (Rc52);
 6. 'No dig' construction of identified car parking spaces (Rc56);
 7. Sc56 - Protection of trees during construction (Sc56);
 8. Sc60 – Details of boundary treatment (Rc60);
 9. Sc5f – Details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (Reason – To minimise disturbance to adjoining residents);
 10. Sc22 – No further windows or doors (Rc22);

11. Sc23 – Identified windows in the western elevation to be obscure glazed and fixed shut (Rc23);
 12. Restriction of hours of use of power operated machinery during the construction period (Rc26);
 13. SC20 – Vehicle parking (Rc20);
 14. No external lighting shall be installed on the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority (Rc - To protect the amenities of neighbours and to preserve the character and appearance of the Conservation Area.)
- + any conditions required by the Local Highways Authority

Informatives

Should driven pile foundations be proposed, then before development commences, a statement of the method for construction of these foundations shall be submitted to and agreed by the District Environmental Health Officer. This is necessary in order to safeguard the amenity of the occupiers of nearby dwellings from disturbance from noise and vibration during the construction period.

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
P2/6 (Rural Economy) and **P7/6** (Historic Built Environment)
 - **South Cambridgeshire Local Plan 2004:**
EN28 (Development within the Curtilage or Setting of a Listed Building)
EN30 (Development in Conservation Areas)
RT1 (Recreation and Tourism Development)
RT12 (Holiday accommodation within frameworks)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity including noise disturbance, overlooking, loss of outlook and overbearing issues
 - Highway safety
 - Visual impact on the locality
 - Impact upon Hinxtton Conservation Area

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

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- Planning File Refs: S/2338/06/F and S/0160/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0141/07/F – STEEPLE MORDEN**House, Land Adj The School House, 5 Hay Street, for Mr and Mrs F G Thorp****Recommendation: Delegated Approval****Date for Determination: 19th March 2007****Notes:**

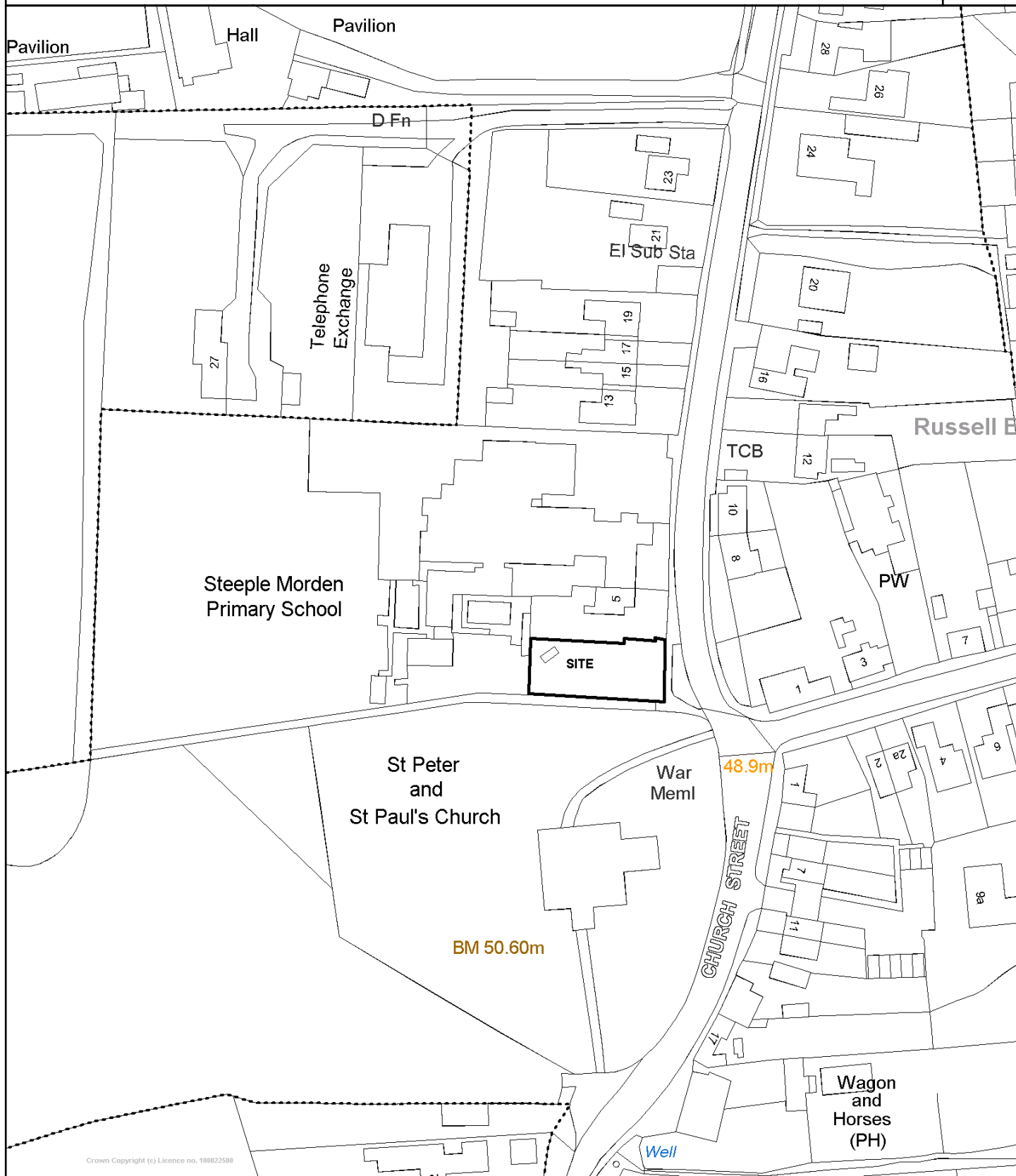
This Application has been reported to the Planning Committee for determination because the officer recommendation conflicts with the views of Steeple Modern Parish Council.

Members will visit this site on 5th March 2007

Conservation Area**Site and Proposal**

1. This full application, received on 22nd January 2007, proposes the erection of a house on a 0.048ha area of garden land to the south of the Old School House, 5 Hay Street, Steeple Morden.
2. The Old School House is linked to the main school buildings to the north but is now in separate ownership and occupied as a private dwelling. To the south of the site is St Peter and St Paul's Church, a Grade II* Listed Building. It is separated from the site by a public footpath. There is a line of planting on the north boundary of the churchyard and on the south boundary of the application site.
3. At the rear the site abuts the school grounds. The site is just to the north of the Litlington Road on the opposite side of the road. There is a line of pollarded lime trees and low brick wall along the front of the site.
4. The application proposes the erection of a 3-bedroom detached house with a main ridge height of 8.1m. The house is set back 7.5m from the front of the site and 4.3m from the south boundary. The house is designed to complement the style of the Old School House. The application proposes the removal of one bay of an existing conservatory on the south elevation of the existing house.
5. The proposal involves sharing the use of the existing access from Hay Street with separate turning and parking for two cars provided for each property.
6. The application is accompanied by a Design and Access Statement. The density equates to 21 dwellings per hectare.

S/0141/07/F



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Scale 1/1250 Date 26/2/2007

Centre = 528557 E 242534 N

March 2007 Planning Committee

Planning History

7. In November 2006 a planning application for the erection of a house on this site was withdrawn following concerns that it proposed the removal of existing trees on the south boundary of the site and that as a consequence the proposal would have an adverse impact on the setting of the adjacent Church and would neither preserve or enhance the character of the Conservation Area (**Ref: S/1879/06/F**).

Planning Policy

8. **Policy ST/6** of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007 identifies Steeple Morden as a Group Village where residential development and redevelopment up to an indicative maximum scheme size of eight dwellings will be permitted within the village framework.
9. **Policy EN28** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") states that the District Council will resist and refuse applications which would dominate a 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 relationship between the building and its formal or natural landscape surroundings.
10. **Policy EN30** of the Local Plan states that proposals in Conservation Areas will be expected to preserve or enhance the special character and appearance of these areas in terms of their scale, massing, roof materials and wall materials.
11. **Policy EN5** states that the District Council will require trees, hedges and woodland and other natural features to be retained wherever possible in proposals for new developments.
12. **Policy P7/6** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") states that the Local Planning Authority will protect and enhance the quality and distinctiveness of the historic built environment.

Consultation

13. **Steeple Morden Parish Council** recommends refusal. "Whilst noting the efforts made to minimise the visual impact of the proposed new dwelling (compared to the original version of the Application) and approving its sympathetic design, the Parish Council feels it would still have a detrimental effect on the character and setting of the Parish Church, by bringing the built environment noticeably closer to this Grade II* Listed Building. We are also concerned at the indicated doubling of the number of vehicles using the access to the site, located at one of the most congested parts of the village, particularly at the School drop-off and collection times. We would ask that members of the Committee make a site visit, to judge the likely impact of the proposal for themselves."
14. The **Conservation Manager** has no objection and comments that it would appear that the revised design will enable all the trees to be retained and is satisfied that the design of the dwelling will relate to the adjacent school house and fit comfortably into the street scene.

15. Conditions should be attached to any consent requiring samples of all external materials to be submitted and agreed; permitted development rights should be removed and boundary treatment details agreed.
16. The **Trees and Landscapes Officer** has no objection.
17. The **Architectural Liaison Officer, Cambridgeshire Constabulary** comments that the height of the rear boundary fence should be increased as this is where a property will be most vulnerable. Additional close-boarded fencing would improve security in other areas of the site.
18. The comments of **English Heritage** will be reported at the meeting. In commenting on the previous application it did not object in principle to development of the site but wished to see boundary planting retained or replenished as it plays a significant role in the boundary to the listed church.
19. The comments of the **Chief Environmental Health Officer** will be reported at the meeting.

Representations

20. None received at the time of writing the report. The statutory consultation period expires on 6th March 2007.

Planning Comments – Key Issues

21. The key issues to be considered with this application are whether the proposal preserves or enhances the character of the Conservation Area; whether the proposal has an adverse effect on the setting of the adjacent Grade II* listed Church and; the effect of the proposal on highway safety.
22. The previous scheme for this site proposed the removal of an Ash and Field Maple tree on the south boundary of the site in close proximity to the new house as then proposed. In addition the drawing indicated that part of a Lime tree and an Ash tree on the south boundary at the front and rear of the site respectively were to be removed. Although the Trees and Landscapes Officer raised no objection to the removal of these trees, due to their condition, the Conservation Manager and English Heritage were of the view that the existing trees on the south boundary should be retained to help soften the impact of any new building on the Conservation Area and setting of the Church.
23. The revised application moves the proposed dwelling a further 0.8m from the south boundary of the Church and indicates that all existing trees are to be retained, with route protection areas (RPA) have been shown around the Ash and Field Maple trees closest to the proposed house. The applicant's agent states that proposed house will not encroach on the RPA belonging to the Ash tree but will intrude slightly into the RPA around the Field Maple situated near the south-west corner of the proposed house. The applicant's agent states that this intrusion should not have any impact on the maple tree, however, if any significant roots are found during excavation works, a corner pad foundation will be constructed with lintels spanning over the roots to support the external walls. Additional planting is also proposed.
24. The new dwelling has been designed to compliment the Old School House. In the Design and Access Statement the applicant's agent states that the height of the proposed dwelling is approximately the same as the Old School House although I

have asked for confirmation of the height of the existing house in order that this can be verified.

25. Although the proposal will introduce an additional dwelling between the existing Old School House and the churchyard I share the view of the Conservation Manager, and that previously expressed by English Heritage, that provided the existing screening is retained, and the statement made about the respective heights in the Design and Access Statement is confirmed, that the proposal will not have an adverse effect on the setting of the Grade II* listed Church or the character of the Conservation Area.
26. The proposal seeks to use the existing access to serve both the existing and proposed dwellings. A separate turning area and space for parking two cars is provided within the site for each dwelling. This complies with the Council's maximum parking standards.
27. The existing entrance to the site from Hay Street is 2.5m wide and I would normally require a minimum width of 4m for an access that is to serve more than a single property. Whilst this can be achieved on the ground it would require the removal of a 1.5m length of the existing wall at the front of the site and two of the pollarded trees with consequent impact on the character of the Conservation Area.
28. The application, by adding a further dwelling, has the potential to double the number of vehicles using the access. The Parish Council is concerned at this prospect given that it states that the site is located at one of the most congested parts of the village, particularly at School drop-off and collection times. In the light of these comments I will seek the views of the Local Highway Authority, which would not normally comment on this type of application, but I am of the view that it would be difficult to sustain a reason of refusal on highway grounds given that adequate off-street parking provision has been provided for both dwellings.

Recommendation

29. Delegated Approval subject to confirmation in respect of the height of the existing dwelling and any comments of the Local Highway Authority

Conditions

1. SCA (RCA).
2. Details of all external materials including large scale details of reconstituted stone elements.
3. Boundary Treatment.
4. Withdrawal of Permitted Development right in regard to future extensions.
5. Tree Protection Measures.
6. Provision and Retention of parking and turning areas.
7. Restrict hours of operation of power driven machinery during the period of construction.

Informatives

Comments of the Chief Environmental Health Officer and Environment Agency in regard to soakaways.

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy**, adopted January 2007:
ST/6 (Group Villages)
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P7/6 (Historic Built Environment)
 - **South Cambridgeshire Local Plan 2004:**
EN5 (Landscaping of New Development)
EN28 (Development within the Curtilage or Setting of a Listed Building)
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:
 - Effect on the setting of a Grade II* Listed Building
 - Highway safety

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/0141/07/F and S/1879/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0068/07/F – STEEPLE MORDEN**Alterations and Extensions, 115 Hay Street for Ms W Marsh and Mr J Bishop****Recommendation: Approval****Date for Determination: 7th March 2007****Notes:**

This Application has been reported to the Planning Committee for determination because Steeple Morden Parish Council has recommended that the application be refused, contrary to the officer recommendation.

Site and Proposal

1. Number 115 Hay Street is a large detached chalet style bungalow set back from the highway within the northern edge of the Steeple Morden village framework. To the north of the property there is a Grade II listed dwellinghouse (119 Hay Street) and to the south there is more modern two storey detached dwellinghouse (113 Hay Street). The bungalow itself has a large flat roof garage adjacent to the boundary with number 113 and wide flat roof dormer windows on the front and rear elevations.
2. The full application received on the 10th January 2007 proposes to extend the bungalow by way of a pitched roof element above the existing garage and a forward projecting two-storey gable. Two east facing dormer windows are also proposed on the front elevation in addition to two west facing dormers in the rear elevation. The existing flat roof dormer in the rear elevation is also proposed to be altered by way of the addition of a pair of pitched roofs. The height of the forward projecting gable is approximately 7.1m and the pitched roof extension above the garage will have a ridgeline 0.4m lower than the ridgeline of the existing roof and will be approximately 7.2m high with an eaves height of 2.7m. The pitched roof extension will be constructed on the footprint of the existing garage wall, which is approximately 1m from the boundary.

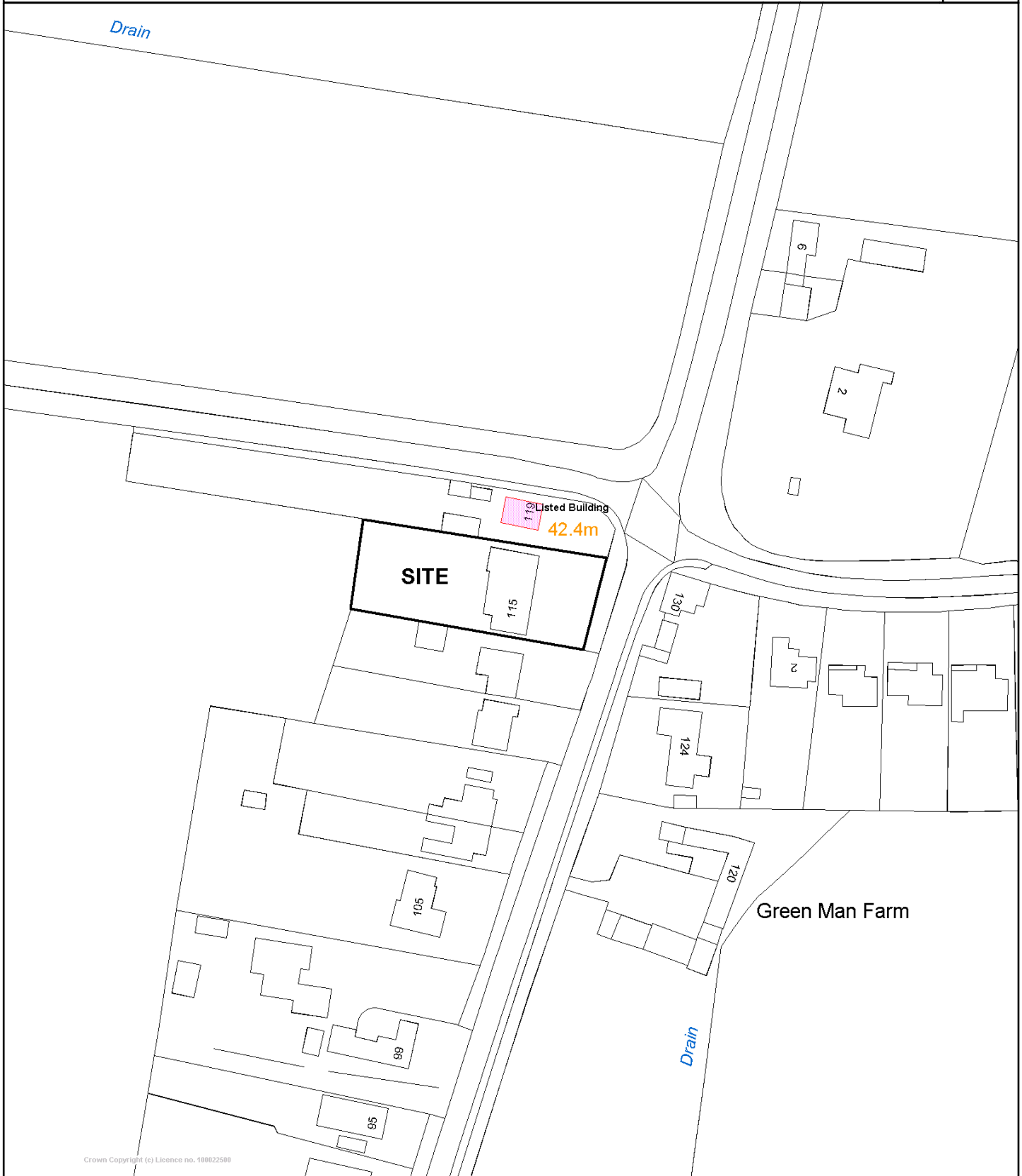
Planning History

3. Planning consent for the erection of a two-storey dwelling and garage was originally granted in 1976 (**S/0246/76/F**). Since its construction the dwelling has not been the subject of any other planning applications.

Planning Policy*Cambridgeshire and Peterborough Structure Plan 2003*

4. **Policy P7/6** 'Historic Built Environment' states Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

S/0068/07/F



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March 2007 Planning Committee

South Cambridgeshire Local Plan 2004

5. **Policy HG12** 'Extensions and Alterations to Dwellings with Frameworks' sets out requirements for development of dwellings within frameworks having regard to impact upon neighbour amenity and the street scene.
6. **Policy EN28** 'Development within the Curtilage or Setting of a Listed Building' sets out the requirements for development within the curtilage or setting of listed buildings.

Consultation

7. **Steeple Morden Parish Council** – Recommends that the application be refused as it feels the proposed extension would cause a significant loss of light and privacy to the occupants of the neighbouring house (number 113 Hay Street) due to its mass and proximity. It would also turn a 3-bedroom house into a 5-bedroom one, a type for which there is no particular need in the village, due to the numbers already in existence. The improved look of the front of the dwelling is to the liking of the Parish Council.
8. **Conservation Manager** – Has no objections. The proposal will have no substantial impact on the setting of the adjacent Listed Building.

Representations

9. A lengthy letter of objection (six pages) has been received from the owner/occupiers of number 113 Hay Street, who request that the application be amended so as to limit the impact upon their property or be refused. Their objections relate to the following:
 - (a) Significant loss of light
 - (b) Overlooking and loss of privacy
 - (c) Unacceptable boundary relationship, creating a sense of enclosure and harm to amenity space
 - (d) Failure to comply with development plan policy

Further details of the neighbours' objections are elaborated on in Planning Comments.

10. The owner/occupier of number 119 Hay Street has stated that she has no objections or comments and supports this application to improve the property.

Planning Comments – Key Issues

11. The main issues for members to consider in the determination of this application is whether the pitched roof extension above the existing flat roof garage would have an unacceptable impact upon the amenities of the occupiers of number 113 Hay Street by virtue of being unduly overbearing, overlooking (from the dormer windows) and blocking light to the north facing openings of the said neighbouring dwellinghouse.

Loss of light

12. The neighbours are principally concerned with the impact that the addition of the pitched roof element and the two southernmost dormer windows will have on the light entering three openings in the north facing elevation of their property. These three

openings include a glazed panel in the kitchen door and an obscure glazed toilet window on the ground floor and a landing window on the first floor.

13. In terms of the two ground floor openings the kitchen door is one of four openings that illuminate the kitchen, two of which are west facing and one which is south facing. Considering the fact that the development will be located approximately 4.5 m to the north of the kitchen door, and other openings presently serve the room, I do not consider that the development will have an unacceptable impact upon light entering the kitchen. Similarly the obscure glazed window serving the downstairs toilet, which is the only opening for that room, is not considered to be adversely affected due to the northern location of the extension.
14. The extension will undoubtedly be visible from the neighbours' upstairs landing window. It will not block direct sunlight entering this opening due to the fact that the window faces due north. Whilst visiting the site the neighbour mentioned that the extension would also be overbearing on the window. Considering the fact that the window presently looks onto the flat roof of the existing garage and the existing southern gable I do not consider that the introduction of a gable end 4.5m from it will result in an unacceptable impact upon neighbour amenity, especially when viewed from a landing window that is 4.5m from the extension.

Unduly overbearing

15. To the north of number 115 Hay Street the gravelled driveway is primarily used as an area for the parking and manoeuvring of vehicles, though the neighbours state that it is also used as a play area for their children. Due to the primary use of this area as a driveway I do not consider that the introduction of a wall 1m from the boundary at a height of 7.2m, reducing to a eaves height of 2.6m, to be unacceptable. Moreover, although the dormer windows extend 3m from the roofslope at their highest point the fact that they are centrally placed with the extension means that they will be approximately 3m from the boundary.

Overlooking

16. The main concern that the neighbour has about overlooking is as a result of the proposed dormer window in the rear elevation, which serves the new master bedroom and will face due west. Although this window is set behind the rear elevation of number 113 Hay Street the pitched roof garage on the boundary of the two properties will limit any overlooking of the westernmost part of the garden. Views into the area of the garden nearest the rear elevation of number 113 Hay Street will only be possible if the occupants of 115 Hay Street were to physically lean out of the window. The neighbour has suggested that this window be replaced by a Velux window in order to reduce the perception of being overlooked, and I do not necessarily consider this to be an unreasonable request. Though any Velux window would have to be high level otherwise there would be a greater degree of overlooking than with the proposed dormer. In the interests of limiting the impact upon the amenity of the occupants of number 113 Hay Street it has been suggested that the rear dormer be omitted. However, I consider that it would be unreasonable to recommend refusal in its present form.
17. The neighbour is also concerned about the potential for overlooking of their house through the future insertion of a window in the south elevation of the extension. Given this concern I believe a condition should be used to prevent the insertion of any such opening.

Failure to Comply with Development Plan Policy

18. As a result of the above comments I do not consider that the development will have an unacceptable impact upon neighbour amenity, therefore I believe that the development complies with the criteria of Policy HG12. Both the Parish Council and the neighbours object to the fact that the dwelling will, once extended, have five bedrooms. As the site is within the village framework I see no policy grounds why such an increase in volume or internal accommodation will be unacceptable.
19. Given the neighbours' concerns about the discharge of fumes from any boiler flue, a matter that would be covered by Building Regulations, I consider it reasonable to use a condition to agree the external details of any such flue so that it is not unsightly.

Recommendation

20. Approval – Subject to the following conditions.
 1. Standard Condition A – Time limited permission (Reason A).
 2. Sc5a – Details of materials for external walls (Rc5aii).
 3. No development shall commence until external details of the boiler flue or any other means of extraction related to the relocated boiler (detailed in drawing number HS/TB/06/2E) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

(Reason – To ensure that the design and location does not have an unacceptable visual impact.)
 4. Sc22 – No windows at first floor level in the south elevation of the development (Rc22).
 5. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.

(Reason - To minimise noise disturbance to adjoining residents.)

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P7/6 (Historic Built Environment)
 - **South Cambridgeshire Local Plan 2004:**
HG12 (Housing Mix and Design)
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 loss of light and overlooking

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

- South Cambridgeshire local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/0068/07/F and S/0246/76/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2375/06/F – GREAT SHELFORD**Erection of 8 Apartments Following Demolition of Existing Dwelling at 111 Cambridge Road, for Mr and Mrs C Webb****Recommendation: Approval****Date for Determination: 5th February 2007**

This Application has been reported to the Planning Committee for determination because the recommendation of Great Shelford Parish Council is at variance with the planning officer recommendation.

Site and Proposal

1. The application relates to 0.08ha land occupied by a single detached house fronting Cambridge Road. To the north, the site is adjoined by a similar detached house at 113 Cambridge Road, whilst to the south there is a detached bungalow at 109 Cambridge Road. The site has two Beech trees on the frontage that are protected by a Tree Preservation Order.
2. The full application, received 11th December 2006, proposes the demolition of the existing dwelling and its replacement with a two-storey building with rooms in the roofspace to provide 8 2-bedroom apartments. The replacement building is shown to be sited with its front elevation in the same position as the existing, but to be wider across the frontage and to extend at the rear to a greater depth, so resulting in a larger footprint. The height is 0.4m greater to eaves level and 0.8m to ridge level. Parking for 10 vehicles (including two disabled-sized spaces) is proposed on the frontage. A cycle store is proposed in the rear garden area. An amended layout plan showing pedestrian visibility splays was received 6th February 2007. The application is supported by arboriculturalist statements received 11th December 2006 and 22nd February 2007.
3. The density of development equates to 100 dwellings per hectare.

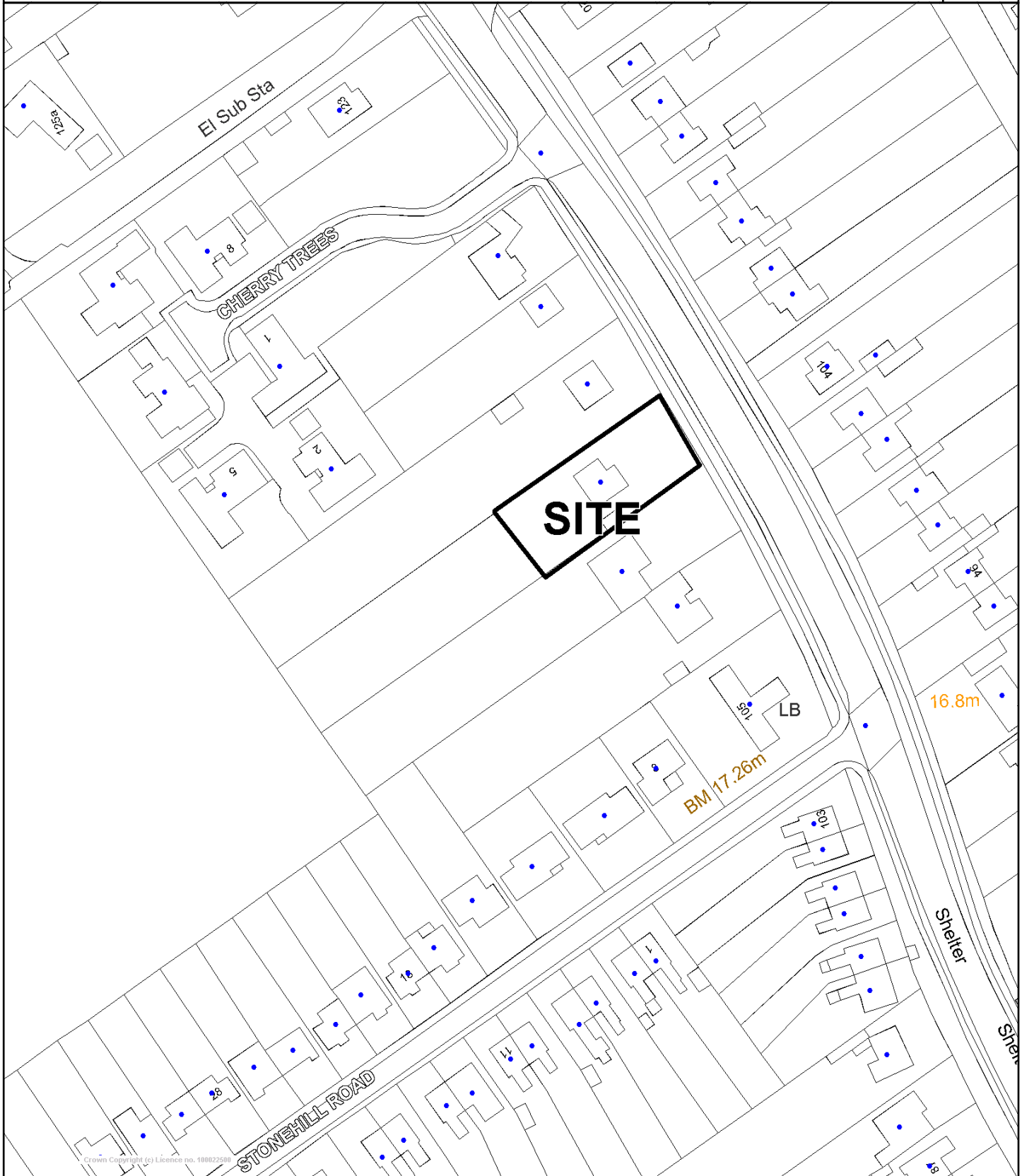
Planning History

4. In 2003, consent was granted for a conservatory extension (**S/2064/03/F**). In 1991, an appeal was dismissed for the erection of two dwellings at the rear of Nos 109 and 111 Cambridge Road, from a proposed driveway between the dwellings onto Cambridge Road (**S/0123/91/F**).

Planning Policy

South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007

S/2375/06/F - GREAT SHELFORD



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Planning Committee March

5. **ST/4** (Rural Centres) Development and redevelopment without any limit on individual scheme size will be permitted within the village frameworks of Rural Centres, such as Great Shelford, provided that adequate services, facilities and infrastructure are available or can be made available as a result of the development.

South Cambridgeshire Local Plan 2004

6. **HG10** (Housing Mix and Design) requires residential developments to have a mix of units making the best use of the site. The design and layout of schemes should be informed by the wider character and context of the local townscape.
7. **CS10** (Education) – Where planning permission is granted for schemes of 4 or more dwellings, financial contributions will be sought towards the provision of local educational accommodation.
8. **TP1** (Planning for More Sustainable Travel) – car parking requirements will be restricted to the maximum levels set out in Appendix 7/1. (For dwellings, Appendix 7/1 gives a level of an average of 1.5 spaces per dwelling, up to a maximum of two per 3 or more bedrooms in poorly accessible areas. Visitor/service parking should not fall below 0.25 spaces per dwelling provided with 2 parking spaces).
9. **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.
10. **EN6** (Tree Preservation Orders and Hedgerow Retention Notices): The District Council will make orders and notices to protect trees and hedges where it considers that they contribute to local amenity or have visual or historic significance.

Cambridgeshire and Peterborough Structure Plan 2003

11. **P1/3** (Sustainable Design in Built Development) requires compact forms of development through the promotion of higher densities that responds to the local character of the built environment.

Great Shelford Village Design Statement (SPG 2004)

12. **Buildings and Spaces – Principles** Buildings in Great Shelford are predominantly domestic in scale, and diverse in style, ground plan, ownership, setting and alignment. Future development should mirror that scale and diversity. **Guideline** - protect good examples of historic and modern buildings and building types, their features and details, whether or not they are listed.

Consultations

13. **Great Shelford Parish Council** – recommends refusal of the application stating: “In order to build 8 flats on the site, a floor area for the main part of the building some 60% greater and a side elevation some 50% longer than that permitted on appeal at 139 Cambridge Road is proposed. This amounts to overdevelopment of the site and would create a large building out of character with surrounding properties and overbearing to 109 and 113 Cambridge Road. In addition, the large side wall would cut out sunlight to the rear garden and conservatory of 113 Cambridge Road.”

14. "The windows on the rear would overlook 109 Cambridge Road. To keep the height of the new building similar to adjacent properties it has been necessary to include a large area of flat roof. As stated in our objections to S/2331/06/F 79-81 Hinton Way, we do not believe this is a sustainable form of development and has resulted in inferior accommodation at 2nd floor level with inadequate windows for the floor space.
The car parking is inadequate for 8 properties and we are not convinced the access and car parking would not adversely affect the T.P.O. trees along the frontage."
15. **Trees and Landscape Officer** – As originally submitted, The T+LO was concerned at the proposal, because it would have required the TPO protected trees to be crowned lifted to allow for construction traffic. This would have changed the visual impact they afford. The relocation of the access between the centre of the trees - even if No Dig construction is used, would be likely to seriously affect the rooting system of the Beech Trees. The proposal to turn the frontage, which is currently part garden with a simple gravel turning circle, into a car park would place pressure on the trees for further works due to leaf and mast fall. The root protection area under BS 5837 is a minimum of 11.5 m.
16. The T+LO held a meeting on site on 19th February to discuss these issues, following which she lifted her objection. I will report her comments verbally at the meeting.
17. **Chief Environmental Health Officer** – No objections subject to suitable conditions/ informatives to control noise from power-operated machinery during the construction period.
18. **Local Highway Authority** – No objection subject to conditions being attached to any consent issued.
19. **Chief Financial Planning Officer, Cambridgeshire County Council** – concern that adequate primary school capacity is not available in the area to meet the additional demand created by the development. A contribution of £8,400 is sought to enable the accommodation to be provided.

Representations

20. **113 Cambridge Road**, adjoining to the north of the site:
21. Cambridge Road is fronted at present almost entirely by single dwellings with front gardens. The few three-storey apartment buildings that have been constructed look out of character. Further developments of this kind are very undesirable if the general character of the road is to be preserved.
22. Cambridge Road is already very busy and this is likely to get worse with future developments. There will be a road access problem which will add to the hazards for cyclists, interfere with traffic flow and add to congestion.
23. Within one mile of the site are proposed Clay Farm and Trumpington Meadows developments, which give an opportunity to plan new residential accommodation in a coherent way with appropriate support facilities and infrastructure. This approach is preferable to piecemeal development such as is proposed.
24. The proposal is due south of 113 Cambridge Road and will reduce natural light to the rear of this dwelling.

102, 104, and 107 Cambridge Road:

25. At the appeal in 1991, the character of this part of Cambridge Road was noted and considered desirable for retention. Concern was expressed about the increase in the amount of traffic onto an already busy road. The proposed block of flats will be higher than the surrounding buildings with a prominent parking area at the front. It would not fit in and would mar the attractive approach to the village.
26. The houses in this part of Cambridge Road are two-storey detached family dwellings, with some semi-detached on the opposite side of the road. The existing dwelling is a lovely old house. Can it not be kept and converted?
27. The external materials of brick and slate would be out of character with the majority of dwellings, which are rendered and white-painted, with tiled roofs.
28. The density of accommodation would be out of keeping with this low density area.
29. The density of parking (vehicles and bicycles) would be out of keeping with neighbouring houses.
30. Any extensive pruning of the frontage trees would be detrimental.
31. This is a busy road, especially during rush hours. It is difficult for pedestrians to cross the road for the post box and buses. Difficulties would be caused to those opposite at 102/104 Cambridge Road in accessing their drives, and from the glare of headlights. Vehicles of visitors and trades people would overflow onto the verges. There would be an unacceptable increase in noise from traffic entering and leaving the site. Dangers to pedestrians from the extra use of the vehicular access.
32. No affordable housing is offered in the scheme. The village needs affordable housing.
33. If planning permissions continue at the rate of the last year there would an increase in Shelford's population of 7.5%, putting pressure on doctors, schooling, parking etc.

Representations from the agent

34. In response to the comments of Great Shelford Parish Council, the agent has stated as follows:
35. "I do not agree with the Parish Council that the design of the proposed new building ' is not a sustainable form of development and has resulted in inferior accommodation at 2nd floor level with inadequate windows for the floor space'. I have spoken to my clients' architects who have confirmed that the design of the windows at 2nd floor level all meet with current Building Regulations standards and provide the requisite amount of natural lighting and ventilation. Whilst there are only 2 apartments at 2nd floor level, both of these have ample accommodation in all areas. Also, I believe that this development is sustainable in that it seeks to make the best use of previously developed land in a sustainable settlement.
36. As previously discussed, the level of car-parking provided at 125% is entirely in keeping with all those other developments of flats in this vicinity and in accordance with the Council's standards and has been accepted on Appeal at other sites.
37. The only windows at first floor level on the side elevations are 'fixed shut and obscure glazed' whereas the existing house has a clear glazed first floor window at 1st floor overlooking 113 Cambridge Road.

38. The new building is a significant distance from the rear conservatory of 113 Cambridge Road and there is a tall, dense mature hedge to the boundary between these properties which it is intended to remain.
39. This building has been designed to both reflect and to respect the character of Cambridge Road as is demonstrated by the Street Scene drawing which also shows how the two large trees to the frontage will screen much of the building's appearance.

Planning Comments

Principle of development

40. In the Adopted Core Strategy DPD, Great Shelford is a Rural Centre, where development is encouraged, and where there is no strategic constraint on the amount of development. The proposal represents a more efficient use of a brownfield site, which is in accord with the development strategy.

Character of the area

41. The existing dwelling is one of a number of detached and semi-detached dwellings which appear to have been erected at one period, which exhibit a uniformity of scale and appearance. However, there are examples of different dwelling types (for example at No.109). P1/3 and HG10 require new development to be informed by the character of existing development in the area. The Great Shelford Village Design Statement encourages future development to mirror the scale and diversity of the existing village. No.111 is but one example of this house style, which is not listed nor is it a conservation area. The proposed building is a similarly plain design with well-proportioned gables. The ridge height is the same as the existing house at No.113. The new building occupies a larger footprint than the existing, and is shown to extend across most of the width of the plot. However, the building is set back 17m from the frontage, with significant gaps remaining between it and adjoining dwellings on each side. I do not consider that in terms of scale, massing, height or siting, the building will appear to be out of keeping with the character of the area. The design of the front elevation is pleasing and again, I do not consider that it would be out of harmony with the appearance of existing dwellings.

Neighbour impact

42. To the south, the proposed development is adjoined by 109 Cambridge Road. This is single-storey dwelling (with rooms in the roof). The rear wing of the new building is shown to extend 2.3m behind the rear elevation of 109, at a distance of 6.0m from its sitting out area at the rear of the dwelling. I have viewed the application site from this garden area. I have concluded that, although there would be an impact on this rear garden area, it would not be so serious as to warrant a refusal on the grounds of overbearing. One ground floor bedroom in the north elevation of this dwelling has a sole window that faces onto the application site. It is located 6.0m from the proposed flank wall and, in my opinion, is not likely to suffer undue loss of light as a result of the proposed development because of the adequate separation of the properties and the existing outlook onto the current dwelling.
43. The windows in the side elevation facing No.109 at first and second floor levels are shown to be fixed shut and obscure glazed. Rooflight windows to a first floor kitchen and a second floor sitting room may give rise to overlooking if not positioned carefully. I am seeking further clarification from the agent and I will report on this matter verbally at the meeting.
44. To the north, the site is adjoined by 113 Cambridge Road. The northern elevation of the existing dwelling at No.111 has a gable end facing onto the garden area of 113, hard

onto its boundary. The proposed dwelling will be sited 1.0m in from the boundary, for a further length of 3.0m. The eaves height is shown to be 0.4m higher than existing, and the ridge height 0.55m higher. The additional length of this side wall could potentially result in further overshadowing of the rear garden area of No.113, but this would be offset to some extent because the building has been shown as moved away from the boundary. In my opinion, there would not be any serious additional overshadowing of, or overbearing impact on, this rear garden as a result of the development.

Access and parking

45. For a development of this size, the maximum standard of provision would be 12 car parking spaces plus optional visitor spaces. The proposed scheme is short of this by two spaces, but as the site is located on a bus route and within a sustainable Rural Centre, I do not consider that this shortfall would be likely to give rise to highway dangers. The concerns of residents about increased traffic using Cambridge Road is not considered to be a sustainable reason for refusal given the number of additional units proposed and has not been supported by the Local Highway Authority.

Trees

46. I will report verbally on the measures that have been recommended by the Trees and Landscape Officer to safeguard the two protected Beech on the frontage of the site.

Affordable Housing

47. As the proposal does not involve the provision of more than ten dwellings, there is no requirement for affordable housing (LP Policy HG7).

Recommendation

48. Approval, as amended by layout plan received 6th February 2007, subject to the following conditions:

Conditions

1. Standard time limit;
2. Sc5 – details of external materials to be agreed;
3. Sc51 Landscaping;
4. Sc52 Implementation of landscaping;
5. As required by the Trees and Landscape Officer;
6. Retention of car parking and turning areas;
7. Retention of visibility splays;
8. Provision and retention of access road;
9. Hours of operation of power-operated machinery during the construction period;
10. Section 106 Agreement for the payment of a financial contribution towards necessary educational provision.

Informatives

Details of pile-driven foundations to be provided.

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy**, adopted January 2007

ST/4 (Rural Centres)

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

- **South Cambridgeshire Local Plan 2004:**
CS10 (Education)
HG10 (Housing Mix and Design)
TP1 (Planning for More Sustainable Travel)
EN5 (Trees, Woodlands and Hedgerows):
EN6 (Tree Preservation Orders and Hedgerow Retention Notices):

2. It is considered that the approved development does not unduly affect the following principle material planning issues:
- Appearance of development
 - Car parking provision
 - Safeguarding of protected trees.
 - Impact on neighbouring amenities

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

- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning files ref S/2375/06/F, S/2064/03/F and S/0123/91/F

Contact Officer: Ray McMurray – Acting Area Officer
Telephone: (01954) 713259

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee7th March 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0067/07/F - STAPLEFORD**Dwelling, land adjacent to 17 Gog Magog Way, for Hogger Homes Ltd****Recommendation: Approval****Date for Determination: 8th March 2007****Notes:**

This Application has been reported to the Planning Committee for determination because the recommendation of Stapleford Parish Council is at variance with the planning officer recommendation.

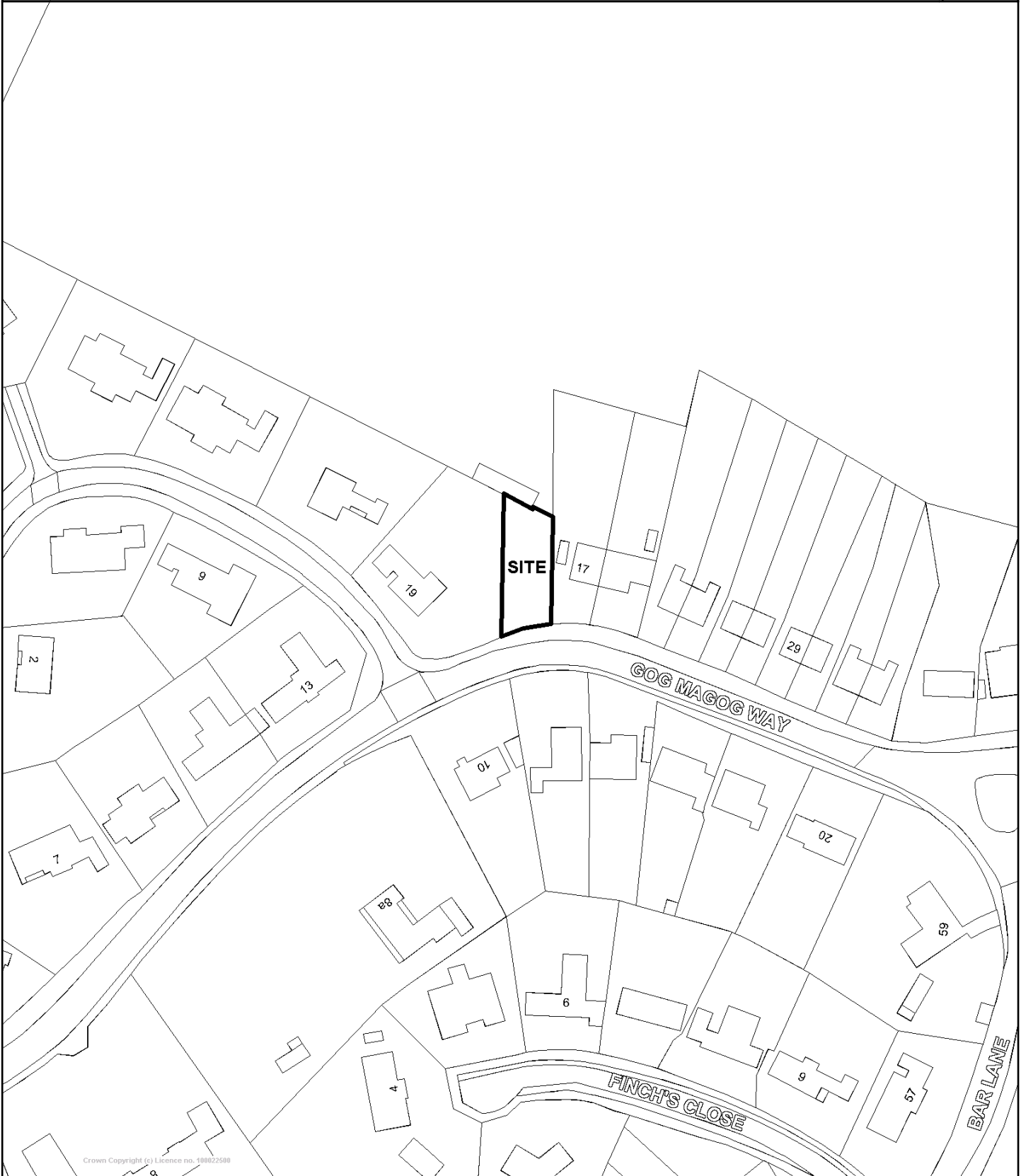
Site and Proposal

1. The 0.035 ha site is located on the northern edge of Stapleford. It is overgrown with trees on the Gog Magog frontage and has a dilapidated shed. The rear part of the site is bounded by arable field.
2. To the east is a semi-detached dwelling (17 Gog Magog Way) with extensions to the side and rear. The common side boundary between the site and this property is unfenced.
3. To the west, set at a lower level, is a detached house (19 Dukes Meadow) set on a corner plot. The garden has boundary planting of shrubs and trees and a 1.8 m high panel fence to the site boundary.
4. The full application, submitted on 11th January 2007, proposes the erection of a detached 4 bedroom house with an integral garage. The ridge height of the main accommodation is 7.6 metres, formed by a hipped roof. The rear projection has a lower ridge height of 6.5 metres. The house is set back behind a driveway and turning area; the access is on the eastern side of the frontage to avoid the main group of frontage trees. The density equates to 29 dwellings to the hectare.

Planning History

5. Planning permission for similar development, but on a larger site, was refused in August 2005 (**S/0958/05/F**). The reasons for refusal were, firstly, that the proposed dwelling would have been overbearing when viewed from the house and garden at 19 Dukes Meadow, and secondly, that the proposed inclusion within the curtilage of part of the agricultural land to the rear would have been harmful to the openness of the Green Belt.
6. This application was dismissed at appeal in September 2006. The Inspector was concerned that the use of the agricultural land as garden area would have resulted in a more manicured domestic appearance which would have resulted in harm to the

S/0067/07/F - STAPLEFORD



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Planning Committee March 2007

rural character of the Green Belt, and which would have provided a precedent for similar development elsewhere. The appeal was dismissed for this reason.

- 7.
8. The Inspector considered the effect of the development on the living conditions of occupiers of both No.17 Gog Magog Way and 19 Dukes Meadow. He noted that both dwellings had been extended on the sides facing towards the appeal site. He did not consider that any harm would be caused to the amenities of No.17. He accepted that the proposed house would be 'clearly visible' from No.19, and that the outlook from this dwelling would be 'altered significantly'. However, as there would be a separation of approximately 14 metres between the properties, he did not consider that the proposed dwelling would be 'unacceptably visually intrusive in this suburban area'. On this ground, he found the proposal to be acceptable.

Planning Policy

9. The site is within the village framework. The rear boundary adjoins the Cambridge Green Belt. The following policies are relevant:
10. South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
ST/4 Rural Centres
11. South Cambridgeshire Local Plan 2004
SE8 – Village Frameworks
SE9 – Village Edges
12. Cambridgeshire and Peterborough Structure Plan 2003.
P1/2 – Environmental Restrictions on Development
P1/3 – Sustainable Design in Built Development
P5/3 – Density
P5/5 – Homes in Rural Areas

Consultation

13. **Stapleford Parish Council:** Recommendation of refusal on the grounds of: "Overdevelopment of the site; overbearing and loss of light to both neighbouring properties; inadequate parking for a 4-bedroomed property; a landscape plan would be desirable; the site plan does not show the extension to the side of 19 Dukes Meadow".
14. **Chief Environmental Health Officer** - recommends a condition and informative to restrict noise disturbance to neighbouring properties during the construction period.

Representations

15. **17 Gog Magog Way** - the location plan does not show extensions to the sides of both No.17 and 19 Dukes Meadow; the layout plan does not show the side extension of No.19; there will be an overbearing impact on the outlook from this dwelling, and the extensive side elevations will have an overbearing impact on both dwellings; there will be a significant loss of light and sunlight to windows and a glazed door in No.17; there will be excessive site cover for a plot of this nature after parking and turning areas have been provided; the scale of development is out of keeping with the character of development in the area; the proposals for boundary fencing are not clear; small trees on the frontage may require to be trimmed or removed to afford access.

16. **19 Dukes Meadow** - concerns have been raised about the overbearing effect on the property; the side extension has not been shown; there will be loss of light and sunlight on both neighbouring properties; this is a sizeable development which is being shoehorned into a very small plot, which is about half the size of others on Gog Magog Way.

Planning Comments

Accuracy of plans

17. The submitted site layout plan does not include the side extension on the south eastern elevation of No.19 Dukes Meadow. Even so, this submitted plan does show the correct distance between the properties, and this dimension would not be altered by the inclusion of the extension. I have viewed on site the relationship between these properties, and I consider that the application plans are sufficiently accurate to be determined in their current form.

Overdevelopment

18. The dwelling has been set back a similar distance from the highway as the adjacent dwellings in Gog Magog Way, with the result that the garden area at the rear of the site is constrained in its size. Nevertheless, the rear garden depth varies from 7.0m to 11.0m. This is a small but reasonable provision of useable garden area for a family-sized dwelling, in my opinion. I do not consider that the proposal represents overdevelopment of the site.

Neighbouring amenity

19. The proposed dwelling will have its western flank wall sited 1.5m from the boundary with 19 Dukes Meadow. This side wall will extend for a length of 11.5m and will have an eaves height of 4.7m. The new dwelling is shown to be sited some 14m from the nearest part of the dwelling at 19 Dukes Meadow. In these respects, the proposal is similar (but not identical) to that considered by the Inspector at appeal in September 2006, which he found to be acceptable. In my opinion, there is sufficient distance between the properties such that effects of overbearing and loss of outlook are not so serious as to warrant a refusal of planning permission. I recommend a condition, in the event of planning permission being granted, to prevent the insertion of windows at first floor level in this elevation in the future, in order to prevent overlooking of the dwelling and garden.
20. The proposed dwelling is shown to be sited 2.5m from the sidewall of 17 Gog Magog Way. There are no windows to habitable rooms in this side elevation. The proposed dwelling is shown not to extend adjacent to the garden area of this dwelling. I do not consider that any significant harm to the amenity of this dwelling arising from the proposed dwelling.

Car parking

21. The proposal includes an integral single garage and room within the curtilage for the turning of vehicles. There is space within the curtilage for a second car to stand on the front forecourt. I consider that sufficient provision has been made for the parking and turning of vehicles on the site, however I recommend that a condition is attached in the event of planning permission being granted for this provision to be retained in the future.

Recommendation

22. Approval, subject to the following conditions.

Conditions

1. Standard time limit.
2. Details of materials to be agreed.
3. Landscaping and fencing details to be agreed.
4. Maintenance of landscaping.
5. No windows at first floor level in the western elevation.
6. Parking and turning areas to be provided and retained.
7. Limitation of times for operation of power operated machinery during the construction period.

Informatives

As recommended by the Chief Environmental Health Officer.

Reasons for Approval

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

South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
ST/4 Rural Centres

South Cambridgeshire Local Plan 2004
SE8 – Village Frameworks
SE9 – Village Edges

Cambridgeshire and Peterborough Structure Plan 2003.
P1/2 – Environmental Restrictions on Development
P1/3 – Sustainable Design in Built Development
P5/3 – Density
P5/5 – Homes in Rural Areas
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise: **Overdevelopment; Neighbouring amenity; Highway safety.**

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

- South Cambridgeshire Local Development Framework (LDF) Core Strategy
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003.
- Planning File refs S/ 0067/07/F and S/0958/05/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th March 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

**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.

Summaries

D Fairey – Outline application for 11 dwelling units – Land r/o Newdigate House, Horseheath Road, Linton – Appeal allowed

2. This appeal concerns a site for which an alternative scheme for eight houses and garages has been approved. This is subject to the completion of a legal agreement for affordable housing. The appeal scheme was refused on the grounds of the likely harm to the character and appearance of the area; the living conditions of nearby residents; overlooking of the nearby school swimming pool; and insufficient affordable housing.
3. The Council was concerned that the site is too small to accommodate 11 dwellings. This is particularly so given there is a dense spinney at the northern end, which should be retained. The inspector noted that the spinney is in poor condition, but that it should be retained, at least in part, to provide an effective buffer between the site and the playing fields beyond. It should be managed and/or replaced with appropriate landscaping. While the indicative layout suggested a significant proportion of units with a more generous footprint and garage, the inspector was satisfied that there is ample scope to provide a higher proportion of smaller units in accordance with local plan policy. Given the spinney could be retained or suitably replaced, there need be no harm to the character or appearance of the area.
4. On the basis of the above, the inspector was also satisfied that a revised layout, incorporating smaller units could ensure that neighbours' amenities were protected. Again, he placed emphasis on the need for a buffer zone to prevent new dwellings from being overly dominant. This would also ensure that there could be no overlooking of the pool and any unwanted attention at close quarters.
5. Two affordable dwellings were proposed. The appellant did not, however, dispute the need for three affordable houses as required. While there was no proposed unilateral undertaking, the inspector was content to impose an appropriate condition in order to meet the tests set out in Policy HG7.
6. Permission was therefore granted subject to conditions regarding the submission of reserved matters and the provision of three affordable dwellings. The latter condition

would require a scheme to include their type and location on the site, their timing of construction and occupancy arrangements.

7. The County Council had also asked for an education contribution in accordance with Local Plan Policy CS10. While the Council argued that the contribution was necessary as part of its appeal statement, the inspector did not consider it was necessary. She noted that it was not a reason for refusal and the appellant had disputed the need. The relevant policy also refers to supplementary planning guidance on how the contribution would be applied, yet there is no such guidance. In the circumstances, she felt there was significant doubt that such a contribution was necessary.
8. Comment: This decision raises two significant issues. First, the Council's requirement for a legal agreement to secure affordable housing has been waived in favour of a condition. This is not our practice and it is the first time this has happened at appeal. There is nothing inherently wrong in this approach, though it remains to be seen how the condition will be complied with given the complexities of securing provision under Policy HG7. The second point is the reluctance of the inspector to require education contributions. The County Council has been sent a copy of the decision and may need to justify its requirements more fully in future.

Mrs K O'Brien – Enforcement action re siting of caravan, mobile home and utility block - Plot 15 Water Lane, Smithy Fen, Cottenham – Appeal dismissed

8. This was yet another appeal involving a plot at Smithy Fen. The appeal was determined following a hearing at which the Ormiston Trust represented the appellant. The Parish Council also appeared and gave evidence.
9. The District Council's case was based on harm to the character and appearance of the area and centred on numerous previous appeal decisions, all of which had been in the Council's favour. The inspector did not consider there were any circumstances that led her to come to a different conclusion in this case. The Council accepted the need for additional sites based on the recent needs survey but argued that this was not an appropriate site on which to grant temporary permission while the necessary search for sites was undertaken.
10. The appellant is currently a single mother. She has three children of school age, one of who has a statement of Special Educational Needs and suffers from asthma. The inspector found that the need to provide for the children's education should be given substantial weight. However, the appellant had admitted that she has not searched for another site and in the absence of this, there was nothing to show that a site could not be found elsewhere to allow the children to continue to attend their existing schools. The Council had given the family a year to comply with the enforcement notice and this was not unreasonable. Other inspectors had already considered the possibility of a temporary permission and in the light of the "serious" harm that would be caused to the rural area, a temporary permission was unjustified. This harm would be "significant" even for a temporary period and was not outweighed by the other material considerations that lend support to the development. The appeal was therefore dismissed and the appellant has until 28 January to comply with the notice.
11. Comment: While there is perhaps nothing surprising in this decision, it at least confirms that inspectors continue to accept that Smithy Fen is not a suitable location to grant even a temporary planning permission. This is despite the requirements of Circular 1/2006 and the obvious shortage of sites within the District.

S Duncan – Alteration and refurbishment of existing building, extension, boathouse and garage – Wildfowl Cottage, Baits Bite Lock, Horningsea - Appeals dismissed - Appellant's claim for costs dismissed.

12. These appeals involved significant alterations and extensions to a listed building within the Green Belt.. The cottage lies close to the River Cam and is currently being renovated including the raising of the timber structure to reduce the risk of flooding. The appeals were considered by way of a hearing.
13. The proposed single-storey extension and boathouse were found to be inappropriate development in the Green Belt. Both would cause harm to this flat and predominantly open area. The inspector found that the listed building has been the subject of careful and considerable well-executed works to ensure its future well-being. A rearward extension was acceptable in principle and need not compromise the strong linear form of the building. In this case, however, he agreed that the vertical chimney device would adversely affect the character of the building, being over-dominant and introducing a “blocky” shape and bulk to the space alongside the roof slope. As such, this feature would harm the architectural interest and setting of the listed building. In turn, both the proposed extension and boathouse would harm the Baits Bite Lock Conservation Area.
14. Planning permission would therefore have to be refused unless there were very special circumstances to outweigh the identified harm. The appellant cited reasons of flooding, noise from the A14, living accommodation to a modern standard, the need for additional space and enhancement of the site generally. The inspector found that these did not amount to very special circumstances and both appeals were therefore dismissed.
15. The appellant made a claim for costs on the basis that the final decision to refuse the applications was made behind closed doors. It, was unexpected after all the previous discussions and was unreasonable. The Council had made factual errors over details of the proposal and had these been put right, the decision might have gone the other way.
16. The Council responded by stating that the decisions had been taken with due regard to the development plan. The reasons for refusal had been adequately defended both in the Council's statement and at the hearing. The appellant's concerns were really centred on how the decision to refuse was taken, rather than the merits of the decision. The so-called factual errors did not go to the heart of the decision. The lack of detail on the drawings had not helped.
17. The inspector found nothing unusual in the way the applications had been determined. The Council had correctly analysed the actual effect of the proposed extension. There was a lack of detail on the drawings though this aspect did not affect the overall conclusion. There had been no unreasonable behaviour on behalf of the Council. An award of cost was therefore unjustified.

Car Park Valeting Ltd – Enforcement action against use of car park for valeting operation - Tesco Stores, Bar Hill – Appeal dismissed

18. Planning permission for a hand car wash and valeting operation has twice been refused. The second decision was on the grounds that the current location causes noise and disturbance to the adjacent school and a loss of car parking spaces within

the main Tesco car park. Enforcement action was authorised to cease the use and reinstate the car parking spaces that have been lost.

19. The operation is close to Bar Hill Community School and the Village Square. The Council alleged that an unacceptable level of noise arises from the use of power generators and power operated equipment. Complaints had been received from the Head teacher of Bar Hill Primary School The appellant had replied by arguing that noise levels generated are below the general background noise level in the area. In doing so, several noise reports from operations elsewhere in the country had been submitted as justification.
20. At the time of his visit, the inspector observed that only hand washing of vehicles was being carried out. His visit was also during the school holidays, so there was no opportunity to assess the situation within the school building. Based on his own observations, he accepted that it would be beneficial to open the classroom windows during warm weather. He was in no doubt that the two classrooms closest to the car park are affected by noise when the washing and valeting operation are being carried out.. The proximity of the village square did not add any weight to the conclusion on noise and disturbance.
21. The car park serving Tesco and the nearby parade of shops has about 500 spaces. The Council had argued that the operation has led to the permanent loss of nine spaces and additional spaces while customers waited to use the facility. The appellant claimed that only one space has been lost as customers have their vehicles cleaned while doing their shopping. In any event, the loss of nine spaces out of 500 is negligible. Bar Hill Council had argued that spaces are at a premium and overspill parking in the adjoining streets causes a hazard. Neither the District Council nor the local highway authority had objected on grounds of highway safety.
22. The inspector found there was a lack of evidence on any traffic difficulties or whether customers were indeed combining trips when using the facility. He reasoned, that if an alternative site could be found that does not cause a noise nuisance, a temporary permission may be appropriate to allow the impact of the use on parking to be monitored. This was, however, a matter for the Council to consider. It did not override the effect of noise and disturbance on the school.

Scotsdale Garden Centre – Display of three non-illuminated signboards – Cambridge Road, Great Shelford – Appeal allowed - Appellant’s claim for costs dismissed.

23. The main issue in this appeal was whether the signs would respect the character and appearance of the area which is within the Green Belt and an Area of Special Control of Advertisements. Consent had been granted at the same time for other signs within the site. The appeal was considered by way of a hearing.
24. The proposed signs are to be sited alongside the entrance into the site and are smaller than those currently being displayed. They follow the same house style as an existing roadside sign comprising a combination of a mainly white background with green and yellow banding and a sunflower motif. The signs contain information and directions about the business.
25. Two of the signs are sited well back from the main road and the inspector found this to be “... a very large development similar in size and scale to an out of town supermarket”. In his opinion the signs would be modest in size with a neat and co-ordinated appearance. Their position within low hedges would help to integrate them

into their well landscaped surroundings. The other sign would be further forward but would only be visible to those alongside the road frontage to the garden centre. It would be seen within a well manicured area of lawn, shrubs and trees. When visible, it would be seen as part of a large commercial enterprise. This was considered to be part of a suburban setting, rather than a rural one as argued by the Council. The sign was not unduly large and would respect the character and appearance of the area.

26. The claim for costs was on the grounds that for some 18 months "... the appellant had bent over backwards to be of assistance, but the reaction of the Council had been hostile". The Council's officer at the hearing "... had not heard some of the nonsense at previous meetings". The Council had failed to produce evidence to justify the alleged harm. It had ignored the appellant's commercial requirements from the beginning. The planning officer's views were subjective with a degree of control that was excessive and unreasonable.
27. For the Council, it was argued that the appellant could have submitted an application at any time over the last 18 months and appealed as necessary. The so-called delay was not a reason for seeking costs. During the course of the application, the Council had asked the appellant for more information, but they had not replied. The reasons for refusal met the tests set out in the circular and the alleged harm had been properly substantiated. This was clearly a subjective issue and there was nothing inherently unreasonable in the Council's approach.
28. The inspector concluded there was no clear evidence that the Council had been uncooperative or unhelpful prior to the appeal. It had reasonable grounds for refusing consent and it was not unreasonable for the applicant to have to appeal on order to seek an overturning of the Council's decision. As such, there had been no unreasonable behaviour resulting in unnecessary expense.

O2 UK Ltd – Erection of 15m high telecommunications monopole – London Road, Gt Shelford - Appeal allowed

29. This appeal involved an area in which there are already two monopoles within the grass verge that separates the footpath/cycleway from the carriageway. There are also existing traffic signs and street lighting columns. While the monopole would be visible from both directions, the inspector found that it would be seen in the context of mature deciduous and coniferous trees. The monopole would create an additional vertical element in the street scene and be some 3m taller than those existing, but would not appear unduly prominent or incongruous. Provided it was finished in a recessive colour, it would not be unduly obtrusive or led to visual clutter.
30. The Council had questioned the availability of other sites, but had not suggested any possible alternative. In any event, the presence of nearby trees suggested that other sites may be more visually intrusive. This was situation where the presence of several slimmer structures was likely to be preferable to a significantly larger structure that would allow mast sharing.
31. Both Stapleford Parish Council and two local residents had expressed concerns about health implications of the proposal. In line with most applications, the inspector accepted the mast would comply with ICNIRP guidelines and would therefore not give rise to a health risk.
32. Permission was granted subject to conditions which require the monopole is painted olive green and the base of the mast and the floor level of the associated equipment cabin is at a level to prevent flooding.

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