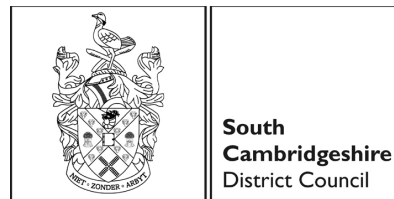


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227 March 2007



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, 4 APRIL 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.

AGENDA		PAGES
PROCEDURAL ITEMS		
1.	Apologies	
2.	Declarations of Interest	
3.	Minutes of Previous Meeting To authorise the Chairman to sign the Minutes of the meeting held on 7 March 2007 as a correct record. Draft Minutes will be available online at www.scambs.gov.uk/meetings prior to the Committee meeting.	
PLANNING APPLICATIONS		
4.	S/0048/07/F – Ickleton (Land R/O 9/17 Grange Road)	1 - 8
5.	S/0259/07/F – Hinxton (Lordship Farm, North End, Road)	9 - 14
6.	S/0067/07/F – Stapleford (Land Adj 17 Gog Magog Way) Appendix 1 is available online, accessed via www.scambs.gov.uk/meetings	15 - 20
7.	S/2460/06/F – Linton (4 Bartlow Road) Appendices 1 and 2 are available online, accessed via www.scambs.gov.uk/meetings	21 - 28
8.	S/0107/07/F – Coton (Blue Gates, Madingley Road)	29 - 34

9.	S/1260/05/F – Gamlingay (Land at Little Heath)	35 - 38
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14.	S/2266/06/F – Horningsea (St John’s Barn, St John’s Lane)	71 - 78
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16.	S/0005/07/O – Barrington (North of Challis Green)	83 - 94
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19.	S/6392/07/F – Cambourne (26 Broad Street, (Plot 43))	111 - 116
20.	S/1631/06/F – Cottenham (Plots 5, 5A, 6,10 & 11 Orchard Drive Smithy Fen) Appendices 1 - 5 are available online, accessed via www.scambs.gov.uk/meetings	117 - 130

INFORMATION ITEMS

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

21.	Appeals against Planning Decisions and Enforcement Action Summaries of Decisions of interest attached. Contact officers: Gareth Jones, Head of Planning – Tel: 01954 713155 John Koch, Appeals Manager (Special Projects) – Tel: 01954 713268	131 - 134
22.	Enforcement Action Contact Officer: Tony Marks – Enforcement Officer (Development Control) Tel: 01954 71	135 - 138

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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'.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0048/07/O - ICKLETON**Dwelling – Land r/o 9/17 Grange Road for Rowe Build and Development Ltd****Recommendation: Approval****Date for Determination: 6th March 2007****Notes:**

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

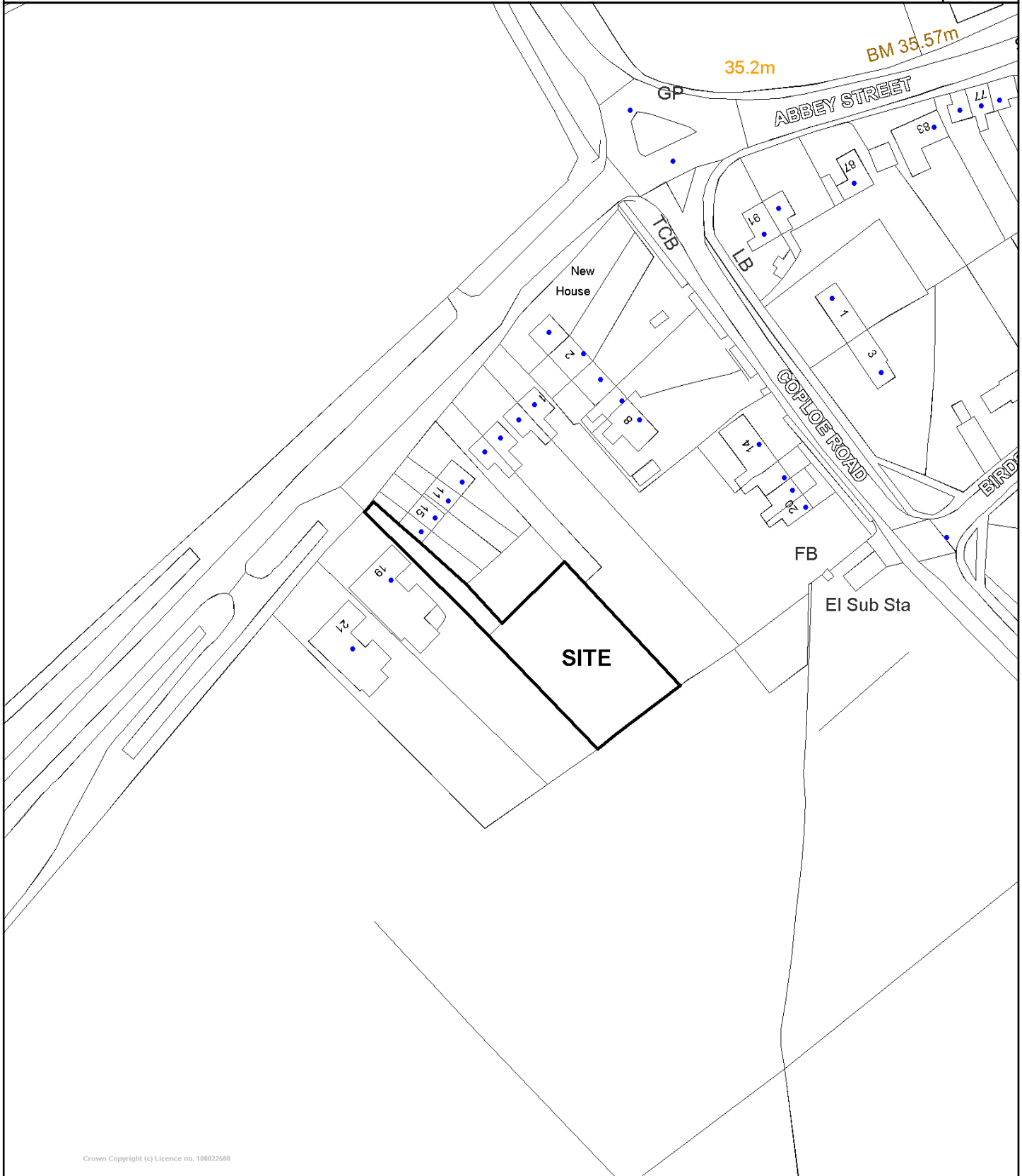
Site and Proposal

1. The application site is a 0.093 hectare parcel of grassed land located on the south side of Grange Road to the rear of a terrace of four cottages, Nos. 9 - 17 Grange Road. Between the site and the rear gardens of Nos. 9 - 17 is an area of hardstanding used as parking by occupiers of the cottages, this being accessed via a narrow driveway sited between Nos. 17 and 19 Grange Road. To the north-east of the site are the rear gardens of dwellings fronting Grange Road and Coploe Road whilst, to the north-west, are two substantial bungalows (Nos. 19 and 21 Grange Road). Open countryside lies beyond the south-eastern boundary of the site. The land is enclosed by fences along its north-western and south-western boundaries and by hedges along the remaining boundaries.
2. The outline application, submitted on 9th January 2007, seeks consent for the erection of a single storey dwelling on the site. Details of layout, scale and access are included, with details relating to appearance and landscaping reserved for further consideration. The submitted layout plan shows that the dwelling would be sited near to the north-western boundary of the plot and positioned sufficiently far away from all boundaries to ensure the retention of existing fences and hedges. The proposed dwelling would be single storey in scale and the application has been accompanied by sketch elevations showing a 5.2 metre high hipped roof timber and pantile property. Access to the site would be via the existing 30m long vehicular access serving the parking court for Nos. 9 – 17 Grange Road. The density of the development equates to 10 dwellings/hectare.

Planning History

3. **S/0617/97/F** – Application for erection of two bungalows on this site following the demolition of No.17 Grange Road was refused for the following reasons:
 - a. The proposed development, by reason of its siting rear of dwellings in this edge of village location where development is predominantly linear fronting Grange Road and Coploe Road would be out of keeping with the character of the area

S/0048/07/F - ICKLETON



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Planning Committee April

and would introduce new buildings into what is at present open land behind existing dwellings.

- b. The use of the proposed access between and close to the side of the existing dwellings at 15 and 19 Grange Road to serve the two new bungalows and three existing houses would give rise to noise and disturbance in the quiet rear garden areas of those properties.

Planning Policy

4. Ickleton is identified within **Policy ST/7** of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007, as an infill village. This policy states that residential development and redevelopment within the village framework will be restricted to no more than two dwellings (or exceptionally up to 8 if it would lead to the sustainable recycling of a brownfield site bringing positive overall benefit to the village).
5. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 stresses the need for a high standard of design and a sense of place which corresponds to the local character of the built environment.
6. **Policy SE9** of the Local Plan requires development on the edges of villages to be sympathetically designed and landscaped to minimise the impact of the development on the countryside.
7. **Policy HG11** of the Local Plan states that development to the rear of existing properties will only be permitted where the development would not:
 - a. Result in overbearing, overlooking or overshadowing of existing residential properties;
 - b. Result in noise and disturbance to existing residential properties through the use of its access;
 - c. Result in highway dangers through the use of its access;
 - d. Be out of character with the pattern of development in the vicinity.
8. **Policy EN13** of the Local Plan states that where development may have an effect upon protected species, the Council will impose conditions to reduce disturbance to a minimum and to provide adequate alternative habitat to sustain at least the current levels of population.

Consultations

9. **Ickleton Parish Council** objects to the application, stating:

“The Parish Council felt the application relating to this backland development would:

 - a. be out of character with the pattern of development in the vicinity;
 - b. have an unacceptable adverse impact on the amenity of existing properties; and in particular,
 - c. be out of keeping as our village has a strong linear character,
 - d. the access is too narrow for construction and emergency service vehicles e.g. fire engine.”
10. **The Building Inspector** states that the distance from the highway to the front door exceeds the 45 metres given as the maximum distance for access for fire engines.

However, a fire vehicle can reverse up to 20 metres so this would then give an overall distance of 65 metres which is not exceeded. If the vehicle is to reverse, the access road should be at least 3.7 metres wide and have a minimum carrying capacity of 12.5 tonnes. It is unclear from the plans if this is available.

11. **The Chief Environmental Health Officer** raises no objections subject to a condition restricting the hours of use of power operated machinery during construction being attached to any consent in order to minimise noise disturbance to neighbours.
12. **The Ecology Officer** notes that vegetation clearance has been undertaken recently. Concerns expressed by a neighbour that the site may have provided habitat for various protected species including slow worm and dormouse are not accepted as neither of these species has been recorded in South Cambs within the last 50+ years. There are considered to be no significant matters relating to protected species. It is requested that the remaining two trees along one of the boundaries of the site be retained, that new planting should include native shrubs and that a condition be used to secure a scheme of nest box provision.
13. The comments of the **Environment Operations Manager** will be reported verbally at the committee meeting.

Representations

14. Letters of objection have been received from the occupiers of Nos. 9, 11, 15, 17 and 21 Grange Road. The main points raised are:
 - a. The dwelling will be overbearing and out of keeping with the character of the area;
 - b. Loss of views of countryside/Coploe Hill from adjoining properties;
 - c. Increased traffic and noise to rear of Nos. 9 – 17;
 - d. The side windows of No.17 open directly onto the access;
 - e. Emergency vehicles, and other large vehicles such as delivery, service and refuse vehicles, will have difficulty reaching the dwelling as the access is narrow (less than 3 metres) and has a light load bearing structure;
 - f. Lack of parking for construction vehicles;
 - g. Visitor cars may park in the space serving Nos. 9 – 17;
 - h. Poor visibility from parking area serving Nos. 9 – 17 of oncoming traffic;
 - i. Due to the narrowness of the access, construction vehicles will need to park on the grass verge alongside Grange Road and transfer materials to smaller vehicles capable of accessing the site. This will result in noise, disturbance and dust for occupiers of adjoining properties;
 - j. The plot is a wildlife haven. There are lizards, grass-snakes, slow worms, dormice and owls;
 - k. Who would pay for damage to the access resulting from construction traffic?;
 - l. The proposal could result in damage to the structure of No.17;
 - m. The development would increase surface water run-off;
 - n. Services would have to be taken along the access road thereby denying access to residents during digging and laying;
 - o. Loss of value of adjoining properties.

Planning Comments – Key Issues

15. 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. Access/highway safety/parking matters;
- d. Impact on wildlife;
- e. Drainage issues.

Impact upon character of area

16. The roads in the immediate vicinity of the site, Grange Road and Coploe Road, have a strong linear character on their south and west sides respectively. The creation of a backland plot would undoubtedly be out of keeping with this pattern of development, and, as referred to within paragraph 3 above, the 1997 application to erect two bungalows on this site was refused partly on the basis that it would be out of keeping with the character of the area. However, I do not consider this issue, in itself, represents a sufficiently sound basis on which to refuse the application and it is therefore necessary to consider whether the proposed development would be visually harmful to the character of the area.
17. Short distance views of the site, other than straight down the point of access, are constrained by the frontage development along Grange Road and Coploe Road. There are some long-distance views of the site from the higher ground on the bridge over the M11 to the south-west and from the southern stretch of Coploe Road. From both viewpoints, the proposed dwelling would, in my opinion, be just visible but, as it would be a single storey building, the dwelling would be viewed against a backdrop of other properties within the village and would not therefore be an unduly harmful intrusion into the countryside. There are no public footpaths crossing the land to the rear/south and the main visual impact of the dwelling would be upon the private views and outlook from the cottages at Nos. 9 – 17 Grange Road. Whilst I am sympathetic to the concerns expressed by the occupiers of these properties, the loss of a private view is not a material planning consideration and, given that the proposal is for a single storey dwelling, I am satisfied that it would not harm the outlook from adjoining dwellings.
18. Bearing the above points in mind, I consider that a single storey dwelling would not be so harmful to the character of the area that the application could justifiably be refused on this basis. A two-storey dwelling would, however, be harmful in this location and I therefore consider that any approval should be conditional upon the dwelling being single storey only.

Residential amenity

19. The proposal is for a single storey scale dwelling and I am therefore satisfied, given its distance from surrounding dwellings, that it would not be overbearing to, or result in overlooking or overshadowing of surrounding dwellings. Residents of Nos. 9 – 17 Grange Road have expressed concern about noise and disturbance arising from the use of the access, particularly to No. 17 which has ground and first floor windows in its south side elevation.
20. If the proposal involved the creation of a completely new access, I concur that its impact upon the amenities of nearby residents, particularly the occupiers of Nos. 17 and 19 Grange Road, would be entirely unacceptable. However, the access exists and is presently used by the occupiers of four properties to gain access to an existing parking court and, in light of this situation, I find it difficult to argue that the noise and disturbance associated with just one additional dwelling would be so harmful as to warrant a refusal.

Access/highway safety/parking issues

21. The submitted layout plan shows that there would be sufficient space within the plot to enable at least two vehicles to park and turn. I am therefore satisfied that the development should not give rise to parking within the space serving Nos. 9 – 17 Grange Road.
22. Local residents have expressed concern regarding the width of the existing access and consider it to be too narrow for emergency, service and delivery vehicles. The Building Inspector has also advised that the access does not appear to be wide for fire engines. According to the submitted block plan, at its narrowest point the access is some 3.4 metres wide. However, there is a thin strip of planting on the southern side of the access so that the actual available width is, I would estimate, around 3 metres. The access then gradually widens to 4 – 4.5 metres where it joins the communal parking court area. Clearly the access is not of a sufficient width to enable two vehicles to pass. However, there is an approximately 7 metre deep grass verge adjacent to the highway and the point at which the access travels between Nos. 17 and 19 is in excess of 15 metres back from the road. As such, there is room for vehicles to be able to pass clear of the highway before the access narrows.
23. With regards to the standards relating to access for emergency vehicles, it is clear that the required 3.7 metre width cannot be achieved without encroaching on neighbouring land. I am therefore awaiting clarification from the Building Inspector as to whether there are any alternative solutions (eg – an on site sprinkler system) that would overcome this problem.

Other issues

24. A copy of the response received from No.17 Grange Road, which referred to the wildlife value of the site, was forwarded to the Council's Ecology Officer. However, no objections were raised to the principle of developing the site, subject to safeguarding conditions.
25. With regards to concerns relating to surface water run-off, a condition requiring the submission and foul and surface water drainage details should be attached to any permission.
26. Issues relating to maintenance of the access track, disturbance to residents during the construction period, damage to surrounding property, and loss of value are not material planning considerations and the application could not therefore be refused for any of these reasons.

Recommendation

27. Providing the Building Inspector raises no objections in principle to erecting a dwelling on the plot on account of the inadequate access width, approval:

Conditions

1. Standard Condition B (Reason - B);
2. Sc1 Reserved Matters c (appearance) and e (landscaping) (Rc1);
3. The dwelling, hereby permitted, shall be single storey only (Reason – To ensure the development would not be obtrusive in this edge of village location);

4. Sc5b – Surface water drainage details (Rc5b);
5. Sc5c – Foul water drainage details (Rc5c);
6. Sc52 – Implementation of landscaping (Rc52);
7. No removal of vegetation (dead or alive) or development shall be carried out on site between the 15th February and 31st August inclusive in any year, unless a mitigation scheme for the protection of bird-nesting habitat has been submitted to and approved in writing by the Local Planning Authority. Furthermore, a scheme of habitat enhancement and nest box provision shall be provided and be fully implemented prior to completion of the development (Reason – To avoid causing harm to nesting birds that will be using the site and its vegetation for nesting and to ensure compliance with Policy EN13 of the South Cambridgeshire Local Plan 2004);
8. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing 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**, adopted January 2007:
ST/7 (Infill Villages)
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
 - **South Cambridgeshire Local Plan 2004:**
SE9 (Village Edges)
HG11 (Backland Development)
EN13 (Protected Species)
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;
 - Impact on character of area;
 - Highway safety;
 - Impact on wildlife;
 - Lack of parking.

General

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
3. The landscaping scheme required by condition 2e should include the retention of existing trees. In addition, new planting should include native shrubs along boundaries to compensate for those recently removed.
4. With regards to Condition 7, measures for habitat enhancement might include the provision of specialist nest boxes in association with the new dwelling upon retained trees. Retained trees and shrubs can be under planted with native spring flowers such as primrose, garlic mustard, crocus and hedge woundwort. Large stumps and dead wood should be retained on site within the boundaries for its value for invertebrates. The Ecology Officer can provide further advice on such measures.

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 File Refs: S/0048/07/F and S/0617/97/F

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0259/07/F - HINXTON
Revised Vehicular Access at Lordship Farm, North End Road
for Wellcome Trust Ltd****Recommendation: Approval****Date for Determination: 5th 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.

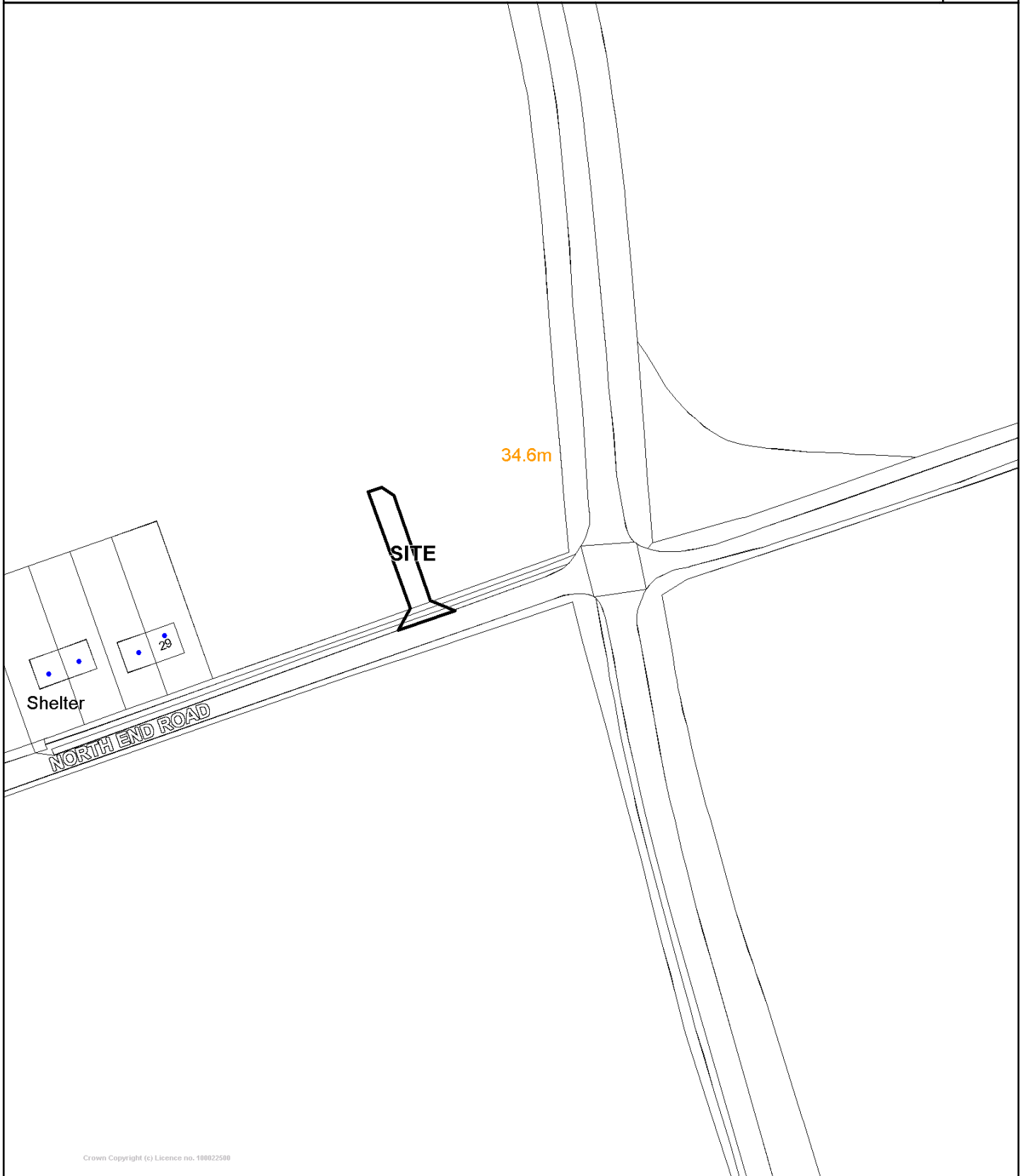
Site and Proposal

1. The application site is to the east of a group of semi-detached houses. To the north and south of the site is open agricultural land with hedges around the channel line of North End Road.
2. The application received on 8th February 2007 proposes a vehicular access off North End Road leading to a new general purpose agricultural storage building at land north of 131 High Street (application reference: S/2387/02/PNA). The proposed access is approximately 50m set back from the junction of A1301 and North End Road, (measured from the centre of the proposed access). The width of the farm track is to be 7.3m, the kerb radius of 10.5m with a depth of 25m. Planning consent was granted for a vehicular access 70m set back from the junction of A1301 under reference S/0292/03/F on 29th May 2003. The revised position is 15m to the east at a gap in the existing hedgerow and would be further away from the neighbouring houses.

Planning History

3. **S/2387/02/PNA** – Prior Notification application for the proposed general purpose agricultural storage building at land north of No 131 High Street. The site is at the edge of Conservation Area. No objections to the siting or appearance of the proposed building were raised. The storage building was built in 2006.
4. **S/0292/03/F** – Planning consent granted for vehicular access (see para. 2 above).
5. **S/1696/06/PNA** – Prior Notification application for agricultural access road to connect the storage building at land north of No 131 High Street from North End Road. Prior approval for the siting and means of construction of an agricultural access road was not required.
6. **S/1721/06/F** – Planning consent granted for a retrospective application to retain the new gates at Lordship Farm facing High Street.

S/0259/07/F - HINXTON



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Planning Policy

7. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2005 states that developments in the countryside will be restricted unless demonstrated to be essential in a particular rural location.
8. **Policy EN5** of the South Cambridgeshire Local Plan 2004 states that the District Council will require trees, hedges and woodland and other natural features to be retained whenever 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. **Objective ST/j** of the Local Development Framework Core Strategy adopted 2007 aims to ensure that the district's built and natural heritage is protected and that new development protects and enhances cherished townscape assets of local urban design, cultural, and conservation importance, and character of the landscape.

Consultations

10. **Hinxton Parish Council** recommends refusal on the grounds that the entrance crosses over the footpath and the width of North End Road is insufficient to accommodate turning vehicles, i.e. sugar beet lorries. The Parish Council is currently experiencing degradation of banks and verges bordering this road due to turning and passing of vehicles and is concerned that further damage will occur. It is requested that a Highways Officer visit this access site to review the safety aspects and the viability of the width of the road to such large vehicles.
11. **The Local Highway Authority** considers that the plans as submitted satisfactorily address the following requirements:
 1. A visibility splay of 2.4m x 55.0m (x600mm) to the east (A1301 junction);
 2. A visibility splay of 2.4m x 90.0m (x600mm) to the west;
 3. Kerb radii of 10.5m on each side of the junction; and
 4. The access road to be a minimum of 7.3m wide for a minimum distance of 25.0m from the channel line of North End Road.
12. **Landscape Design Officer** notes that there are some fair sized gaps in the hedge, one of which will form the new access entrance. He would suggest some mitigating native tree/shrub/ hedge planting between the rear boundaries of the houses on North End Road and the new roadway.

Representations

13. None. The neighbour consultation period expires 19th March.

Planning Comments – Key Issues

14. The key issues to consider in the determination of this application are:
 - i. Whether the proposed vehicular access would achieve highway safety; and
 - ii. Whether a landscaping scheme is required.

Highway Safety

15. The plans as submitted illustrate the dimensions and measurements of the visibility splays to meet Highway Authority requirements. The proposed vehicular access would be moved away from the houses along North End Road by approximately 39m from the centre of the proposed access to the side boundary of No 29 North End Road while the approved vehicular access under reference S/0290/03/F would be some 24m from this neighbouring property. It is considered that the proposed vehicular access will not have an adverse impact upon the locality given that adequate visibility splay can be achieved in both directions and the width of access road will allow vehicles to return. The manoeuvring of vehicles at the proposed access junction with North End Road would not have an adverse effect on the safety and free flow of traffic.
16. Regarding the Parish Council's concern about the degradation of the banks and verges, these areas are the responsibility of the County Council as Local Highway Authority. I do not consider that it is a material planning consideration. Such concerns should be addressed to the County Council.

Landscaping

17. The application site is only limited to the vehicular access off North End Road. Prior notification application to determine siting and means of construction for the agricultural access road to High Street has been determined. Prior approval was not required.

Recommendation

18. Approval subject to the following conditions:
1. Standard Condition A – Time limited permission (Reason A.)
 2. Visibility splays shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, 55.0m (x600mm) to the east (A1301 junction) and 90.0m (x600mm) to the west, measured along the channel line of the public highway from the centre line of the proposed access road. (Reason – To minimise interference with the free flow and safety of traffic on the adjoining public highway.)
 3. The visibility splays at the junction of the access road with the public highway shall be provided before the commencement of the development. (Reason – In the interests of highway safety.)
 4. The junction of the proposed access with the existing road shall be laid out with 10.5m radius kerbs. (Reason – In the interests of highway safety.)
 5. The access road shall be of minimum width of 7.3m for a minimum distance of 25.0m measured from the channel line of North End Road. (Reason – In the interests of highway safety.)

+ Access note

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/2** (Sustainable design in built development)
 - **South Cambridgeshire Local Plan 2004: EN5** (The Landscaping of New Development)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Highway Safety
 - Landscaping and the Character of the Area

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/0259/07/F, S/1721/06/F, S/1696/06/PNA, S/0292/03/F and S/2387/02/PNA

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 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, and to enable Members to receive advice from the Council's Principal Solicitor.

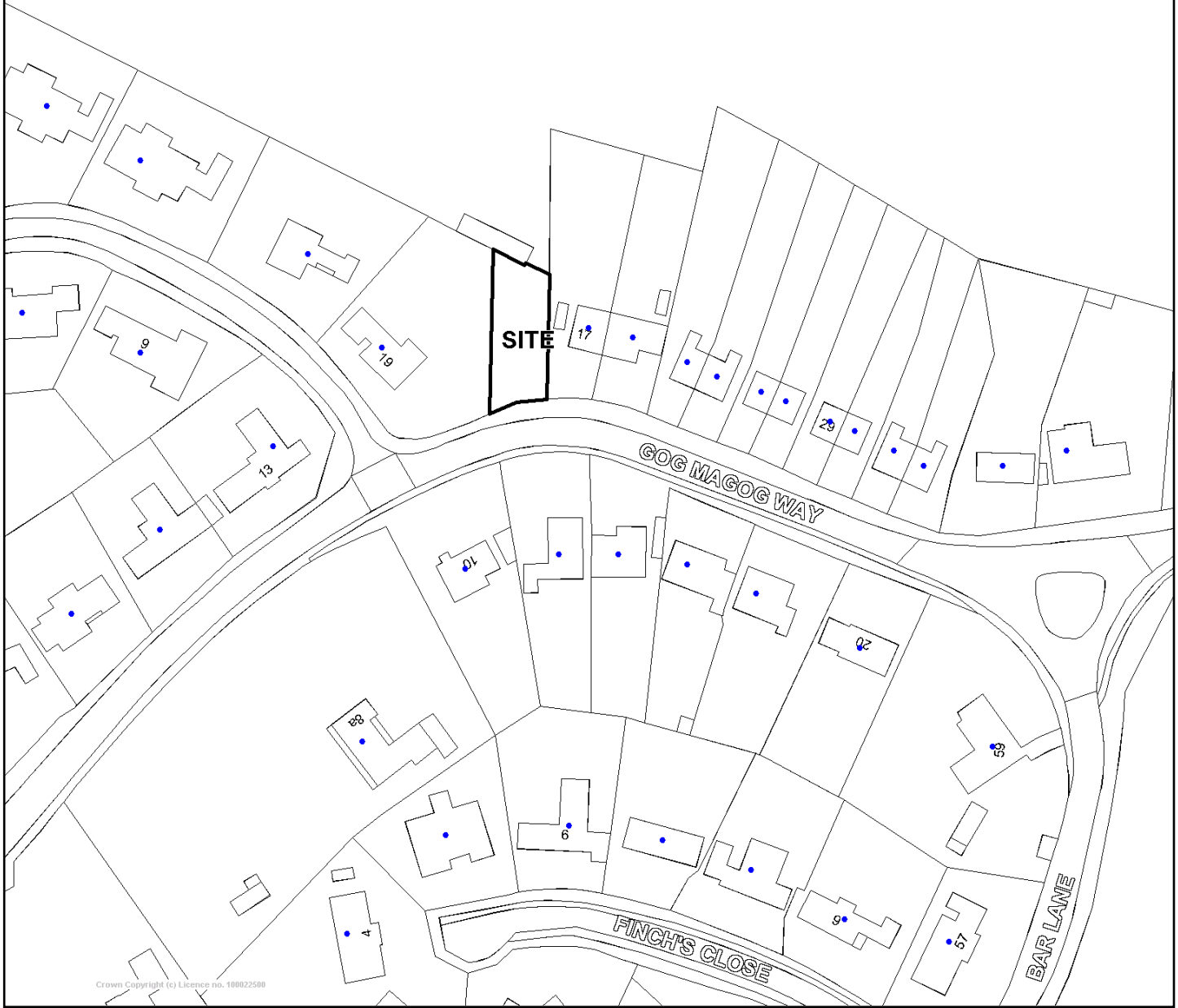
Site and Proposal

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.

S/0067/07/F - STAPLEFORD



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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 to harm to the rural character of the Green Belt, and which would have provided a precedent for similar development elsewhere. The appeal was dismissed for this reason alone.
7. 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

8. The site is within the village framework. The rear boundary adjoins the Cambridge Green Belt. The following policies are relevant:
9. South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007.
ST/4 - Rural Centres
10. South Cambridgeshire Local Plan 2004
SE8 – Village Frameworks
SE9 – Village Edges
11. 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

12. **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.
13. **Chief Environmental Health Officer** - recommends a condition and informative to restrict noise disturbance to neighbouring properties during the construction period.
14. **Council's Principal Solicitor** – verbal report to be made on the proceedings of the Committee on 7th March 2007 on this item. I gave detailed instructions on 16th March.

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.

Representations from the agent

17. Following the meeting of the Planning Committee on 7th March, the solicitors acting on behalf of the applicant have written to set out reasons for approval of the development. This letter is attached at Appendix 1.

Planning Comments

Accuracy of plans

18. The submitted site layout plan has been amended to show the side extension on the south eastern elevation of No.19 Dukes Meadow.

Overdevelopment

19. 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

20. 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, which has windows facing the site. 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. The Inspector assessed No.19 as it exists today. 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, nor that the differences between the schemes are significant to the outlook from No.19. 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.
21. The proposed dwelling is shown to be sited 2.5m from the side wall 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

22. 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.

Conclusion

23. Members will have noted that the applicant has quantified the small reduction on footprint and floor space of the dwelling, compared with that dismissed at appeal in 2006, and that the roof design of the west elevation has changed from a gable to a hipped end. The appeal was dismissed on Green Belt Policy alone. That issue is of no relevance to this application. My conclusion is that there is no defensible ground to refuse this application.

Recommendation

24. 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. Details of foundations to be agreed;
6. No windows at first floor level in the western elevation;
7. Parking and turning areas to be provided and retained;
8. 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, S/0958/05/F.

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**REPORT TO:** Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities**S/2460/06/F - LINTON****Erection of 4 Dwellings (Amended Design) at 4, Bartlow Road, for Ford Construction.****Recommendation: Approval****Date for Determination: 16th February 2007**

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

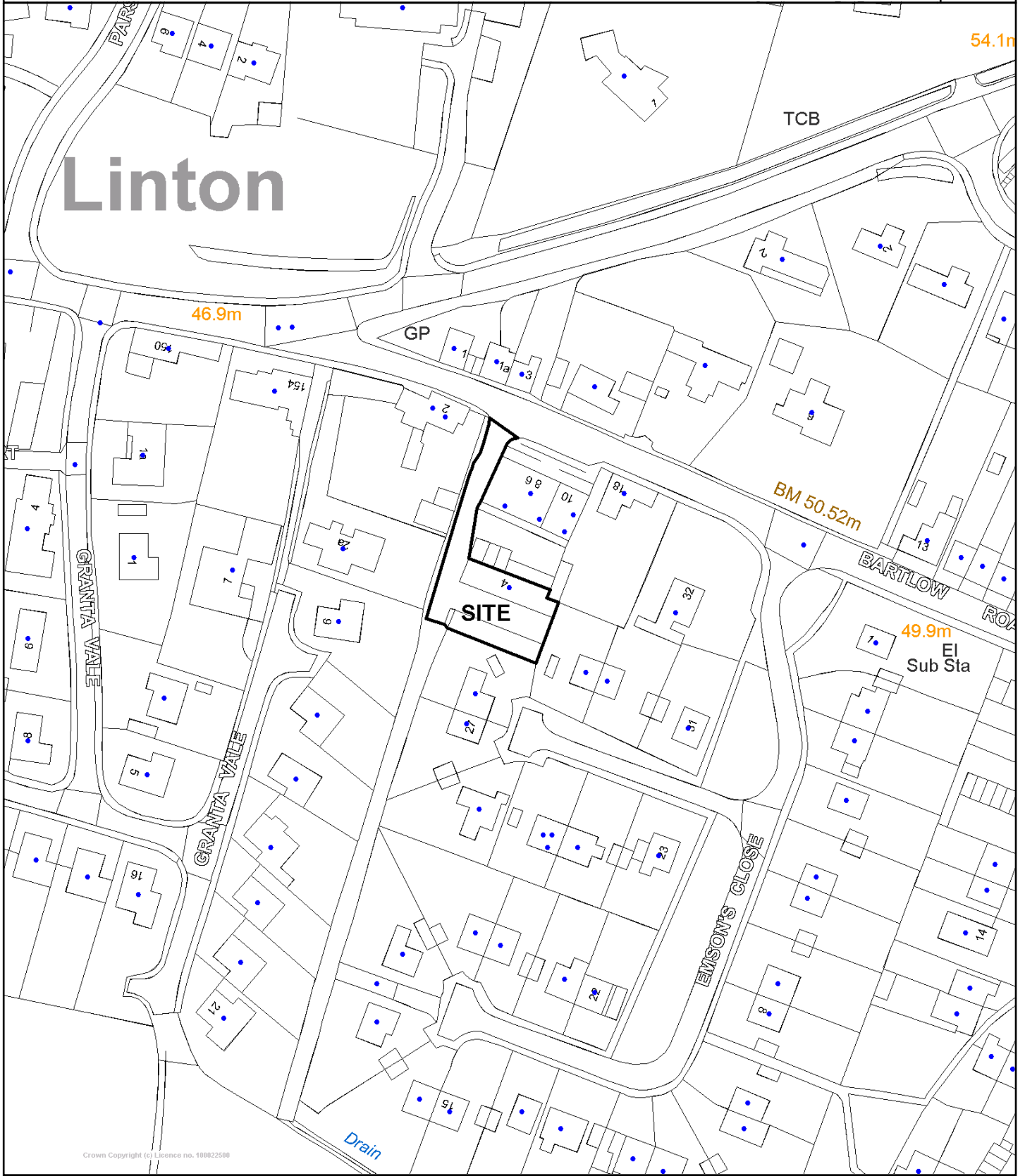
Site and Proposal

1. The application site is a vacant area, 0.05ha, formerly occupied by offices and stores, which have been demolished. The site is accessed from Bartlow Road via a single track driveway which is on a steep gradient down to the site. To the north, the site is bounded by garaging on higher ground, which serves a block of ground floor shops/restaurant with flats above fronting Bartlow Road. To the northeast, the site adjoins the rear garden area of 18 Bartlow Road, which is Grade 2 listed. The detached garage of this property backs onto the application site. This has recently been provided with a pitched roof. To the east, the site adjoins the side boundary of 29, Emson's Close. To the south, the boundary with 28 Emsons Close is marked by a tall screen wall. To the west, the site and access road adjoins the rear garden boundaries of 9 Granta Vale and 2A Bartlow Road.
2. The full application, received 22nd December 2006, proposes the erection of a terraced block comprising four two-bedroomed houses as an amended design to the development granted consent 16th September 2004 (S/0099/04/F). The main changes are the lengthening of the terrace by 2.1m, repositioning of 3 of the 5 proposed car parking spaces, and a variation on the windows proposed in the rear elevation of Plot 4. In order to protect the rear garden of 18 Bartlow Road from overlooking, in the consented scheme the only window proposed in this elevation was high level in bedroom 2. The scheme now submitted shows casement windows to bedroom 2 and the bathroom at first floor level. Modifications to the appearance of the front elevations of all four dwellings have also been included. Amended plans have been received 19th February and 9th March, in response to criticisms about the accuracy of the plans raised by occupiers of neighbouring dwellings.

Planning History

3. Planning permission to erect four terraced dwellings on the site was granted 16th September 2004 (S/0099/04/F). An application to erect 5 dwellings in two separate blocks on the site was refused 31st August 2006 (S/1336/06/F). The reasons for refusal referred to a cramped form of development and overlooking of the houses and gardens at 28 and 29 Emsons Close.

S/2460/06/F



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Planning Policy

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

4. **ST/e** (Strategic Vision and Objectives) - seeks to ensure that the scale and location of development in each village is in keeping with its size, character and function and that the buildings and open spaces which create their character are maintained and wherever possible enhanced.
5. **ST/5** (Minor Rural Centres) Residential development and redevelopment up to an indicative maximum scheme size of 30 dwellings will be permitted within the village frameworks of Minor Rural Centres, as defined on the Proposals Map.

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. **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).
8. **EN28** (Development within the Curtilage or Setting of a Listed Building) requires development to protect the setting, well being and attractiveness of a Listed Building.

Cambridgeshire and Peterborough Structure Plan 2003

9. **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.
10. **P5/5** (Homes in Rural Areas) – small scale housing developments will be permitted in villages only where appropriate, taking into account the need for affordable rural housing, the character of the village and its setting, and the level of jobs, services, infrastructure and passenger transport provision in the immediate area.
11. **P7/6** (Historic Built Environment) requires development to protect and enhance the historic built environment.

Consultation

12. **Linton Parish Council** – Recommendation of refusal to the amended application, following a 'no recommendation' return to the application as originally submitted. The concerns of the Parish Council are:
 - a. 18 Bartlow Road is a listed building;
 - b. the plans do not show with certainty the relationship of the eaves and ground level – this is not acceptable;
 - c. the agent is not clear about the relationship of the proximity of the gable in respect of the listed building and the new dwelling;
 - d. the views of the residents of neighbouring properties are being ignored;
 - e. lack of car parking spaces;

- f. parking may take place in the lay-by on Bartlow Road, which is intended for the commercial premises;
 - g. the fabric of the garage to 18 Bartlow Road, a listed building, should be protected;
 - h. the brick wall on the west boundary should be retained and protected during the construction period.
13. **Chief Environmental Health Officer** No objections subject to a condition restricting the hours of operation of power-operated machinery during the construction period.
14. **Local Highway Authority** – as originally submitted, the LHA had continued concern about the number of parking spaces, and lack of turning facilities within the development. Visibility at the junction with Bartlow Road is severely restricted. As amended, the LHA has acknowledged that the scheme is no better or worse than the scheme previously approved.

Representations

15. **6-8 Bartlow Road (Linton Tandoori)**
The original plans had all first floor windows in the rear elevation frosted and with limited openings, to prevent overlooking. These windows are now larger and no longer frosted, and will look straight into their residential property above the restaurant. There will not be enough turning space on site, which will result in vehicles using their drive behind the restaurant to turn.
16. **18 Bartlow Road**
The proposal is significantly larger than the original plans; The north wall of No.4 occupies more of the boundary; Windows will open directly onto the gable of the garage, which will not be possible; ridge level of garage not drawn correctly; Previously, only a small high-level window in the rear elevation of Plot 4, because these windows will open directly onto their garden. A bedroom window would be an infringement of privacy. This and other windows will look onto the downstairs bathroom window; In the previous application, all windows in the north elevation had frosted glass with limited opening, to maintain privacy of adjoining occupiers; The new enlarged building will extend further east than previously, which will threaten the survival of the existing hedge along the east wall of Plot 4, which provides essential screening.
17. To the first amended plans, the residents at 18 Bartlow Road have drawn attention to further detailed inaccuracies in the drawings. The dwelling will be 5 metres taller than the single-storey dwelling that it replaces, and only 20cms from their boundary. The drawing of the north elevation is inconsistent with the floor plans, and shows the windows incorrectly placed behind their garage roof, when actually the bathroom window will be fully visible from their garden. The boundary wall is incorrectly shown higher than it actually is, and so will not obscure the proposed north elevation as much as shown. Objection in particular to the position of the bathroom window overlooking their property and to the height of the development.
18. **9 Granta Vale**
Serious overlooking of rear conservatory, adjacent room and garden; the existing boundary walls will not screen the view over their property from proposed dwellings.

19. **29 Emsons Close**

Concern about the proposed bay window to the bedroom when other houses in the neighbourhood have flat windows; the bay window will overlook their rear garden. The proposal to glaze the window with obscure glass could be ignored in the future.

20. To the first amended plans, the writers have concern about the dwelling on Plot 4. The existing conifers will not obscure views from first floor bay window (to be obscure glazed); the profile of the boundary wall on the eastern boundary is incorrectly shown; the drawings may be at a different scale to that shown (1:100).

Representations from the applicant's agent

21. The applicant's agent has provided a design and access statement and has responded to concerns raised by Linton Parish Council and adjoining residents to the proposal as originally submitted. These documents are reproduced at Appendices 1 and 2.

22. To the comments received in response to the first amended plans, the agent has stated that:

- a. The bathroom window will be more visible from No. 18 but there will still not be any undue overlooking. This is a small bathroom window which by virtue of that will have obscure glass, it will also be hinged on the eastern side so that when open it would still obscure a view, if any exists, to No. 18. The applicant will consider the fitting of limit opening stays to this window.
- b. The precise relationship of unit 4 to the boundary will depend on site conditions, existing foundations etc. However the amended elevation drawing is as best as can be determined at the moment and is correct given the existing wall and footings. The gable to the garage is not on the boundary wall.
- c. The measurements he has worked to are the dimensions taken from the application site and not from the neighbours side, therefore the height of the dwelling above the wall are, as far as he is aware, shown as near as possible to that which will be built. The ground level of the application site is lower than the adjacent site, there is also a specific note which relates to ground levels on the current plan.

Planning Comments

23. Members should be aware that planning permission S/0099/04/F for the erection of four dwellings on this site is extant and may be implemented. The issues raised by the current proposal relate to the differences between the two schemes, and neither to the principle of development nor to those details that remain unaltered.

Residential amenity

24. The main revision has been to the fenestration in the rear elevation of Plot 4. The extent to which the garage roof would screen the house and garden of 18 Bartlow Road has become clear only in the second amended plans. These show that the bedroom window would be fully screened, but that the bathroom window would not be screened. This window can be required to be obscure glazed and with only limited opening, so that views from the opened window would be onto the garage roof only. With such a condition, I consider that no undue loss of amenity to 18 Bartlow Road would result from the amended scheme.

25. The remaining concerns raised by residents are in respect of the previously approved scheme, and not to the amendments in the current application. The previous scheme did not require all first floor windows in the rear elevation to be obscure glazed, and so there is no change in the current scheme in this respect. I have considered the concerns raised by the Parish Council and adjoining residents and I do not consider that any gives reasonable grounds for refusal of planning permission.

Parking and turning

26. The concerns of the Highway Authority are noted. The current scheme offers an equivalent facility for the turning of vehicles in the amended layout plan to that previously approved. The previous scheme allowed for the use of the existing access and the provision of five parking spaces, taking into account the previous use as an office with store. I consider that, in terms of highway safety, the scheme is no worse than the layout previously approved.

Recommendation

27. Approval as amended by plan no 2511/02B date stamped 9th March 2007.

Conditions

1. Standard Condition A – (Reason - A);
2. SC5 a, d, e and f – (RC To ensure the satisfactory appearance of the development);
3. SC22 (west/side elevation of dwelling No.1, the east/side elevation of dwelling No.4, the north elevation of dwelling No.4 other than the bathroom and bedroom windows shown on drawing no. 2511/02B or in the roof of the development, hereby permitted) – (RC22);
4. The windows in the west side of dwelling No.1's first floor bay and in the east side of dwelling No.4's first floor bay shall be permanently fitted with obscured glass and shall be fixed/non-opening (as shown upon drawing no. 2511/02B). The windows shall be maintained in this condition. – (RC22);
5. The bathroom window in the northern elevation of dwelling No.4 shall be fitted with obscured glass and shall be side hung along its eastern edge, and permanently fitted with limit opening stays, details of which shall have previously submitted to and approved by the Local Planning Authority. The windows shall be maintained in this condition. – (RC22);
6. Details of the treatment of the site boundaries, including precise details of the materials and height of the boundary wall along the southern boundary, shall be submitted SC60 – (RC60 and RC22);
7. SC51 – (RC51);
8. SC52 – (RC52);
9. Highway condition C3a & b – (RC In the interests of highway safety).

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable Design in Built Development)
P7/6 (Historic Built Environment)

- **South Cambridgeshire Local Plan 2004:**
HG10 (Housing Mix and Design)
TP1 (Planning for More Sustainable Travel)
EN28 (Development Within the Setting of a Listed Building)
- **South Cambridgeshire Local Development Framework (LDF) Core Strategy**, adopted January 2007
ST/e (Strategic Vision and Objectives)
ST/5 (Minor Rural Centres)

2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise: vehicular parking and turning provision; the suitability of the access to serve the development; residential amenity interests.

General

1. 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.
2. During demolition and construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Council's Environmental Health Officer in accordance with best practice and existing waste management legislation.

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

- South Cambridgeshire Local Development Framework (LDF) Core Strategy adopted January 2007.
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files refs S/2460/06/F, S/1336/06/F and S/0099/04/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

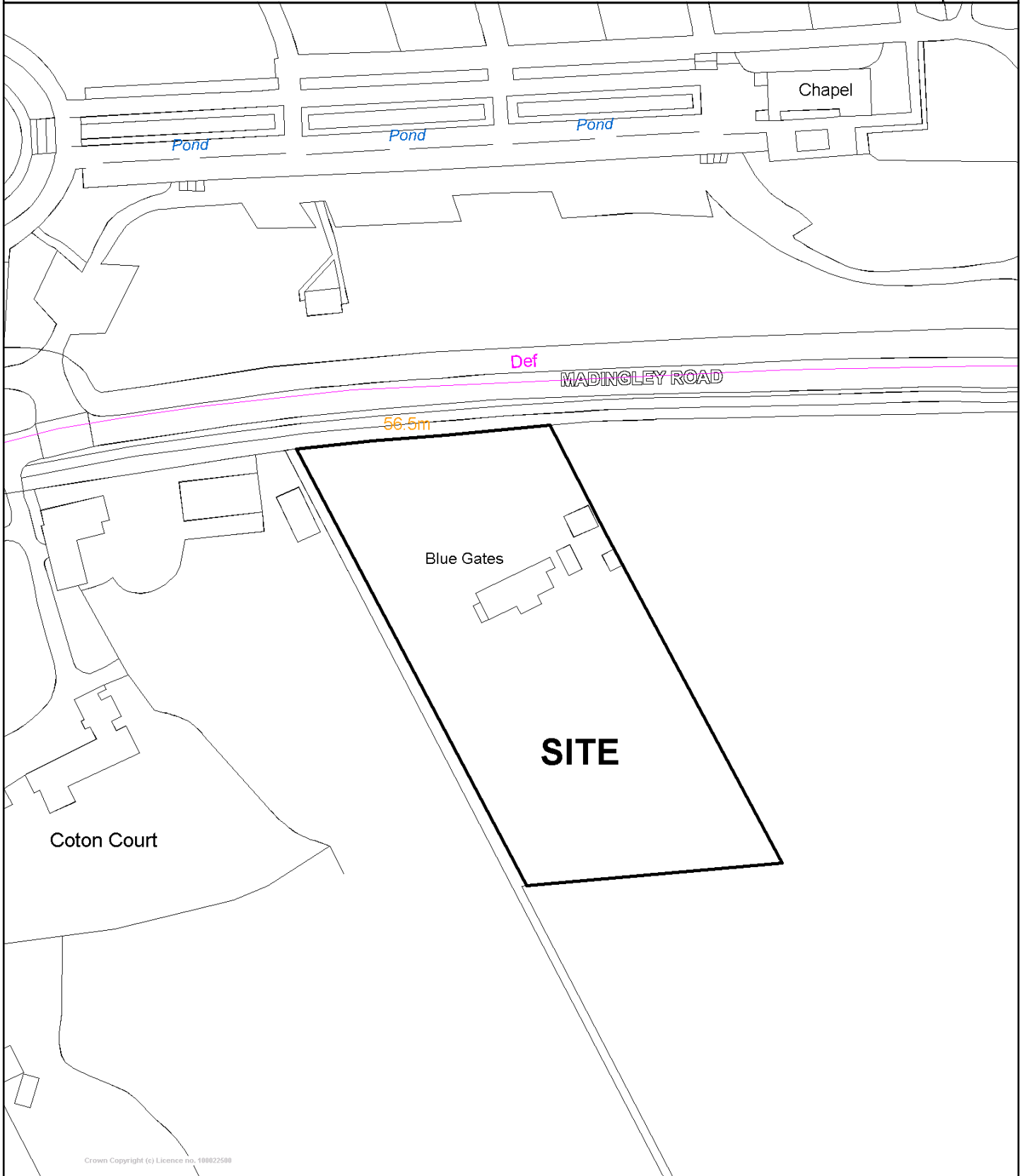
S/0107/07/F - COTON**Replacement Dwelling Following Demolition of Existing – Blue Gates, Madingley Road for A and R Waughman****Recommendation: Approval****Date for Determination: 15th March 2007****Notes:**

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

Site and Proposal

1. Blue Gates is a tall 1930s two storey, 254sq.m brick and tile dwellinghouse that enjoys a generous residential curtilage (0.658 ha.), all of which falls within the Cambridge Green Belt. The site is accessed off Madingley Road by way of a relatively well-screened entrance opposite the American War Cemetery. The dwellinghouse itself is centrally located within the plot with a large front garden that is partially screened by mature trees from the adjacent highway that runs between Madingley and Cambridge, from which the main public views of the site are enjoyed. To the rear of the site the land is more open with views over the Green Belt and the village of Coton as the land drops away to the south. To the east of the dwelling there are several outbuildings behind which mature trees demarcate the property boundary with the adjacent agricultural land. The western boundary is similarly demarcated and screened from the collection of properties that form Coton Court and the public footpath that separates the two sites. Although the site itself is entirely within Coton Parish, Madingley Road forms the boundary with the Parish of Madingley.
2. This full application received on the 18th January 2007, as amended by drawings 30 Rev B, 131 and 134 Rev B, proposes to replace the existing dwellinghouse with an Italian timber frame house from a Rome based company called Pagano. The new dwelling will sit on roughly the same footprint as the original property, though will be significantly lower in height due to its flat roof design. The application has been amended in order to reduce the number of openings in the front elevation and to reduce the overall height of the dwelling. The height of the replacement dwelling (excluding the central glazed element) is 6.3m, which runs for a width of 22m. The overall width of the dwelling is 36.4m at a ground floor level and it has a depth of 20.8m. The external materials of the dwelling will be a mixture of timber and glass panels and the design of the dwelling incorporates numerous measures to limit the amount of energy required to heat the building.

S/0107/07/F



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3. In addition to the replacement dwelling a 2.5m acoustic fence is also proposed along the eastern and northern boundary of the site. This fence is to be located within the existing mature hedge.

Planning History

4. Planning consent was granted in 2003 for a significant single storey annexe, which went before members in October and November 2002 (**S/1351/02/F**). This application was only approved subject to the signing of a section 106 agreement to prevent the sub-division of the property.
5. Two years after the approval of the above application consent was granted for a significant extension and increase in the cubic volume of the property (**S/0092/05/F**). This application was only considered acceptable due to the fact that the aforesaid annexe had not been built; therefore it was also the subject of a section 106 agreement in order to rescind the earlier approval.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003

6. **Policy P1/3** 'Sustainable Design in Built Environment' states that a high quality of design will be required for all new developments and promotes more compact forms of development through higher densities.
7. **Policy P9/2a** states that new development within the Green Belt will be limited to agriculture, forestry, outdoor sport, cemeteries or other uses appropriate to a rural area.

South Cambridgeshire Local Plan 2004

8. **GB2** 'Green Belt' states that replacement dwellings in the Green Belt is not inappropriate so long as it is in accordance with Policy HG15 and there is no adverse impact on the openness of the Green Belt.
9. **HG15** 'Replacement Dwellings in the Countryside' states that permission for replacement dwellings in the countryside will be permitted where they are in scale and character with the dwellings they are intended to replace and will not increase the impact of the site on the surrounding countryside.

Consultation

10. **Coton Parish Council** – Recommends approval
11. **Madingley Parish Council** does not think that the replacement dwelling blends in with the area and recommends that the application be refused. However it is aware that it cannot be seen.
12. **Chief Environmental Health Officer** – Has no objection, though recommends that any consent granted be conditional to limit the impact upon neighbour amenity through the hours of operation of power operated machinery during the period of construction.
13. **Defence Estates Cambridge** – Had not commented at the time of writing this report.

Representations

14. An E-mail of support has been received from the owner/occupiers of Coton Court.

Planning Comments – Key Issues

15. The replacement dwelling at Blue Gates benefits from its central location within a generous curtilage well away from the only neighbouring property and the public highway. Therefore the main issue for Members to consider is whether the replacement dwelling would have significant visual impact on the surrounding countryside, whether the enlargement in the volume of dwelling is in accordance with the overall aims of Policy HG15 and hence whether it is appropriate development in the Green Belt.

Increase in volume

16. In the accompanying text of Policy HG15 it is stated that replacement dwellings in the countryside ought to be similar in size and height to the original structure and will be subject to a maximum enlargement of 15% of volume. Previously Blue Gates has been extended by way of a large conservatory and a detached garage was built in the mid 1990s. The original dwelling has a volume of approximately 819.9 cubic metres, which is significantly lower than the proposed replacement dwelling (1,729m³ for the main house and 2,226m³ for the main house, pool and existing garage). The greater increase in volume is compared to the cubic volume of the property once extended under the plans approved in 2005, an extension that would have added an additional 776 cubic metres to the dwelling. Although the 2005 planning consent is still extant I do not consider that it should be used to justify the greater volume increase that is proposed.
17. The applicant's figures compare a volume of 2,226m³ against a volume of 1.878m³ for the approved scheme notwithstanding the increase in cubic volume the design of the replacement dwelling is for a three bedroom dwelling, as apposed to the four bedroom existing dwelling and the six-bedroom dwelling that would be created if the extant application were to be implemented. Moreover I consider that the replacement dwelling will have significantly less of a visual impact upon the surrounding countryside than the existing property and on that basis the development is considered to be in accordance with Policy HG15.

Impact upon the Green Belt

18. In addition to considering the cubic volume of replacement dwellings in the countryside Policy HG15 also states that a replacement dwelling should be in scale and character with the dwelling it is intended to replace, and that it should be of a similar height. It is impossible to argue that the Pagano dwelling is of a similar character to a 1930s dwellinghouse. However the design of the replacement dwelling does offer a substantial benefit when considering the visual impact of the site on the openness of the Green Belt, primarily as a result of its lower height.
19. The existing dwelling has a height of 8.9m, with a ridge width of 10.7m. At the height of the proposed replacement dwelling (6.3m) the existing dwelling is 16m wide. The steeply sloping side elevations of the Pagano house and its 2.6m reduction in height help to significantly reduce the visual impact of the site on the surrounding countryside. I consider this to be acceptable, especially give the fact that under the approved scheme of extensions the ridge width would increase to 16.5m and at the

height of the Pagano dwelling the extended dwelling would have a width of 21.8m.

20. Previously the visual impact of the extension of the property was considered to have an acceptable impact upon the Green Belt. In comparison the replacement dwelling will have no greater impact than either the existing dwelling or the existing dwelling as extended. In fact due to its decrease in height I consider it will have less of a visual impact when viewed from the adjacent highway. Views from the public footpath adjacent the site are limited due to the level of natural screening that presently exists.
21. Having regard to Policy HG15 and at worst, the neutral impact on the openness of the Green Belt I consider that the development is appropriate in Green Belt.
22. In response to Madingley Parish Council's comments that the dwelling does not fit in I do not consider that there is any strong character that defines the properties in this part of Madingley Road. Either side of the highway there are the distinctly different sites of the American War Cemetery and Coton Court, and the tall dwelling that is Blue Gates does not fit the 'character' of either. I consider that these three sites each exert their own particular character and that the proposed Italian dwelling will prove to be a positive contribution to the area that will not have an unacceptable impact upon the character of this part of Madingley Road.
23. The only concern I have about the proposed new dwelling is the level of glazing, which has already been reduced by way of an amendment. Presently Blue Gates is not visually prominent especially during the winter months when the days are shorter. If the Pagano dwelling were to be overly illuminated I believe that the site would have a greater impact upon the countryside and the setting of the American Cemetery. It is therefore considered necessary to attach a condition to any approval in order to limit the number of openings on the north elevation of the dwelling and to limit any illumination of the frontage of the property.
24. It is recognised that there is a tall fence at the front of Coton Court, though I would like further details of the proposed acoustic fence and gate to be submitted and agreed by way of a planning condition before the development is commenced. I consider that the height of the fence should not exceed two metres on the front elevation, it is also considered necessary to locate the gates further within the site in order to prevent vehicles being parked on the cycle path whilst the gates are being opened. These minor alterations can be secured by a planning condition.
25. The proposed building is environmentally sustainable in terms of low energy production, low CO² emissions and many other features which are detailed in the Design Statement.

Recommendation

26. Approval

Conditions

1. Standard Condition A – Time limited permission (Reason A);
2. Notwithstanding the submitted plans no fence shall be erected on the north or east boundaries until details of the location, height and foundations of the proposed acoustic fence have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. (Rc - To ensure that the fence does not have an unacceptable visual impact upon the openness of the Green Belt);

3. Neither the north elevation of the replacement dwelling, hereby approved, nor the front driveway/parking area shall be externally illuminated other than in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
(Rc - To ensure that the unrestricted illumination of the frontage of the site does not harm the rural character of the surrounding countryside or the setting of the American Cemetery);
4. Sc51 – Landscaping (Rc51);
5. Sc52 – Implementation of landscaping (Rc52);
6. Sc22 – No additional windows at first floor level in the north elevation of the development (Rc22);
7. Sc26 - "During the period of demolition and construction" - (Rc 26);
8. Restriction of hours of use of power operated machinery.

Informatives x 2

See Chief Environmental Health Officer's letter 27/02/07

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)
P9/2a (Green Belt)
 - **South Cambridgeshire Local Plan 2004:**
GB2 (Green Belt)
HG15 (Replacement Dwellings 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:
 - Impact upon the character of the area

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/0107/07/F, S/0092/05/F and S/1351/02/F

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/1260/05/F - GAMLINGAY
Temporary Mobile Home at Land at Little Heath for E Sale****Recommendation: Refusal****Date for Determination: 19th August 2005****Notes:**

This Application has been reported to the Planning Committee for determination because additional information has been submitted relating to the requirement for the proposed mobile home.

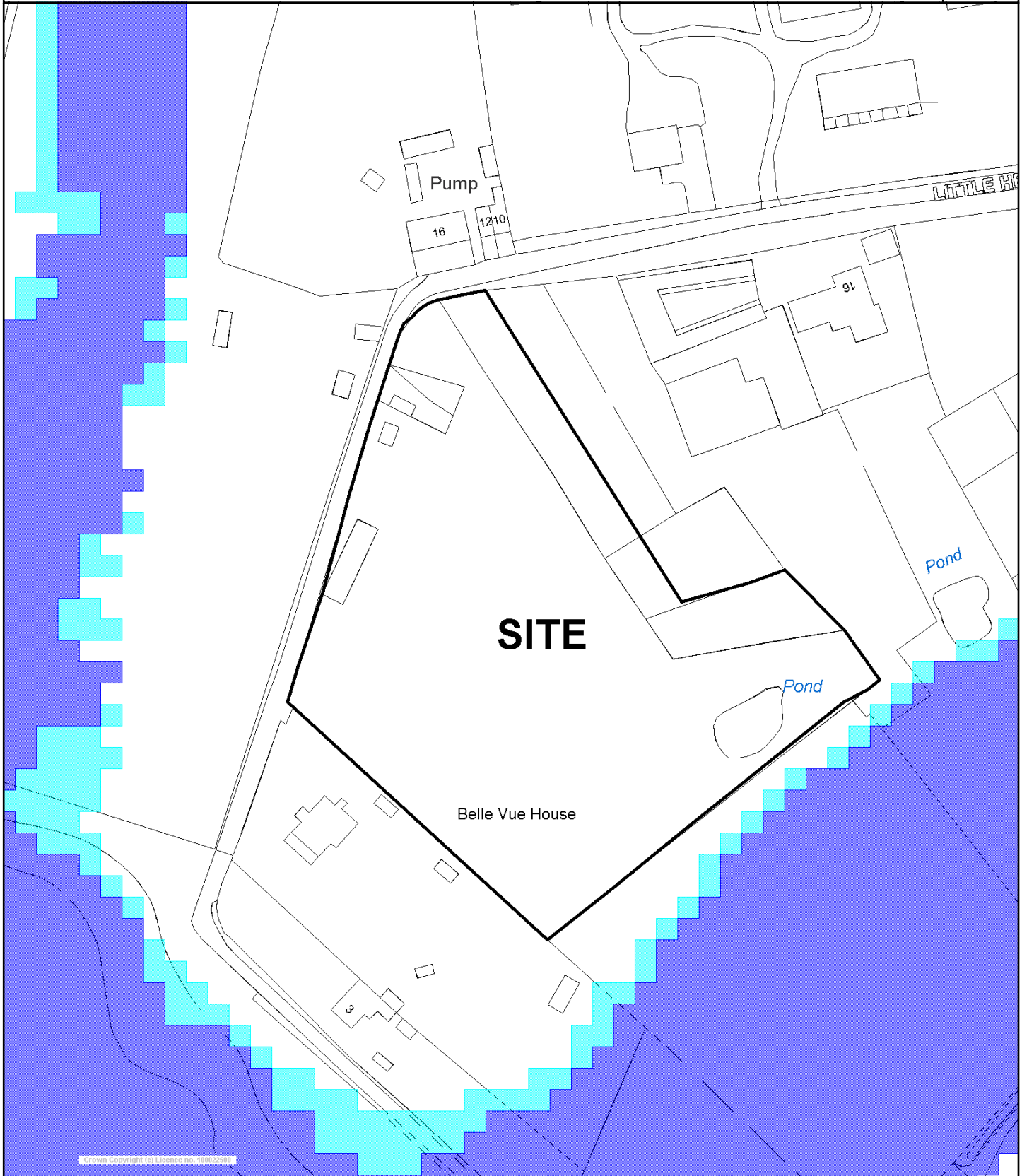
Departure application**Update**

1. Members originally discussed this application at the August Committee meeting in 2005 (item 12) when it was resolved to request further justification for the proposal. The application was then brought back to Committee in December of the same year (item 7).
2. Attached as electronic appendices 1 and 2 are the committee reports of the 3rd August and the 7th December 2005 (items 12 and 7 respectively).

Further Representations

3. A copied letter from Mr and Mrs Halpin to Yvonne Sale has been submitted to officers. The letter is a written notification of a requirement for Mrs Sale to vacate her present site by the 9th April 2007.
4. A further representation has been made by Mr Newman who states that Mrs Sale has been employed by him part time for the last eight years, and that she is essential for the welfare of his horses during the fouling and recovering season. It is also stated that the proposed location of the new mobile home would allow Mrs Sale to be only 50 yards from the stables in the case of an emergency. Mr Newman has also offered to help maintain the site to keep it up to the standard requested by the local neighbourhood.
5. Mr Newman is against relocating Mrs Sale on his own land as it would leave her in the same position as she is currently in. If anything happened to Mr Newman Mrs Sale would again be homeless and she would again have to relocate. It is suggested that planning permission be granted for a mobile home on Mrs Sale's land with restrictions to cover her own personal use.

S/1260/05/F



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Planning Comments – Key Issues

6. The key issue for Members to consider in the determination of this application is the justification for a residential use of land outside of the Gamlingay village framework.
7. The previous discussions about this application have been concerned with the security of tenure that Mrs Sale has at her present site, which is to be developed for a new dwelling under planning reference S/1273/05/F. It would appear that Members were of the belief that the owner would relocate Mrs Sale to the remaining mobile home on his site in Little Heath.
8. Clearly the 'Notice to Quit' is evidence that Mr Halpin has no such intention, and the Local Planning Authority has no powers with which to secure Mrs Sale's occupation of the remaining mobile home on Mr Halpin's site. Therefore it is evident that Mrs Sale will effectively become homeless on the 9th April 2007.
9. Mrs Sale's connection with Little Heath is unique in that she was born in the area and has spent most of her life there. However I do not consider that these personal circumstances should override the policies of the Local Plan. Moreover Mrs Sale's part time employment in horsiculture is certainly a reason for her to be located close to the Little Heath area though I do not consider that this argument alone is a strong enough justification for a departure from planning policy. Therefore for the two aforementioned reasons I have to maintain the officer recommendation that the application be refused.
10. Planning Policy Statement 7 "Sustainable Development in Rural Areas," says that Local Planning Authorities should apply the same stringent levels of assessment to applications for new isolated dwellings associated with rural enterprises as they apply to applications for agricultural workers. Such criteria includes functional need and clear evidence that the proposed enterprise has been planned on a sound financial basis. These criteria have not been satisfied in this case.
11. Saying that, the uniqueness of Mrs Sale's situation means that if Members were minded to grant a conditional consent it would be unlikely to set a precedent for similar developments in the District. Clearly Mrs Sale performs an important role for Mr Newman and his business. It was therefore requested that Mr Newman look at the possibility of a mobile home being sited on his land, especially as the need for Mrs Sale to be close to the mares during the fouling season is one of the primary reasons why Mr Newman is being so supportive of the planning application. Mr Newman stated that he was against relocating Mrs Sale on his land as she would be left in a similar situation to the one she is in now if anything were to happen to him. Although it would be preferable for the mobile home to be located on Mr Newman's land so that its future subdivision from the existing planning unit would be more difficult I agree with Mr Newman's argument.
12. The facts of the case that Members have to consider is that Mrs Sale will no longer be able to occupy Mr Halpin's site after the 9th of April and that she has strong personal connections with the area. If consent were granted and securely conditioned to require that the mobile home only be occupied by Mrs Sale, and any dependants, and removed when Mrs Sale no longer occupied the site, I am of the opinion that although such a consent would be a departure from the policies of the Local Plan it could be controlled in order to prevent the situation from becoming a permanent one. Any consent granted should therefore be accompanied by a carefully worded informative stating that the future use of the mobile home by anyone other than Mrs

Sale would not be supported, given that the over-riding need appears to be personal rather than functional.

Recommendation

13. Refusal

Reasons for Refusal

1. Insufficient justification has been given for a residential use in the countryside outside of any Village Framework as defined in the Development Plan. Such a use would be contrary to the aim and objective of the settlement policies of the Development Plan of preventing sporadic residential development away from the built up areas of villages which will cumulatively harm the countryside and result in a pattern of development that is unsustainable. As such the proposal is contrary to Policy SE8 of the South Cambridgeshire Local Plan 2004 and Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Development and Conservation Control Committee Reports of 7th December and 3rd August 2005
- Planning Files Ref: S/1260/05/F and S/2461/04/O

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

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0191/07/F - FOWLMERE
Additional A5 Usage to Existing A3 and A4
at The Swan House Inn, High Street, Fowlmere for Mr Rahman****Recommendation: Delegated Approval****Date for Determination: 30th March 2007****Notes:**

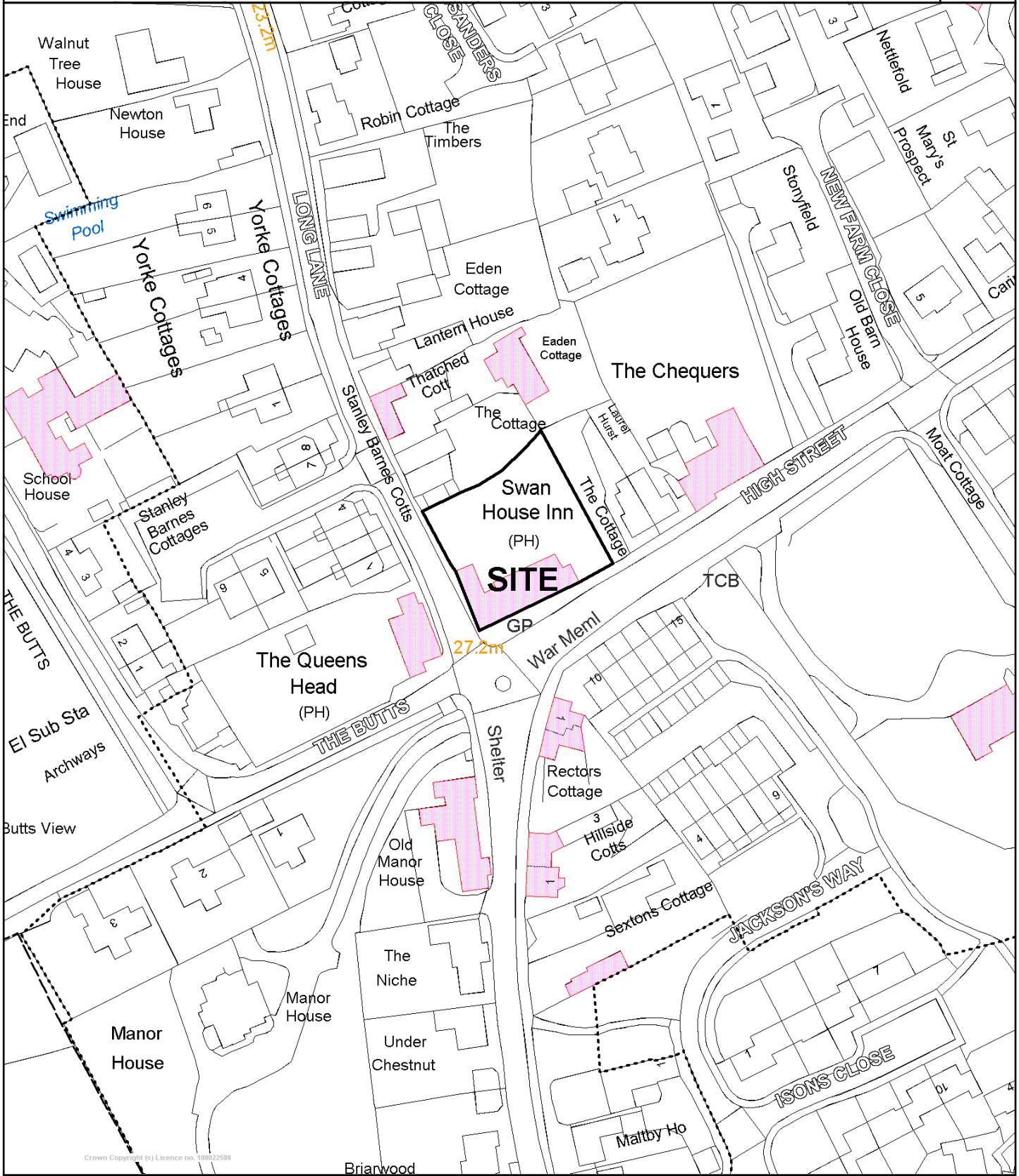
This Application has been reported to the Planning Committee for determination because the officer recommendation conflicts with that of the Parish Council.

Members will visit this site on Monday 2nd April 2007

Conservation Area**Listed Building****Site and Proposal**

1. The application received 2nd February 2007 seeks consent to add an A5 hot food takeaway use at the The Swan House Inn, High Street, Fowlmere. The building already has an existing use class covering A4 and A3 (public house and restaurant), albeit this has not been apparent in recent years as the building has been empty, unused and is in need of refurbishment. The proposal informs of the internal layout where the proposed use would be located and indicates where designated parking spaces for this use are to be located within the existing car park. A 1:500 block plan also shows the layout for parking to the rear of the site, which is accessed via a 5 metre wide entrance from Long Lane. No external alterations are proposed.
2. The application site is located in the heart of Fowlmere adjacent the crossroads where Long Lane, The Butts and the High Street meet. The application site is located within the designated Conservation Area and the building is Grade II Listed.
3. The site is predominately surrounded by residential properties, the majority of which are listed. To the west of the application site is The Queens Head Public House. Abutting the site to the north is residential property No.2 The Cottage, Long Lane and Eaden Cottage. To the north east the site abuts residential property 'The Cottage' High Street. Further along the High Street is The Chequers Public House, also a listed building. To the southeast, across from the application site are properties within Jackson Way. Properties numbered from 10 – 15 look towards the High Street and have very clear views of the application site. Due south, across the road from the site are further residential properties.

S/0191/07/F



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4. The site area is 0.1066ha, which is made up of an unkempt car park area, a very small patio area and the building itself. The building is located hard against the public footpath in the most southern part of the plot.

Planning History

5. No relevant history.

Planning Policy

6. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 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.
7. **Policy P3/4** of the Structure Plan 2003 states that Local Planning Authorities will support the vitality of rural communities by encouraging the retention and expansion of village shopping facilities on a scale appropriate to their location and serving a local function, and key community services.
8. **Policy P7/6** 'Historic Built Environment' of the Structure Plan 2003 states Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.
9. **Policy EM7** supports the expansion of existing employment firms in villages.
10. **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.
11. **Policy EN30** 'Development in Conservation Areas' of the Local Plan 2004 sets out the requirements for development within Conservation Areas.
12. **Policy TP1** seeks to promote more sustainable transport choices by amongst other things, restricting car parking to a maximum of 1 space per 5 square metres of restaurant/public house floor space (Appendix 7/1).

Consultation

13. **Fowlmere Parish Council** recommend refusal. Its comments are as follows: "*The Parish Council is very concerned that customers will take the quickest route to collecting their orders and park outside the entrance on what is already an extremely dangerous corner with approaches from 3 directions. Environmental issues have not been addressed and there are concerns about noise in a very residential High Street. The Parish welcomes the opening of this historical building but feels the take away area should be located nearer the car park at the rear of the building*"
14. **Conservation Manager** has no objection as it will have no impact on the listed building. The agent has been informed that if the existing kitchen extract system needs upgrading and requires alterations to the external plant both Listed Building consent and Planning consent will be required.
15. **Chief Environmental Health Officer** comments will be reported verbally.

16. **Local Highways Officer** raises no objections and comments read as follows:

No significant adverse effect upon the Public Highway should result from this proposal, should it gain the benefit of Planning Permission. In the event that the Planning Authority is so minded to grant permission to the proposal please add an informative to the effect that the granting of planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interfere with, the Public Highway, and that separate permission must be sought from the Highway Authority for such works.

Representations

17. There have been 14 letters of objection received regarding this application.
18. The occupiers of No 14-15 Jacksons Way raise concerns regarding:
- (a) Traffic and parking – an increase of traffic at this junction is detrimental to the safety of its users and the take-away will encourage people to park at the front of the public house;
 - (b) Parking and pulling away at the front of the public house will increase road accidents that have always been witnessed in the recent past;
 - (c) Odour pollution;
 - (d) Significant increase in litter.
19. The occupier of ‘Thatched Cottage’, Long Lane raises the following:
- (a) Increase of traffic at a ‘complicated’ road junction;
 - (b) Potential to park outside the premises due to access at the rear being too narrow;
 - (c) Long Lane is very narrow;
 - (d) Increase in litter;
 - (e) Not in support of a take away – just a restaurant.
20. The occupier of ‘The Annex’, Bury House, Long Lane; concerns raised are similar to those of the aforementioned and cover:
- (a) Traffic increase;
 - (b) Late night movement;
 - (c) Increase noise levels, particularly at night;
 - (d) Impact on the safety of the school children using this junction after school hours.
21. The occupiers of ‘The Cottage’ Long Lane:
- (a) Increase in vehicular movement, particularly at the front of the public house;
 - (b) Hazardous to the safety of school children at peak hours;
 - (c) Parking facilities are restrictive and it is perceived that it is unlikely to be used by those using the take away facility;
 - (d) Queries whether the extraction system is adequate and the possibility for rats to gather where food is left out. They would like reassurance that the property is in line with Environmental Health Standards;
 - (e) Increase in movement after 11pm for those using the takeaway facilities, increase in traffic movement and associated noises;
 - (f) Would like to ensure that the Listed Building is looked after and maintained. That the use is appropriate for it’s Listing and its location in a Conservation Area.

22. The occupier of 'The Cottage', High Street:
- (a) Traffic and the increase of parking at the front of the application site;
 - (b) The potential to sue the council should the objector or their property sustain injury or damage from users of The Swan parking irresponsibly.
23. The occupiers of 1 Hillside Cottages on the High Street:
- (a) Increase of traffic resulting in the potential for accidents;
 - (b) Noise disturbance resulting from slamming of car doors and general rowdiness;
 - (c) Inappropriate development.
24. The occupier of Eaden Cottage, located to the north of the application site:
- (a) Heavy parking and traffic problems;
 - (b) Mentions accidents that have occurred in the past near this site;
 - (c) Odour contamination;
 - (d) Opening hours of takeaway normally exceed that of a restaurant use.
25. A combined letter of objection was received from the occupiers of 1 and 2 Stanley Barnes Cottages on Long Lane. The concerns raised in this letter are similar to that of the above and cover the following issues:
- (a) Highway issues covering the increase of traffic over and above that of a restaurant, the existing exit has a restricted view of oncoming traffic and has the potential to cause more accidents if this use is increased;
 - (b) Increase in damage to the boundaries of their properties and an increase in accidents;
 - (c) Inadequate parking facilities for a take away use in addition to the existing uses;
 - (d) Light pollution into the bedroom windows of the users of the car park and increased with the addition of the takeaway use;
 - (e) Increase of car noise and associated noise such as car doors, increase in pedestrian traffic that will generate a constant and unacceptable level of noise pollution;
 - (f) Noise pollution will have a detrimental impact on the occupiers of these properties particularly the children;
 - (g) Takeaway use will encourage vermin;
 - (h) Odour control and the lack of it, occupiers being subject to the continuous odour of cooking between 11am and 11pm each night.
26. The occupier of The Niche, located approximately 65 metres south of the application site on the High Street: in principle there was no objection raised with reference to the additional use however raises concern regarding the following:
- (a) Recommends that parking at the front of the site is prohibited
 - (b) Provision of more litterbins to prevent the potential increase in litter in the area.
27. The occupier of No. 13 Jackson's Way:
- (a) Inappropriate development to the listed building and within the Conservation Area;
 - (b) Devaluation of his property;
 - (c) Noise and odour pollution;
 - (d) Highway safety concerns;
 - (e) Local support in refusing this application very apparent.

28. The owners of No. 10 and 12 Jackson's Way have also submitted a combined letter of objection, all issues have been raised in the aforementioned concerns and although there is general support from the objector for the property to be used as a family pub and restaurant they do not support the additional use of a takeaway.
29. The occupiers of Stoneyfield, located to the north east of the application beyond The Chequers public house has raised the following concerns:
- (a) General disappointment that they were not notified about this application;
 - (b) Parking arrangements and the increase of traffic parking close to the junction;
 - (c) Inadequate parking facilities for patrons and the staff employed on the site;
 - (d) Associated noise, litter and 'loutish' behaviour that comes with takeaway uses;
 - (e) Suggests that there are takeaway services available in Royston, Sawston and Shelford. Already enough public houses in the village and a takeaway use is not needed or welcomed;
 - (f) Retention of the character of the Conservation Area.
30. The occupiers of the Old Manor House have raised issues already mentioned above, these are as follows:
- (a) Traffic and the increased use of the neighbouring roads;
 - (b) Noise pollution from vehicles including the slamming of car doors, screeching of tyres, revving engines, car stereos and general rowdiness;
 - (c) Odour pollution will be more than from a restaurant only business;
 - (d) Increase of litter and discarded food packaging from the takeaway;
 - (e) Devaluation of surrounding properties;
 - (f) Impact of the proposal on the Conservation Area.
31. The occupier of Rectors Cottage:
- (a) The potential for signs to be erected in a sensitive area that are out of keeping with the Conservation Area;
 - (b) Suitable extraction system should be installed to control odour;
 - (c) Rodent infestation and past experiences;
 - (d) Traffic increase;
 - (e) Deliveries and the potential for accidents.

Planning Comments – Key Issues

32. The key issues to consider in determining this application are the impact the additional movement may have on the amenity of the surrounding properties, whether parking facilities are adequate for the buildings proposed use and highway safety.

Impact on Local residents

33. The proposed scheme is that of an addition to an already existing public house/restaurant use. The addition of an A5 use for takeaway will clearly enhance business prospects for the applicant. However it is viewed by the Parish Council and local residents that the increase in traffic and people movement will be to the detriment of the neighbouring properties. As a public house, the normal licensing hours apply. The A5 use is proposed to be within the same hours and therefore I am of the opinion it is unlikely to increase movement after this time. A condition can be imposed restricting the hours of opening to the public.

34. The extraction system will have to be in accordance with Environmental Standards and this should deal with potential odour problems as it would for other commercial kitchens in the area. No works are proposed to the existing system in this application and a Listed Building application would have to be submitted for these internal works.

Parking Facilities

35. The parking standards within the South Cambridgeshire Local Plan 2004 requires the existing ground floor use at this site to provide one parking space per 5 sq. metres as a 'maximum'. The first floor is residential. The figures provided in the planning application show an external ground floor area of public space as 180sq.m. Parking facilities for the size of this building equate to 36 spaces; the scheme provides 25. With reference to these figures it would seem that the parking facilities for the existing A3/A4 use has always been under the number required as per the Local Plan 2004. There is no guidance within the Local Plan with reference to takeaway uses. However given the nature of takeaway uses and the coming and going of vehicles and people over short periods of time, requesting additional spaces for this use would seem unreasonable. Designating spaces within the existing site as shown on the plans submitted provides some comfort that those using the site for the proposed use are able to park clear of the public highway.
36. Neither Long Lane nor the High Street around the proposal site are subject to parking restrictions and the option to park in front of the public house on the highway is apparent. The Local Highways Authority has taken this into consideration and its response still remains positive.
37. It is difficult to argue an intensification of the site as vehicles associated with the existing public house and restaurant use the access. The car park can only cater for a finite number of vehicles; whether those vehicles are generated by the public house, restaurant or take away makes no material difference. The assessment to consider is whether the car park would get so full that vehicles likely to be generated by a takeaway on the site would have to park on the highway and if they did would it have a detrimental effect on safety. It would be unacceptable for vehicles to park within the junction and would be a police matter if vehicles did park dangerously. If patrons parked sensibly away from the junction it would be no different from visitors to any other shop/takeaway/post office/residential property or public house in this/or other villages.

Recommendation

38. In view of the location of the premises at a road junction, I recommend temporary consent for 1 year from the date of opening to monitor the impact of the takeaway use on residential amenity, parking facilities and highway safety.

Conditions

1. Standard Condition 4 – Temporary permission for a period of one year commencing on the date of commencement of the use.
(Reason – To enable the impact of development on highway safety, the amenity of neighbours and parking accommodation on site to be assessed.)
2. The use, hereby permitted, shall not be open to customers other than between the hours of 08:00 to 23:00 Monday to Saturday and 08:00 to 22.30 Sundays
(Reason to protect the amenity of neighbours.)

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)
 - P3/4** (Rural Services and Facilities)
 - P7/6** (Historic Built Environment)
 - **South Cambridgeshire Local Plan 2004:**
 - EN30** (Development in/adjacent to Conservation Areas)
 - EM7** (Expansion of Existing Firms in Villages)
 - EN28** (Development within the Curtilage or setting of a Listed Building)
 - TP1** (Planning more Sustainable Travel)

2. The development is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise:
 - Litter
 - Noise
 - Pollution/smell
 - Highway safety
 - Need and impact on the community as a whole

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/0191/07/F

Contact Officer: Saffron Garner – Senior Planning Assistant
Telephone: (01954) 713256

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2124/04/F - ARRINGTON**Change of Use to Class B1 at the Former GPO Telephone Exchange
Ermine Way, Arrington for Januarys Commercial Property Consultants****Recommendation: Approval****Date for Determination: 13th December 2004****Notes:**

This Application has been reported to the Planning Committee for determination because the officer view of approval conflicts with that of the Parish Council.

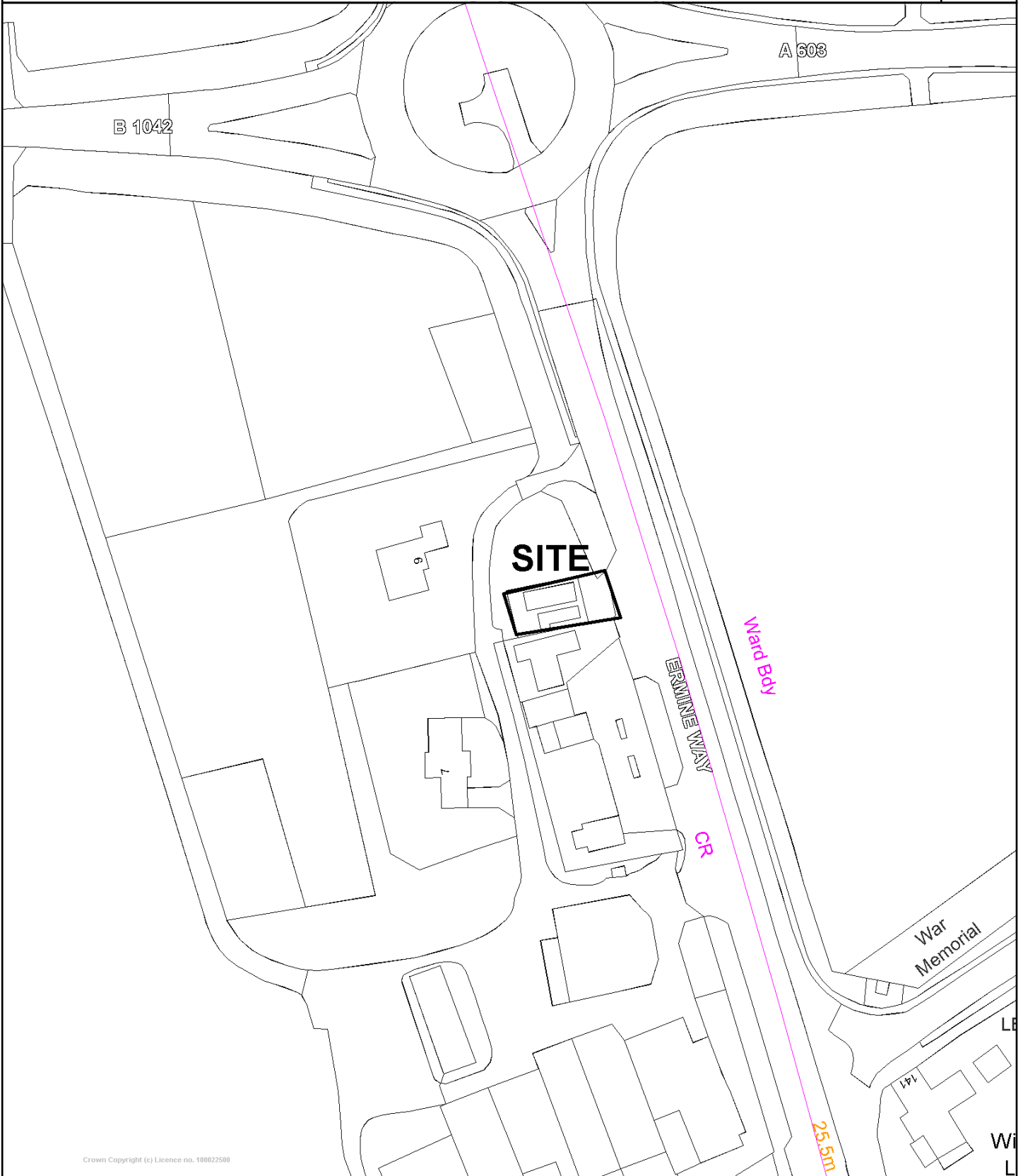
Site and Proposal

1. The application received 18 October 2004 sought the consent for a change of use from the former GPO Telephone Exchange to B1, B2 and B8 uses (Business, General Industry and Storage Uses). This application was amended on 19th May 2005 to that of just a B1 use (Office, Research and Development or Light Industrial).
2. The site is located on the A1198 in Arrington close to the roundabout that accesses the A603 for Wimpole and Croydon. The site is located close to several residential properties and a garage for the repair and selling of motor vehicles. The buildings comprise a brick built single storey building with the gable end facing Ermine Street and an adjoining timber pitched roof building. Bridge Farm is located approximately 100 metres to the south of the site. The site is located outside the village framework for Arrington and although there are several various different uses surrounding this site, the site is located in the countryside.
3. There are minimal parking facilities available for the building and currently parking is located on a hardstanding at the front of the building. To turn on the site the adjacent lay-by has to be used to be able to leave the site in forward gear.
4. The buildings comprise 84sq. metres in size and sit on a plot 263sq.metres in area.

Planning History

5. An application submitted in 2002 for a Lawful Development Certificate for the use of storage for builders materials and electrical goods was refused on account of there being insufficient information being submitted to show that it had been continuously used for a period of 10 years (**S/1368/02/LDC**).
6. A later application **S/0413/05/O** for the erection of a B1/B8 building of 75sq.m. floorspace, following the demolition of existing buildings, was refused on the following grounds (summarised):

S/2124/04/F



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- (a) New build in the countryside that was not essential in the rural area would be contrary to Policy P1/2 of the Structure Plan 2003;
- (b) Close proximity to dwellings, potential noise and disturbance associated with B1/B8, particularly to No.11 and the adverse impact on neighbour amenity; and
- (c) Intensification of the use and traffic movements with adverse impact on highway safety on the A1198.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003

- 7. **Policy P1/2** 'Environmental Restrictions on Development' states that developments in the countryside will be restricted unless demonstrated to be essential in a particular rural location.
- 8. **Policy P2/6** encourages small scale employment development in rural areas where it will, amongst others, enable the re-use of existing buildings.

South Cambridgeshire Local Plan 2004

- 9. **Paragraph 7.20** of the South Cambridgeshire Local Plan: - *"planning permission will not be granted for development with direct access onto the primary route network of motorways, trunk roads and county principal roads"*.
- 10. **Policy EM10** supports the change of use of rural buildings to employment use subject to a number of criteria, including the provision of a safe and satisfactory access, provision of adequate parking and no adverse effects on the road system.

Consultation

- 11. **Arrington Parish Council** – Recommends that the application as amended to consider the use for B1 only is refused. Their comments are as follows

"There is insufficient information to consider the proposal. Previous objections continue to apply and there was concern that any development on the site will be detrimental to neighbouring dwellings."
- 12. Previous Parish Council objections regarding the omitted use classes considered that the application was too broad and contained erroneous information with reference to the neighbouring properties, particularly with No's 7, 9 and 11 Ermine Way. Concerns also raised referred to highway safety and major objections to the use class B8 being considered.
- 13. **Chief Environmental Health Officer** – Had concerns regarding the change of use to Classes B1, B2 and B8 given the locality of nearby noise sensitive dwellings. Without confirmation of a definite use for the building in question, conditions from an Environmental Health standpoint could not be realistically added.
- 14. Following on from the amendment to that of just a B1 Class use the **CEHO** made no further comments.
- 15. **Environment Agency** – has no objections but has recommended surface and foul water drainage conditions to be included in the consent if granted.

16. **Local Highway Authority** – initially recommended refusal. However ongoing negotiation and the submission of a parking layout plan resulted in the following comments:

“As you are aware, I have concerns relating to this proposal. The frontage available is restricted, allowing as the submitted plans shows, parking and turning facilities for just three vehicles. Any additional vehicles visiting the site will have to reverse out of the site onto the lay-by adjacent the A1198. I trust your authority is satisfied with the level of parking? If so, it is now my further considered view that it would be difficult for me to sustain a refusal solely on highway grounds in respect of this particular case.

*I **strongly** recommend that prior to any B1 use commencing the three parking spaces, as shown on the plan submitted in support of the application, be clearly marked out on the ground, as should the manoeuvring space by suitable hatched markings.”*

Representations

17. Ongoing correspondence has been received from the agent regarding the various changes that have occurred. One letter, received 8th July 2005, refers to the potential for the LPA to impose restrictive conditions by limiting the number of people who could be employed on this site.
18. In response to the change of use to B1, one letter of objection was received from the occupier of Bridge Farm. Concerns raised are:
- (a) Refers to previously refused application for B1/B8 use in 2005
 - (b) Promotes nothing to address the problems of vehicular access or parking
 - (c) General unsuitability for development
 - (d) Ability of a site so small to meet building control regulations, particularly for sewerage disposal
 - (e) Over development
 - (f) Environmental problems for neighbouring residents
19. A letter of objection from neighbours at No. 7 Ermine Way considers the proposal too close to residents, will affect the enjoyment of the local area and has poor access and parking arrangements which will add to dangers on a busy road and nearby junction.

Planning Comments – Key Issues

20. The key issues to consider whilst determining this application are the impact on the neighbouring properties and highway safety, given the principle of a re-use of this rural building is acceptable.

Neighbour amenity

21. The proposed use for B1 refers, briefly, to offices, light industrial and research and development, studios, laboratories and high tech uses. B1 uses are permitted to change to B8 without the need for specific planning consent and this would need to be controlled via condition, particularly given the earlier refusal on this site for B1/B8, in order to ensure that goods vehicles, which could not access the site, are not generated by the use. The proposed use of these existing buildings located in the countryside being used for the aforementioned purposes should involve very little

noise and disturbance to the neighbouring properties, particularly in comparison to the neighbouring garage and farm uses.

Highway safety

22. Given that the A1198 is subject only to the national speed limit of 60mph, it is understandable that the Local Highways Authority has had major reservations. It is important to achieve vehicle manoeuvrability on this site and to provide an adequate level of parking for this use.
23. The maximum parking standards in the Local Plan 2004 for B1 uses of buildings under 2,500sq. metres is 1 space per 25sq. metres. The 84sq. metres of floor space equates to the proposed 3 spaces, in accordance with the requirements of the Local Plan 2004. However additional vehicles visiting this site would have to manoeuvre using the lay-by. It would therefore be acceptable in my opinion to restrict the number of employees and the number of vehicles on the site at any one time to ensure highway safety is not compromised.
24. In conclusion, I consider that this proposal does overcome the reasons for refusal of application S/0413/05/O by virtue of it no longer involving the erection of new buildings or use for B8 storage purposes.

Recommendation

25. Approval subject to conditions.

Conditions

1. Standard Condition A – Time limited permission (Reason A).
2. Sc5(b) - Surface water drainage details - (Rc5(b)).
3. Sc5(c) - Foul water drainage details - (Rc5(c)).
4. Restriction of hours of use 08.00 to 18.00 hours Mondays to Fridays and 08.00 to 13.00 hours Saturdays - (Reason to protect the amenity of neighbouring properties).
5. Neither building shall be occupied until space has been laid out within the site in accordance with the 1:100 plan franked 7th March 2005 showing parking arrangements for 3 cars to be parked and for vehicles to turn so they may enter and leave the site in forward gear; these areas shall not thereafter be used for any other purpose other than parking of cars and the hatched area on the plan solely for the turning of vehicles.
(Reason – To ensure adequate space is provided and thereafter maintained on site for the parking and turning of vehicles in the interests of highway safety.)
6. No more than 3 members of staff shall be employed on the application site at any time. (Reason – To ensure that the scale of employment at the premises is appropriate bearing in mind the car parking capacity on the site and the potential impact on surrounding residential properties and the countryside).
7. Sc21. Withdrawal of PD - Part 3 Class B(b) change of use. (Reason - In the interests of highway safety.)

+ any informative required by the Environment Agency
+any conditions required by the Chief Environmental Health Officer

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/2 (Environmental Restrictions in the Countryside)
P2/6 (Rural Economy)
 - **South Cambridgeshire Local Plan 2004:**
Appendix 7/1 Parking Standards
EM10 (Employment 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:
 - Residential amenity including noise disturbance
 - Highway safety

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S2124/05/F, S/0413/05/O and S/1368/02/LDC

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0303/07/F – GREAT EVERSDEN
Alterations and Conversion of Barn into Dwelling (Revised Design)****Recommendation: Delegated Approval****Date for Determination: 12th April 2007****Notes:**

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

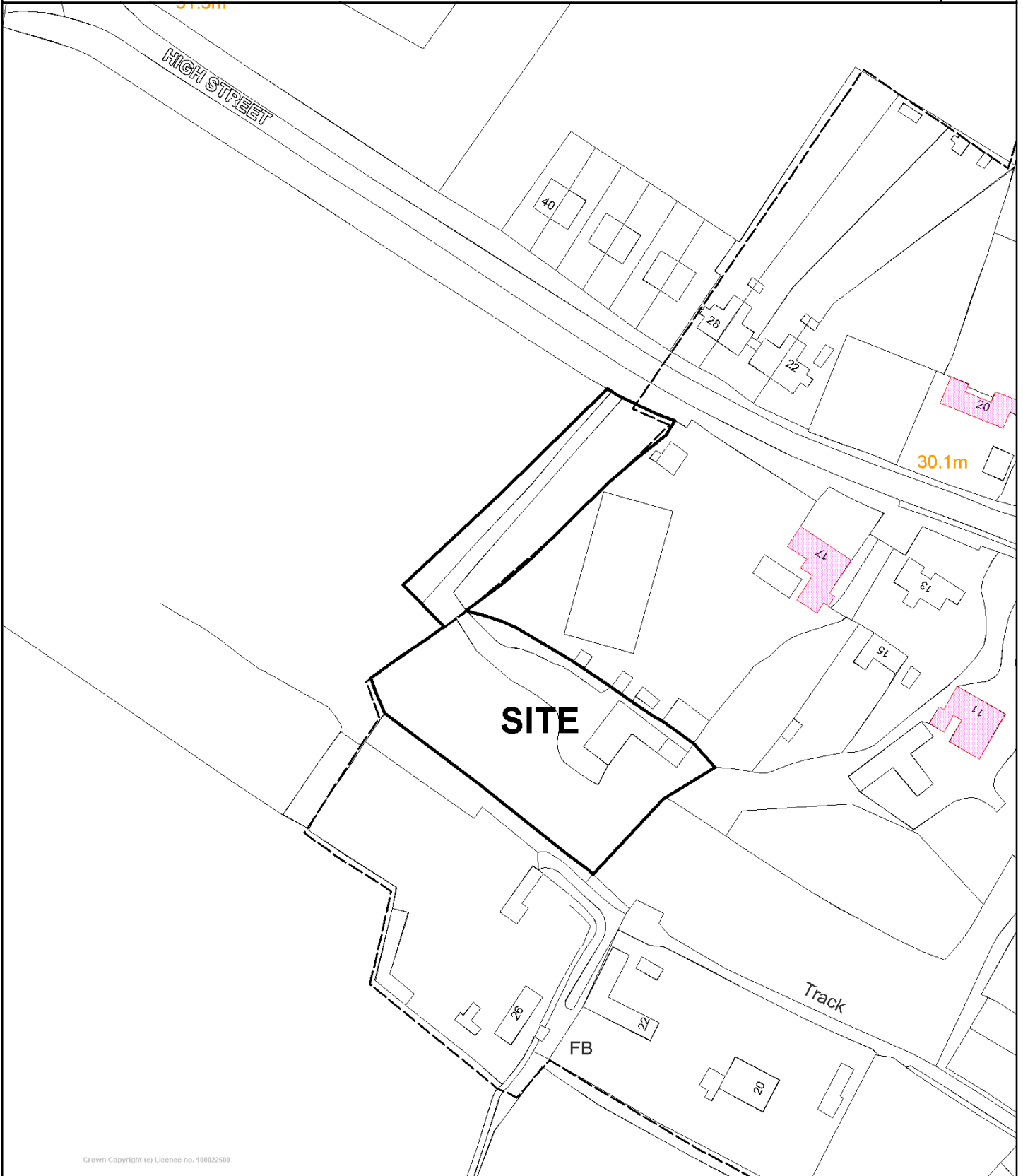
Site and Proposal

1. This full application received on 15th February proposes the alterations and conversion of an existing barn on land to the rear of 13 High Street, Great Eversden to a dwelling. The application proposes a number of revisions to a scheme previously granted consent at appeal (See History below).
2. The revisions include the introduction of a new ground floor opening in the north east elevation of the main barn to serve a wc; two new windows and two new roof lights (one double) in the lower single storey section of the north east elevation to serve a utility room and studio; the replacement of two doors with windows and the insertion of a single chimney flue into the single storey roof in the south west elevation; the replacement of a double door with single door and the insertion of two chimney flues into the main barn roof in the south east elevation. No changes are proposed to the north west elevation.
3. The site is within the village framework although it adjoins the countryside on its south west and north west sides. To the north east the site adjoins the grounds of Eversden House, a Grade II Listed Building, with a timber barn in the south east corner of the grounds. To the east the site adjoins the garden of Moat House.
4. Access to the site is via a track to High Street at the north west end of the site.
5. The application is accompanied by a Design and Access Statement.

Planning History

6. The site has a long planning history but most recently, in November 2006 planning consent was granted on appeal for the conversion and alteration of the existing barn to form a dwelling (**Ref: S/0962/06/F**).

S/0303/07/F



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7. At the same time an appeal was dismissed for a separate application which proposed a greater degree of extension and alteration to the existing building to form a dwelling (Ref: S/1143/05/F).

Planning Policy

8. **Policy ST/7** of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007 identifies Great Eversden as an infill only village.
9. **Policy EN28** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") seeks to protect the setting of Listed Buildings.
10. **Policy SE9** of the Local Plan seeks to minimise the impact of development on the countryside.
11. **Policy P7/6** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") seeks to protect the historic built environment.

Consultation

12. **Great Eversden Parish Council** recommends refusal. "What was accepted by the Inspector as a simple conversion of a pleasant vernacular building is now to be turned into a large house with 65% more floor area than that for which the appeal was granted."
13. The **Environment Agency** requests a condition requiring the submission and implementation of a scheme for foul water drainage and puts forward informatives to be attached to any consent
14. The comments of the **Conservation Manager** will be reported at the meeting.

Representations

15. A letter from the occupier of Eversden House states that the proposal will increase the existing floor space from 151m² to 249m², the north east elevation facing Eversden House is to have new windows and roof lights, and there are to be new chimneys on the new wing and on the three-storey building.
16. The letter rehearses comments made by the Inspector at the time of the appeal but states that the Inspector might have taken a different view if he had been given the present size of the proposed building. It is felt that the omission of windows on the Eversden House side when the matter went to appeal is odd as the applicant has been busy putting plans together for houses on this area for the last twenty years and has therefore had plenty of time to submit a plan of what is actually proposed.
17. The letter states that the barn described by the Inspector as in the vernacular of the adjacent barn becomes even less in the vernacular of a hay barn once chimneys have been added.
18. In the application the land is described as brownfield but was until very recently a paddock and the applicant stated he needed a hay barn to store hay.
19. In the application it states that there is no existing house or bungalow. The Inspector at appeal described the structure as part of a continuous domestic curtilage, therefore there are now two dwellings on the existing curtilage. This assumes the Inspector

was correct in describing the hay barn as within the existing curtilage of 13 High Street.

20. The Inspector, in commenting on the scheme dismissed at appeal, went out of this way to make it clear that he did not approve of the modifications to the appearance of the elevations through the additional openings and the provision of a roof dormer, pointing out that he did not want the agricultural scale and simple rural character to be compromised. The present proposals, by radically increasing the floor space and the addition of windows and chimneys, are similar to the reasons given by the Inspector for turning down the earlier appeal.
21. The Council should ensure that the applicant complies with the planning permission granted and that no further concessions are made.

Applicant's Representations

22. A letter accompanying the application sets out the revisions proposed from the approved scheme. The letter states that in proposing these minor amendments the applicant has been mindful of the need to retain the rural, barn-like appearance of the building and to prevent any impact on adjoining residents. For this reason the chimney flues in the main roof and in the single storey element will be finished in black steel to be as unobtrusive as possible. The alternative – a chimney stack – was considered to be too domestic in appearance.
23. The letter states that the new design for a single entrance door will have a more simple appearance than the double doors previously approved. The windows in the single storey element of the scheme on the south west elevation will be in the same style as the windows approved for this elevation, which will continue to contain two stable doors, reflecting the former use of this part of the building.
24. The letter states that the windows to be inserted in the north east elevation will either have a view of the neighbour's boundary fence and outgarden, or will be high level roof lights. In both cases the windows cannot physically provide any views into the adjoining property's garden. Moreover, the windows would not be visible from the neighbouring property or from any point of public vantage. The windows cannot therefore be assessed as having any impact on the rural character of the building or its setting.

Planning Comments – Key Issues

25. The principle of the alteration and conversion of this building into a dwelling has been accepted at appeal so that issue is therefore not one for Members to consider at this stage. The key issues to be judged with this application are whether the proposed changes to the approved scheme have a detrimental effect on neighbour amenity, the setting of the adjacent Listed Building, or the character of the surrounding countryside.
26. Contrary to the views put forward by Great Eversden Parish Council and the occupier of Eversden House, this application does not propose any increase in floor area from that allowed at appeal. The footprint remains the same as does the provision of a first and attic (2 bedrooms) floor in the main barn I note that the number of bedrooms has been reduced from five to four.

27. I will report the views of the Conservation Manager in respect of the impact of the proposed changes on the setting of the adjacent Listed Building but I am of the view that any concerns can be addressed by further revisions to the scheme if required.
28. It is my view that there should only be a single flue from the main roof of the building rather than the two currently proposed. I do not consider that any of the other revisions proposed will materially alter the impact of the development on the adjoining countryside. Although there are additional openings proposed in the north east elevation of the building facing Eversden House, serving a ground floor wc, a utility room and studio, along with two rooflights in the single storey element, I am of the view that due to the position of the building, existing boundary fencing and the existing barn within the curtilage of Eversden House that the changes will have no material adverse impact on neighbour amenity. The proposed wc window can be conditioned so that it is obscure glazed.

Recommendation

29. I will report the comments of the Conservation Manager and, subject to issues he raises being satisfactorily addressed, will recommend that the application be approved.

Any approval to be the subject of the conditions imposed on the appeal decision requiring the submission of a scheme of hard and soft landscaping; the withdrawal of PD rights (Classes A to E of Part 1, Schedule 2) and the restriction of the hours of use of power operated machinery during the period of demolition and construction. In addition a condition to be imposed requiring the wc window in the north east elevation to be fitted and maintained with obscured glazing.

Informatives

Informatives of the Environment Agency

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
Policy ST/7 (Infill Villages)
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P7/6 (Historic Built Environment)
 - **South Cambridgeshire Local Plan 2004:**
SE9 (Village Edges)
EN28 (Development within the Curtilage or Setting of a Listed Building)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity overlooking issues
 - Visual impact on the locality
 - Impact upon setting of the adjacent Listed Building

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/303/07/F, S/0962/06/F & S/1143/05/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0273/07/O – Impington**Affordable Housing at Land adjacent St Georges Court off Milton Road for H.R. Builders Ltd and Bedford Pilgrim Housing Association****Recommendation: Delegated Approval/Refusal****Date for determination: 7th May 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 within the Green Belt.

Members will visit this site on Monday 2nd April 2007.

Site and Proposal

1. The application relates to a 0.56 hectares site which is currently an area of paddock land with hedgerows to the north, east and southern boundaries. It lies outside of but immediately adjacent to the village framework. The dwellings on the south side of St Andrews Way are to the north. St Georges Court is to the north west consists of 7 dwellings. St Andrews Way is a mix of detached and terraced dwellings. To the south west is Middle White Farm a former piggery which is now used as a veterinary surgery. The site is generally flat.
2. This outline application seeks approval now for layout and access, with scale, appearance and landscaping to be determined at a later date. This application was registered on the 5th February 2007 and proposes the erection of 20 affordable dwellings. Access to the site is to be obtained via St Georges Court.
3. Parking for 20 cars is to be provided, with 2 disabled parking bays and 2 visitor spaces making a total of 24 car spaces. These are arranged in two parking areas with the access road along the southern side of the site.

Planning History

3. **Application Site** In 1981 outline planning permission was refused for residential development for the reasons that the site was within the Green Belt and rural area where development was restricted to agriculture. An appeal was dismissed on the basis that, with the site being in the Green Belt, a development of this nature was unacceptable. This was for market housing and not affordable housing.
4. **St Georges Court** Planning permission granted in 2001 for 7 houses.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003

5. **Policy P1/2** relates to development within the countryside being restricted to that which is essential in a rural location such as agriculture or forestry.
6. **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.
7. **Policy P5/3** relates to density of development being at a minimum of 30 dwellings per hectare.
8. **Policy P5/4** relates to meeting identified local housing needs.
9. **Policy P5/5** relates to small scale housing being permitted where appropriate taking into account need for affordable housing, character of the village and level of jobs services.
10. **Policy P6/1** relates to the provision of contributions towards community and infrastructure requirements.
11. **Policy P6/4** relates to the drainage of new developments.
12. **Policy P7/2** relates to developments conserving and enhancing the biodiversity value of the affected area.
13. **Policy P7/4** development must relate sensitively to the local environment and contribute to a sense of place.
14. **Policy P8/1** development should be located where possible in areas that are accessible to public transport.
15. **Policy P9/2a** development in the Green Belt is restricted to that required for agriculture and other uses appropriate to a rural area.

South Cambridgeshire Local Plan 2004

16. **Policy SE9** development on the edges of villages should be sympathetically designed and landscaped.
17. **Policy GB2** planning permission will not be granted for inappropriate development in the Green Belt unless special circumstances can be demonstrated. Development is inappropriate unless it comprises affordable housing in accordance with the exception policy HG8 listed below where no suitable sites are available outside the Green Belt. Appropriate development must be located and designed so that it does not have an adverse impact on the rural character and openness of the Green Belt.
18. **Policy GB3** development that is appropriate will be located within or adjoining existing complexes.
19. **Policy HG7** stipulates the criteria for affordable housing developments.

20. **Policy HG8** states that, as an exception to the normal operation of the policies of the Local Plan, planning permission may be granted for schemes of 100% affordable housing designed to meet identified local housing needs on sites within or adjoining villages. The policy states that the following criteria will all have to be met:-
- (1) The development proposal includes secure arrangements for ensuring that all the dwellings within the scheme provide affordable housing in perpetuity for those in 'housing need' as defined in policy HG7.
 - (2) The number, size, design, mix and tenure of the dwellings are all confined to, and appropriate to, the strict extent of the identified local need.
 - (3) The site of the proposal is well related to the built-up area of the settlement and the scale of the scheme is appropriate to the size and character of the village.
 - (4) The development does not damage the character of the village or the rural landscape.
21. 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.
22. **Policy TP1** seeks to promote the use of more sustainable transport choices and reduce the need to travel by car.
23. **Policy CS1** relates to planning obligations in relation to where it is necessary and relevant.
24. **Policy CS10** financial contributions for education will be sought on developments of 4 or more dwellings.
25. **Policy CS13** relates to the consideration of layout for community safety
26. **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.
27. **Policy EN5** relates to the landscaping of new development
- Core Strategy 2007*
28. **Policy ST/2** - refers to locations of housing in rural centres
29. **Policy ST/4** identifies Impington as a rural centre within the settlement hierarchy

Consultations

30. **Impington Parish Council** - Recommends refusal as located too far away from shops (1900 metres), school (1700 metres), inadequate public transport only 3 buses from stop nearby and 900 metres to stop in Village College, problems with surface water drainage in the vicinity history of flooding. Green Belt.
31. **Housing Development Officer** - Supports application. There is a local need for affordable housing in the village. Whilst it may be the understanding that Arbury Park has addressed the needs of the village this is not the case.
32. **Chief Environmental Health Officer** - No significant impacts.
33. **Environment Operations Manager** - Comments are awaited.
34. **Landscape and Tree Officer** - Existing boundary should be retained no objection in principle subject to landscaping scheme. Good landscape buffers between St Georges Court and new development and to east. Prefer to see strong buffer to south /west. Property frontages and minimal tree avenue would result in a harder view.
35. **Ecology Officer** - Current layout makes little provision for biodiversity. The most important features of the site are its boundary hedges. These should be buffered from development or paths by semi natural grass borders of a minimum 3m. This will prevent the hedges from being over managed. Existing hedge should be strengthened through additional planting. Artificial nest and bat boxes should be integrated into development.
36. **Drainage Manager** - The Council is responsible for an award drain on the downstream side of the site. Request a condition to agree suitable design of surface water drainage.
37. **Local Highway Authority** - additional information is required to assess capacity of existing junctions to manage traffic generated by development. The roads are to be shared but have separate footways the two conditions are mutually exclusive. A redesign or redefinition is required.
38. **Education Officer Cambridgeshire County Council** - Comments are awaited.
39. **Environment Agency** - Comments are awaited.
40. **Police Architectural Liaison Officer** - Concerns are raised over the provision of tree and hedgerow planting to the rear of plots 5-12. Creates an area of public realm which will leave the dwellings vulnerable to crime. Similar comments made to the landscape buffer to rear of plots 1-4 and 13-20. Defensible space may be necessary to the side elevation of plots 5 and 12.
41. **An Affordable Housing Panel was** held on 28th March 2007. Due to the advanced writing of this report it was not possible to include the comments of this panel. These will be reported verbally.

Representations

42. Seven letters of objections have been received summarised as follows:
 - a. Lack of car parking

- b. Loss of privacy
- c. Schools are located some distance away
- d. Not sustainable location for local services
- e. Nearest open space is 1 mile away
- f. No bus stop near development
- g. Development in the Green Belt development would detract from the openness
- h. Affordable housing does not equate to special circumstances
- i. Noise
- j. Parking chaos in St Georges Court
- k. Narrow access to St Georges Court
- l. Poor drainage in St Andrews Way
- m. Affordable housing already provided by Arbury Park

43. **Councillor Mike Mason (Local Member)** - Object for the following reasons:

1. The site is put forward as a Green Belt Exception Site for affordable housing in a settlement already grossly under provided with the necessary transport and drainage infrastructure. This point has been repeatedly emphasised in representations made during examination of Local Plan 2 and the emerging LDF. (Please see the supplementary LDF evidence submitted by Histon and Impington Parish Councils). The settlement has recently been subject to traffic calming and many residents suffer from surface water surcharge to foul drains during periods of high rainfall. May I please refer you to the recent Kay Hitch Way application at the last Planning Committee. These problems for residents are common throughout the settlement and are particularly worse at the extreme ends of the gravity foul drainage system as at Milton Road, Impington, where surface water from the development would drain to SCDC Award Drain 165 which is already over capacity.
2. The proposed development is poorly sited with respect to traffic and pedestrian access to facilities within the settlement. One section of Milton Road is dangerously narrow with no footway and schools, medical and recreation facilities, are not within walking distance. Furthermore traffic in and around the central areas and on the B1049 is already exceeding road capacity. There is little scope for these difficulties to be overcome or even mitigated by means of conditions.
3. Impington and Histon are regarded as one settlement for planning purposes and 270 affordable housing units are currently under construction in Impington to meet the area need already identified. Notwithstanding this comment it is understood that another site on land already allocated within the settlement, is likely to come forward in the near future. There is therefore no sustainable case for Green Belt development on the edge of the village.
4. The proposals do not satisfy the criteria in Local Plan HG8 (3) and (4) and Note 4.22 (alternative sites). The Proposals do not overcome the well documented "Infrastructure Deficit" in LDF ST/4 Para. 2. (Services, facilities and infrastructure).
5. The Parish Councils and this local member will continue to resist proposals which are unsustainable and detrimental to the existing residents.

44. **Disability Vetting Group** main concern regarding the layout centred around the provision of the disabled car spaces and use of drop kerbs and tactile paving.

Planning Comments – Key Issues

Need

45. The Council's Housing Development Officer confirms that there is a need for the number of dwellings proposed. Whilst it may be the understanding that Arbury Park has addressed the needs of the village this is not the case. Even with the housing at Arbury Park there is still a need for affordable housing. In Impington there is a need for 130 affordable houses over the next two to five years. In addition there are 1305 people on the active housing register for Impington as at April 2006. Arbury Park is likely to result in 280 affordable housing over the next two to three years. However these are being allocated to the villagers of other areas and not just Impington.

Green Belt

46. The site is outside of the village framework and within the Green Belt. The key question is whether this site is the most appropriate and that there are no other sites of a similar scale and type that may be more suitable. Any site adjoining Impington will be within the Green Belt. Therefore it is then a question of whether there are any other sites which have a lesser impact on the openness of the Green Belt. The applicants state that to date there have been no other sites coming forward as exception sites. A site has been allocated in Impington for an estimated 42 houses on the north side of Impington Lane and east of Glebe Way. The site will therefore provide up to 14 affordable houses. In addition a recent planning application on the Unwins site Impington Lane was refused and dismissed at appeal for reasons associated with archaeology, loss of employment and flood risk.

Visual impact

47. The dwellings would be viewed against the backdrop of the dwellings in St Andrews Way thereby not adversely affecting the openness of the Green Belt in this location. The key features of the site are the boundary hedges which should be retained. The layout does not show the retention of these hedges and therefore the visual impact of the development would be greater. On the basis of this layout the development would not be acceptable however it is considered that the site could be developed where by the hedgerows are retained. The applicant has been advised to withdraw the layout and leave this matter for later approval. There is a landscape buffer to the eastern boundary of 10m which will substantially screen the development.
48. There are no public footpaths adjacent the site to afford a public view from the countryside. The main views are from St Georges Way and glimpses from Milton Road.

Sustainability Issues

49. Whilst it is acknowledged that the site is located away from the centre of Impington and local services it is located on the edge of a village which is designated a rural centre within the settlement hierarchy. The Core Strategy refers to rural centres as the larger more sustainable villages whereby there is no strategic constraint to the amount of housing that can come forward subject to compliance with other policies in the Development Plan.

Highway Safety

50. Further information has been requested to assess the capacity of the existing junctions. This has been requested and discussions are taking place between the Highway Authority and the applicant.

Car parking

51. The Council's car parking standards require an average of 1.5 spaces per dwelling = 30 and a maximum of 2 per 3 or more bedrooms in poorly accessible areas = 40. The

proposed parking provision is 24 spaces. As this scheme is for affordable dwellings it is not considered necessary to require the maximum standard. It is considered that 24 spaces are sufficient and I note that the Local Highway Authority are not objecting to the proposal on this particular issue.

Neighbour amenity

52. The indicative back to back distances to existing dwellings ranges from 28 metres to 41 metres. This is more than sufficient to protect the residential amenities of the adjacent occupiers. The side elevation of plot 20 is however too close to the boundary with the dwellings to the north which have rear gardens of 12m deep.

Drainage

53. The comments of the Environment Agency are awaited, however, it is anticipated that it should be possible to condition the details of surface water drainage. The Councils Drainage Manager has not raised any objections subject to a suitable condition for surface water drainage. In relation to flood risk the site is located a significant distance from any main river.

Ecology

56. The proposed layout does not accommodate the important hedgerow features. The applicant has been advised to withdraw the layout and leave this matter for later approval. It is considered that a layout could be designed to accommodate these features.

Affordable Housing Panel Protocol

55. The Council normally requires support from the Panel and I will have regard to their views in my final recommendation.

Other Issues

57. The development may be subject to contributions for education transport and public art which can be agreed and delivered through a Section 106 legal agreement.

Recommendation

58. Subject to the view of the affordable Housing Panel delegated approval/refusal subject to the resolution of layout and highways issues Proposed conditions in the event that, subject to the above matters, the application can be recommended for approval with the signing of a section 106 Legal Agreement to cover affordable housing, education transport and public art.

1. Standard Time Condition – Time limited permission (RCA);
2. No development shall commence until full details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority:
 - i. Scale
 - ii. Appearance
 - iii. Landscaping(Reason-The application is for outline permission only and gives insufficient details of the proposed development);
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 to assimilate it within the area);

4. SC5b and c – Details of surface and foul water drainage (RC5b and c);
5. Details of the treatment of 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 building(s) are occupied or the development is completed, whichever is the sooner.
(Reason - To ensure that the appearance of the site does not detract from the character of the area);
6. The permanent space shall be reserved on the site for permanent parking shall be provided before the occupation of the dwellings hereby permitted and thereafter maintained.
(Reason - In the interests of highway safety);
7. No development shall be commenced until a tree survey and arboricultural method statement detailing the retention and protection of existing trees and hedgerows, and ensuring the supervision and inspection of such measures, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the protection measures shall be implemented as approved.
(Reason - In order that the layout of the site and the siting of buildings can be assessed in relation to existing trees and to ensure their future retention);
8. Prior to the commencement of the development, hereby approved, details of the public art to be provided within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented.
(Reason –To ensure that public art is incorporated into and to enhance the character of the development);
9. Prior to the commencement of development hereby approved a biodiversity strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved strategy shall be implemented.
(Reason-To enhance the biodiversity of the development);
10. Prior to the commencement of the development hereby approved a strategy for the use of renewable energy resources and water efficiency shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved strategy shall be implemented.
(Reason – To ensure that the development meets the sustainability aims of the Development Plan);
11. No development shall commence until details of the following 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.
 - a) Refuse storage accommodation.
(Reason - To ensure refuse storage is adequately provided on site without causing visual harm to the area.)
 - b) Materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas.
(Reason - To ensure that the development enhances the character of the area.)

c) Car parking provision in accordance with the Local Authority standards. (Reason - To ensure adequate car parking provision is provided and suitably laid out);

12. Prior to the occupation of the dwellings hereby permitted the access shall be laid out and made available for use at all times. (Reason In the interest of Highway Safety).

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
 - P1/2** (development within the countryside being restricted).
 - P1/3** relates to sustainable design in built development.
 - P5/3** relates to density of development.
 - P5/4** relates to meeting identified local housing needs.
 - P5/5** relates to small scale housing being permitted where appropriate.
 - P6/1** provision of contributions towards community and infrastructure requirements.
 - P6/4** relates to the drainage.
 - P7/2** conserving and enhancing the biodiversity.
 - P7/4** development must relate sensitively to the local environment.
 - P8/1** development should be accessible to public transport.
 - P9/2a** development in the Green Belt is restricted to that required for agriculture and other uses appropriate to a rural area.
 - **South Cambridgeshire Local Plan 2004:**
 - SE9** development on the edges of villages should be sympathetically designed and landscaped.
 - GB2** planning permission will not be granted for inappropriate development in the Green Belt unless special circumstances can be demonstrated.
 - GB3** development that is appropriate will be located within or adjoining existing complexes.
 - HG7** stipulates the criteria for affordable housing developments.
 - 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.
 - TP1** seeks to promote the use of more sustainable transport choices.
 - CS1** relates to planning obligations.
 - CS10** financial contributions for education.
 - CS13** relates to the consideration of layout for community safety.
 - EN3** states that, in those cases where new development is permitted in the countryside, it should reinforce local distinctiveness wherever possible.
 - EN5** relates to the landscaping of new development.
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy**, adopted January 2007.
 - Policy ST/2** refers to locations of housing in rural centres.
 - Policy ST/4** identifies Impington as a rural centre within the settlement hierarchy.

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; sustainability; green belt; amenity, impact on openness.

Informatives

1. 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.
2. 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.

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

- Core Strategy 2007
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref: S/0273/07/F

Contact Officer: Frances Fry - Senior Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2266/06/F - HORNINGSEA**Change of Use of Building from Agricultural to Architect's Studio
St John's Barn, St John's Lane for Granta Architects****Recommendation: Approval****Date for Determination: 19th March 2007****Notes:**

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

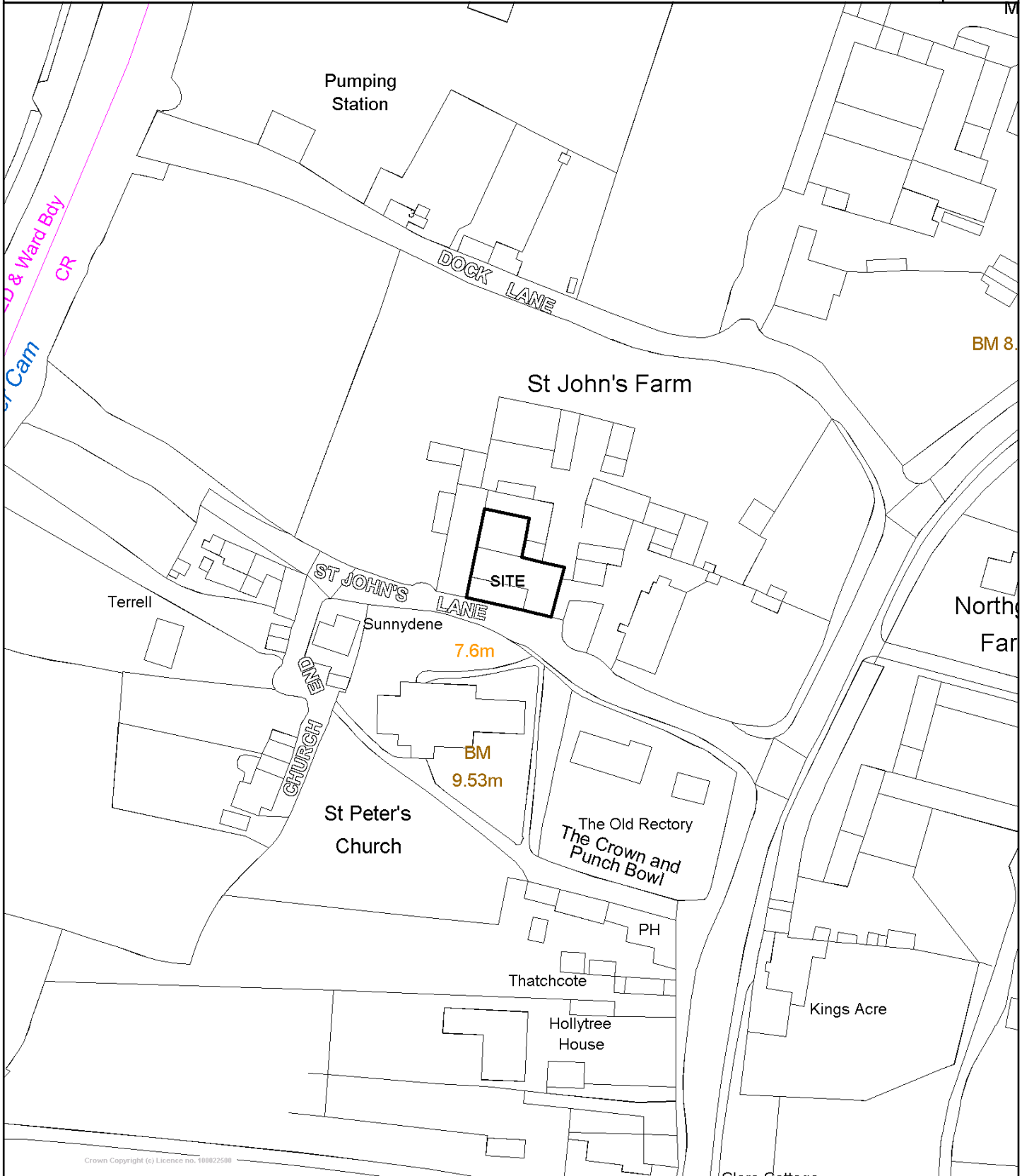
Conservation Area and Listed Building**Site and Proposal**

1. The application site is situated at the north end of Horningsea, at the former St. John's Farm, accessed from off St Johns Lane. The site comprises a single storey brick building with slate roof. It has a simple appearance, typical of its purpose as an agricultural building. The conversion works have been carried out and the building is currently being used by the applicants as an architect's studio. The building is attached to a larger barn that has been converted into a dwelling and is currently occupied as such. It forms the fourth side of an enclosed courtyard. There is a small one-bedroomed annexe on the eastern side of the courtyard and garages and stores on the northern side. The site lies within a complex of former agricultural buildings currently undergoing or that have undergone already conversion for residential occupancy.
2. This full planning application, received on 24th November 2006 is for the use of the converted agricultural outbuilding as an architects' studio. The floor area of the building measures 75 square metres. Two car parking spaces are provided outside of the building, within the courtyard. Three full time and two part time staff are employed.
3. The application was amended on the 19th January 2007 to provide a location plan that reflects the land within the applicants' control and the full extent of the application site; to show the access and car parking arrangements; and additional information in the form of a travel plan.

Planning History

4. Planning application **S/2155/03/F** for the conversion of agricultural buildings into a dwelling and annexe and associated application **S/2156/03/LB** for Listed Building Consent were approved.

S/2266/06/F - Horningsea



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5. Planning application **S/2387/04/F** and Listed Building Consent **S/2182/04/LB** approved the conversion of agricultural buildings within the courtyard into a dwelling and annexe with study.
6. Applications **S/0699/05/F** for alterations and conversion of 1 bay of the cartshed to provide study for independent annexe and **S/0698/05/LB** for alterations and conversion of 1 bay of the cartshed to provide study for independent annexe were approved. The planning application was considered to have overcome previous concerns.
7. Applications **S/0914/06/F** conversion of stable into an architects studio and **S/0913/06/LB** for internal and external alterations and conversion of stable wing to architects studio and meeting room were withdrawn.
8. Listed Building Application **S/2341/06/LB** for internal and external alterations and conversion of stable wing to architects studio and meeting room has been granted. (30th January 2007).

Planning Policy

9. No policies of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, 2007 are applicable.
10. The following policies of the South Cambridgeshire Local Plan 2004 are to be considered:
 - (a) **Policy EM6** (New Employment at Rural Growth or Limited Rural Growth Settlements) limits new employment development within village frameworks to small scale development in classes B1-B8 subject to there being no adverse impact upon residential amenity, traffic conditions, village character and other environmental factors and contribution towards the provision of a greater range of employment opportunities.
 - (b) **Policy EM7** (Expansion of Existing Firms at Villages) allows expansion of firms established in the area for more than two years subject to the provisions of policies EM3 and EM6. Policy EM3 is not relevant to this case, as the floor space is below 300 square metres.
 - (c) **Policy EN28** (Development Within the Curtilage or Setting of a Listed Building) sets out the criteria against which new development will be assessed including considerations as to whether the development would dominate the listed building, damage its setting, harm the visual relationship between the buildings or damage archaeological remains of importance.
 - (d) **Policy EN30** (Development in Conservation Areas) requires proposals for development in Conservation Areas to preserve or enhance the special character and appearance of the area, especially in terms of scale, massing and materials.
11. The following policies of the Cambridgeshire and Peterborough Structure Plan 2003 are relevant to this application:
 - (a) **Policy P1/3** – Sustainable Design in Built Development seeks a high quality of design and sustainability for all new development by minimising the need to

travel by car, has appropriate regard to the sense of place and makes efficient use of energy.

- (b) **Policy P7/6** – Historic Built Environment seeks to protect and enhance the quality and distinctiveness of the historic built environment.

Consultation

12. **Horningsea Parish Council** recommend refusal on grounds of:

- (a) The redline plan is misleading as it does not indicate ownership.
- (b) While it encourages small trades and business, the impact of insufficient access and car parking in a tasteful residential development means that the development should remain residential.
- (c) The travel policy is theoretical and not practical.
- (d) The architects' practice is a busy one, which is sure to attract numerous clients, developers, contractors with several vehicles which are bound to overspill into St Johns Lane denying safe parking for the church and other St Johns Lane residents with no parking for their private properties.
- (e) The site is totally inappropriate.
- (f) The application should be retrospective as it has been in use as an architects' practice since September 2006.
- (g) The yard will have to serve the studio, the barn and annexe which is occupied separately.

13. **Chief Environmental Health Officer** – problems could arise from noise. He suggests planning conditions to minimise the effects of the development to nearby residents including:

- (a) Details of the location and type of power driven plant and equipment
- (b) Hours of construction
- (c) Land contamination survey

and informatives relating to bonfires during construction and the Council's smoke free public places policy.

14. **The Conservation Manager** – does not object as the alterations retain the agricultural appearance of the former stables and will have no significant impact on the character and appearance of the Listed building or Conservation Area.

15. **Swaffham Internal Drainage Board** has no comment from a drainage point of view.

Representations

16. Letters of objection have been received from the occupiers of St Johns Farmhouse and the Old Rectory, St Johns Lane. The concerns raised are as follows:

- (a) The location plan is misleading in terms of ownership, as the red line includes land not owned by the applicants.

- (b) The residents do not have rights to use the access, which is owned by the Farmhouse, for commercial purposes.
 - (c) The travel policy is unrealistic as visitors are not going to want to travel into Cambridge in order to get the train.
 - (d) Lack of disabled car parking provision.
 - (e) St Johns Lane is a single track lane, parking in the lane would prevent access to the church and dwellings.
 - (f) St Johns Lane is a quiet residential area, unsuitable for any commercial use.
 - (g) Increase traffic will impact upon the residential ambience of the Lane.
 - (h) The access also serves three other dwellings that have been approved.
 - (i) The enclosed courtyard is unsuitable for the vehicular activity and parking.
17. The applicants have written in support of their application making the following points:
- (a) Listed Building Consent has already been granted, confirming that the change of use does not detract from the historic significance of these buildings.
 - (b) An identical application (S/0914/06/F) was to be granted delegated approval but was withdrawn at a late date, at the request of neighbours who were at the time trying to sell the stables development. The recommendations are relevant to this application. The Parish previously recommended approval.
 - (c) Evidence of the Company's traffic movements and how it is controlled have been supplied and are based upon a working knowledge of its operations over a 15 year period.
 - (d) The practice was established in 1995 and had the opportunity to expand previously but not done so. These premises are appropriate for the practice and their aims for architecture and environment. They attach a profile of the practice's work on listed and historic buildings.
 - (e) Members of the Planning Service have visited the site and been very positive about this application.

Planning Comments – Key Issues

- 18. The material planning considerations in relation to this application are access, car parking, impact of traffic movements, and the impact upon the residential character of the area.
- 19. The site plan accurately reflects the area relating to the development and the appropriate certificates have been served on the relevant land owners. Issues of ownership are for the applicant to resolve under civil law.
- 20. Two of the planning conditions recommended by Environmental Health are no longer relevant, as the use has been implemented.

Access

21. The site is served by an access point off St Johns Lane. This is a quiet lane. I do not consider that the small number of additional vehicular trips resulting from the use proposed would significantly impact upon the safety and convenience of this access point. As stated in the above paragraph, the applicants' right to use this access point for the commercial use is a matter for them to resolve outside of the scope of planning.

Increase in traffic movements

22. The applicants' traffic data suggests that the use will result in an average of 1.3 vehicular movements a day, the remainder being made on foot or by bicycle. Based on the floor space available the increase in daily trips from the use would be approximately 10.1. This is only marginally above that of the alternative and not dissimilar to that created by for instance a further dwelling. It is considered that it would be difficult to argue that once the residential conversion is completed that this small increase in trips would have a significant impact upon the quiet character of the lane.

Car parking

23. The application includes provision for two car parking spaces. This is one short of the maximum standard, which requires 3 spaces. Given that the applicants state that further car parking will be available within the courtyard as and when required subject to the permission of the owners who let them the building, the owner of the business lives within the farm site and that the traffic survey provided indicates that a much lower level of parking is likely to be required in practice, it is concluded that there will not be a significant impact in terms of car parking. Furthermore, the courtyard area is, by its nature enclosed and, while at times there may well be more cars parked than is provided for within the application, these will not significantly impact upon the neighbouring residential amenities if appropriately controlled. While disabled car parking is not specifically provided the space available is not within a defined car parking area as such and therefore if more space is required for disabled parking this can easily be achieved without hindering the movements of other users, particularly given that they are likely to want to park in the space closest to the entrance.
24. In order to ensure that the use remains within the level set out in the application and in order to ensure that there is not a detrimental impact upon neighbouring dwellings conditions are recommended requiring the implementation of the travel plan, with an annual review of it to be submitted to the LPA and limiting the use to that of an architects' practice.

Recommendation

25. Approval subject to the following conditions:

Conditions

1. 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 dwellings from the effect of odour, dust or fumes and to ensure that plant and equipment is not visually intrusive.)

2. The travel plan hereby approved shall be implemented with immediate effect from the date of this decision notice. There shall be an annual review of the plan, details of which shall be submitted to and agreed by the Local Planning Authority (Reason: to monitor the use of the site to ensure that traffic movements and car parking do not harm the amenities of neighbouring users or impact unduly upon the public highway).
3. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the premises shall not be used other than for an architects studio and for no other purpose (including any other purposes in Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order). (Reason - To protect the amenities of adjoining residents 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)
P7/6 (Historic Built Environment)
 - **South Cambridgeshire Local Plan 2004:**
Policy EM6 (New Employment at Rural Growth or Limited Rural Growth Settlements)
Policy EM7 (Expansion of Existing Firms at Villages)
Policy EN28 (Development Within the Curtilage or Setting of a Listed Building)
EN30 (Development in/adjacent to 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:
 - Traffic
 - Car parking
 - Character of the area
 - Listed building
 - Conservation Area

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/2155/03/F, S/2156/03/LB, S/2387/04/F, S/2182/04/LB, S/0699/05/F, S/0698/05/LB, S/0914/06/F, S/0913/06/LB, S/2341/06/LB and S/2266/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2064/06/F - BARRINGTON
Erection of 16 Affordable Dwellings, Phase 2, Primes Close
for Granta Housing Society**Recommendation: Delegated Approval/Refusal****Date for Determination: 11th April 2007 (Major Development)****Notes:**

This Application has been reported to the Planning Committee for determination because it is an application for an exception site for affordable housing outside the village framework.

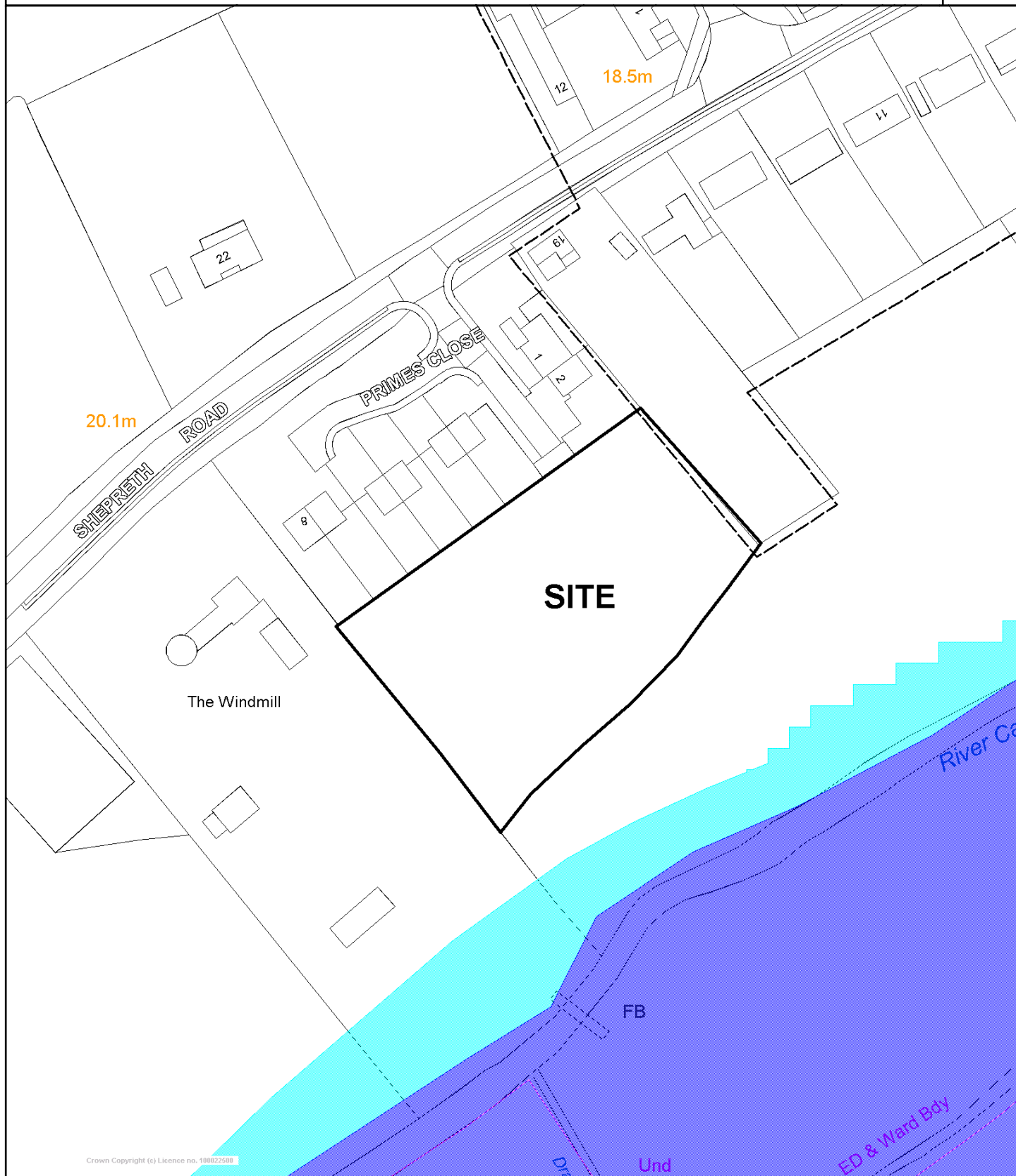
Site and Proposal

1. Members may recall deferring this application at the January 2007 meeting (Item 8) in order that the proposal could be considered alongside the planning application for 40 affordable dwellings on land off Challis Green in terms of how the overall need for affordable housing in Barrington should be addressed; to seek a reduction in the number of proposed dwellings to 12 or 13; to allow ecological issues to be addressed; so that the need for public open space could be determined and; to allow a re-design of the turning head to accommodate refuse vehicles.
2. A copy of the officer's report to the January meeting is attached electronically at Appendix 1. Members are requested to refer to that report for details of Planning History, Policy, Consultations and Representations.
3. A meeting has been held with the applicant to discuss the above matters but at the time of writing the report no response has been received.
4. The application has been reported back to enable a decision to be made by the date for determination.

Planning Comments – Key Issues

5. Having visited the site Members accepted that further development of this site for affordable housing was appropriate but expressed the view that the number of dwellings within the scheme needed to be reduced in order to minimise the impact of the development on the countryside. To date a revised scheme has not been received.
6. Since the January meeting there has been an updated housing needs survey published for Barrington, which identifies a need for a total of 46 dwellings. The total number of dwellings currently proposed for this and the Challis Green site (56), exceeds that figure but I am of the view that, should Members resolve to approve

S/2064/06/F



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development of both sites, a restriction could be imposed on the larger development Challis Green site phasing the development to ensure that no more than a total of 46 dwellings are constructed unless justified by a future housing needs survey.

7. Issues raised by the Ecology Officer in respect of biodiversity and ecology remain to be fully addressed along with revisions to the layout required by the Environment Operations Manager.
8. The matter of the provision of open space within the site will be dictated by the final number of units proposed.
9. I will update Members on each of these points at the meeting.

Recommendation

10. That officers be given delegated powers of approval/refusal. Delegated approval only to be effective upon the receipt of revised drawings/details that satisfactorily address the concerns expressed at the January meeting.

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 Refs: S/2064/06/F; S/2059/05/F and S/2087/99/F
- Officers Report to the Planning Committee Meeting on 10th January 2007

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0005/07/O - BARRINGTON**Erection of 40 Affordable Dwellings with New Access Road and Open Space, Land North of Challis Green for Cemex UK Operations Ltd****Recommendation: Delegated Approval****Date for Determination: 3rd April 2007 (Major Application)****Notes:**

This Application has been reported to the Planning Committee for determination because it is an application for an exception site for affordable housing outside the village framework and a Departure from the Development Plan.

Members will visit this site on Monday 2nd April 2007

Conservation Area (Access Only)**Departure Application****Site and Proposal**

1. This outline application submitted on 4th January 2007, and as amended by Drawings received on 15th March 2007, seeks consent for the erection of 40 affordable dwellings, access road and open space on a 1.78ha area of land to the north east of Challis Green, Barrington, at a density of 22.5dph.
2. The application seeks consent at this stage for layout and access, with scale, landscaping and appearance being reserved matters.
3. The new housing development is located around the northwest, north east and south east sides of a new area of public open space which would form an extension to Challis Green. The dwellings are designed to face onto the new area of Green.
4. The development proposes the erection of 9 one-bedroom flats, 2 two-bedroom flats, 13 two bedroom houses, 13 three-bedroom houses, 1 four-bedroom house and 2 two-bedroom bungalows.
5. The existing access to Challis Close from Challis Green is to be widened and upgraded with a new spur to serve the existing houses and a new access road along the south west side of the exiting ditch across the edge of Challis Green which turns north east into the main part of the application site after 80m to serve the new dwellings.

6. An existing footpath which runs from south east to north west, close to the existing north east boundary of Challis Green and links to the back of the Primary School, forming part of a safer route to school, is to be incorporated into the new roadway.
7. To the south east of the site is existing development in Challis Close. To the north west the site is bounded by an existing planting belt beyond which is the mineral railway line leading from Cemex and beyond that existing properties in Bendyshe Way. To the north west is planted land within the ownership of the applicant. To the south west is the open space of Challis Green and existing properties in Daphmoir Close. The south west boundary is currently formed by a ditch and planting.
8. The application is accompanied by a Design and Access Statement and Flood Risk Assessment.

Planning History

9. The idea of the development of this site for affordable housing has been under consideration since the early 1980's. In 1984 and 1989 outline applications for residential development were withdrawn.
10. In 1998 two applications were received on the south east part of the current site, one for the erection of 12 units (**Ref: S/1729/98/F**) and the other for the erection of 4 units (**Ref: S/1726/98/F**). These applications were considered by Members and officers were given delegated powers to approve both schemes subject to the prior signing of a Section 106 Agreement securing the provision of the housing under the affordable housing policy. That agreement was not signed and the applications were re-considered by Members in March 2003 when it was resolved to refuse the applications on that ground alone. Access proposed by the 1998 applications was the same as that being considered for the current proposal.

Planning Policy

11. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") restricts development in the countryside unless it can be demonstrated to be essential in a particular location.
12. **Policy P5/5** of the Structure Plan states that small-scale housing developments will be permitted in villages only where appropriate and having regard to the need for affordable rural housing.
13. **Policy P7/2** of the Structure Plan states that all development will seek to conserve and enhance the biodiversity value of the areas that they affect.
14. **Policy P7/6** of the Structure Plan seeks to protect the historic built environment.
15. **Policy ST/6** of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007 identifies Barrington as a group village.
16. **Policy SE8** of the Local Plan states that residential development outside village frameworks will not normally be permitted.
17. **Policy HG8** of the Local Plan states that, as an exception to the normal operation of the policies of the 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 sets out a range of criteria that need to be met

including a requirement that the site 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 and; the development does not damage the character of the village or the rural landscape.

18. **Policy CS2** of the Local Plan states that planning permission will not be granted where there are inadequate water supply, sewerage or land drainage systems to meet the anticipated demands of the development.
19. **Policy CS5** of the Local Plan states that planning permission will not be granted 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 floodwater; increase flood risk in other areas downstream due to additional surface water runoff; or increase the number of people or properties at risk, unless it is demonstrated that these effects can be overcome by appropriate alleviation and mitigation measures.
20. **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 habitat of protected species.
21. **Policy EN30** of the Local Plan seeks to preserve or enhance the character of Conservation Areas.
22. **Policy EN45** of the Local Plan states that there is a general presumption against development which will have an adverse environmental impact on the water environment, nature conservation, fisheries and water-related recreation.
23. **Policy Preferred Option SSP16** of the Site Specific Proposals Document of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Preferred Options Document identifies Sustainable Transport Protection Zones, one of which is Barrington Cement Works Railhead.

Consultation

24. **Barrington Parish Council** recommends approval. "The Parish Council would wish to see the development concurrent with this Application of a car park and a new rear entrance to Barrington School for access by the pupils, such that the entrance on Haslingfield Road could be for staff and visitors only. In addition the Parish Council envisages that the new footway(s) from Challis Green (highway) to the School would mean that the present pathway to the School across Challis Green, constructed under the Safer Routes to School policy, would be discontinued. To protect the privacy of the residents of Challis Close, the Parish Council would wish to see a 2m close boarded fence erected along the boundary with the Challis Close site; this fencing would become the responsibility of Challis Close Residents Association.
25. The **Local Highway Authority** points out that no part of Challis Green is maintained at the public expense and therefore the application site area as shown on the submitted plan does not abut the existing highway network.

As this is a full application the layout should be appropriately dimensioned to give carriageway, footway, footpath and verge widths together with junction, centre line and turning head radii. In addition, all junction and pedestrian visibility splays should be given. The letter sets out specifications that should be met for the above.

Off-site footpath links to the school should be included within the site edged red to ensure that they will be delivered. The existing path across the Green should also be identified on the submitted layout plan.

26. The **Conservation Manager** confirms that the scheme appears to follow pre-application discussions. Details of the public open space will need to be specified to ensure that the open character of the Green is retained.
27. The **Development Manager** is in support of the proposals generally but suspects that 40 units in one scheme may be too many, particularly as Primes Close is also offering affordable units that will contribute to addressing the Parish housing needs.
28. The **Affordable Housing Panel** is supportive of the proposal but feels that a condition requiring the phasing of the Challis Close development should be imposed which prevents the total number of units being constructed on this and the Primes Close site exceeding the identified housing need for Barrington.
29. The **Trees and Landscapes Officer** comments that the scheme puts forward an overall good landscape proposal and that the extension of the village green into a further open space with the housing backing onto the existing housing behind is a good arrangement. More detailed information will be required at a later stage.
30. The **Architectural Liaison Officer, Cambridgeshire Constabulary**, main concern at this stage relates to vehicle parking. Generally in-curtilage parking is preferred but where this is not possible parking should be in small courts serving a maximum of six to eight dwellings close to and within the natural surveillance of each dwelling served.

The parking for plots 8,12,15,16,19 and 20 are to varying degrees remote from the dwellings served and with limited or no natural surveillance from the individual dwellings. The parking court for the flats serving 11 dwellings is rather large with few opportunities for flats on the southern side to overlook parked vehicles.

Natural surveillance over the entrance road and the public open space are more than satisfactory.

31. The **Environment Agency** comments that the application as submitted is acceptable in principle and that the draft proposals for surface water disposal are commendable and demonstrate an imaginative scheme for the re-cycling of surface water, and the minimisation of portable water usage which should be encouraged and supported, although the issue of surface water drainage will require considerably more detail prior to the commencement of development.

It requests that conditions are attached to any consent requiring the submission of a scheme for surface water drainage and asks that a number of informatives be attached.

32. **Anglian Water** does not object to the application but points out that there are public sewers within the boundary of the site and that no development will be permitted within the statutory easement of 6 metres either side of the centreline of the sewer without prior consent.
33. The **Ecology Officer** comments that this application has the potential to make an interesting development if suitable environmental enhancements can be achieved and has no objection in principle at present. However the site needs to be assessed

for its ecological value (the 2000 assessment referred to in the application should now be considered out of date).

34. The **Chief Environmental Health Officer** requests that conditions be attached to any consent restricting the hours of operation of power driven machinery during the construction process and requiring the submission of a scheme for protecting the proposed dwellings from noise from the mineral railway line which runs alongside the site and serves the nearby cement works. All works forming part of the scheme should be completed before any of the dwellings are occupied.
35. **Cambridgeshire Fire and Rescue Service** requests that adequate provision be made for fire hydrants.
36. **Cambridgeshire County Council** as mineral and waste planning authority draws attention to the Cambridgeshire and Peterborough Minerals and Waste Development Plan Document and in particular Preferred Options SSP16 which identifies Sustainable Transport Protection Zones, one of which is the Barrington Cement Works Railhead and states:
37. "Within these protection Zones there will be a presumption against any development that could prejudice existing, or potential, use of the protected sustainable transport facility for the transport of minerals and/or waste."

The advice of the Environmental Health Officer should be sought on the potential impact of noise from trains on occupants of the proposed dwellings.

Representations

38. Letters of objection have been received from the occupiers of Nos 1, 5, 6 and 8 Challis Close, 8 Bendyshe Way and the Challis Close Residents Association. The following objections/concerns have been raised.
 - (a) The proposal is to build a housing estate which would engulf Challis Close.
 - (b) The concentration of 40 affordable dwellings is excessive and will upset the balance of the village to a great degree. When considered with the other application for such housing recently submitted it is not believed that such a high demand exists.
 - (c) There is concern that this development will not just be to serve local residents but to satisfy general housing needs.
 - (d) Development is too close to the boundaries of Nos 1 and 8 Challis Close and would seriously impact their peace, privacy and tranquillity.
 - (e) The occupiers of No 1 Challis Close are concerned about the proximity of development which it is felt will constitute a gross invasion of privacy. The back door of No1 will look straight into the garden of the first property and an existing landing window will look directly into the new garden and windows, which would make the residents of the new property feel very overlooked. The whole development should be moved at least 10 metres from Challis Close and trees and shrubs planted to form a boundary between the areas of housing. Concerns are also expressed about safety, pollution and access which are addressed in subsequent paragraphs of this report.

- (f) The occupier of No8 Challis Close is concerned that the rear gardens of the proposed development would be within 1.5m of his house. The view from the house would be lost and the property would be devalued as a result. There would be noise and pollution day and night which would seriously constitute a complete invasion of privacy.
- (g) Concern that the proposal will take some of Challis Green for access to the site. The Green is highly protected and there is an objection to the granting of land or freedom of use or waivers for access across the Green in order to construct these houses, which is not available to other people living around the Green.
- (h) The existing sewage system is already overloaded and an additional 40 houses will add a huge additional burden. The drains already back up from Glebe Road through to Challis Close. What would be the provision for sewage and drainage to the site?
- (i) There is a host of wildlife within the site, with a thriving owl population, foxes and deer. There is a resident sparrow hawk. These would be threatened if the development were to take place
- (j) The power supply is erratic, with frequent power cuts. The addition of a further 40 houses would add to the power demand and exacerbate the situation.
- (k) The houses will be adjacent to the school and any access road will cross one of the main routes to the school where children will be concentrated, adding to the risk for children travelling to and from the school, as part of the Safer Routes to School
- (l) The road, where Challis Green turns to become Foxtan Road is a 90 degree turn with Challis Close, Glebe Road and a parking side road for Foxtan Road joining close to each other. The addition of another road feeding 40 houses would make this corner difficult, busy and potentially dangerous.
- (m) There are currently 18 children living in the 6 houses at the front of Challis Close who enjoy a very safe environment in which to play. This will cease once the road begins to be built.
- (n) The positioning of the access road means that the residents of Nos 6, 5 and possibly 4 Challis Close will be subjected to continual invasion of privacy from cars turning into the development. There will also be a substantial increase in noise with living and bedroom windows situated within 30m. There would be pollution from exhaust fumes which would undermine health and light pollution from car headlights and street lighting would cause a serious infringement of the comfort, security and privacy of residents in Challis Close. A wider margin should be left between the proposed development and Challis Close
- (o) One letter suggests that the proposed access roadway be moved much further away from the boundary ditch in order to mitigate light, exhaust and noise infiltration and that it be angled carefully so as not to direct headlights into windows of properties in Challis Close. Alternatively it is suggested that the roadway be elsewhere by using the current railway line, which is already on land belonging to Cemex, to provide access via Chapel Hill (which would have no impact upon the residents of Barrington at all), Glebe Road or Bendyshe Way.

- (p) Does Barrington have the infrastructure to cope with this many additional inhabitants? The implications for the school needs to be considered in advance. It is already a small school with large class sizes. How will it cope with further children from the village wishing to attend, and how will this affect the yearly intake from Shepreth?
- (q) There is currently a poor bus service in and out of the village and therefore around 80 people are going to have to own cars in order to get to work. Each dwelling has space for one car. Where are the other 40 going to park, or are there plans to improve the public transport services within the village?
- (r) The new development is situated next door to Challis Close which is a private road and residents have to pay for the upkeep and sort out drainage problems etc. What implications will the new development have on existing utilities and how will they affect Challis Close residents.
- (s) The ground is heavy clay and subject to heave with the changing weather and may not be suitable for building more houses.
- (t) There is an existing willow tree situated in Challis Close. In the past advice has been sought regarding possible subsidence due to the tree and although not found to be causing a problem at the time there is concern that changes to the moisture in the ground area around could lead to heave or subsidence. Is this likely with the new development and road being so close, and if so, what steps will be taken to address this problem?
- (u) Currently the children's play area is safe on two sides of the triangle of green on which it is situated and the swings etc are a good distance from the existing road. Should the development go ahead as shown parents would no longer be able to relax and allow their children to play freely.
- (v) Loss of the tranquil view of the Green would be lost.
- (w) In addition to the letters from local residents the Campaign to Protect Rural England has stated that it feels that the site is in an unsustainable location, due to poor public transport etc. However if an overriding need for affordable housing in perpetuity for local people can be established it would not object.

Planning Comments – Key Issues

- 39. The key issues to be considered with this application are whether the proposal complies with Policy HG8 of the Local Plan in terms of meeting the identified local housing need when considered alongside the application for additional affordable housing at Primes Close. the scale of development (the application has been advertised as a Departure from the Development Plan in that respect, impact on the adjacent properties, highway safety, impact on the Conservation Area, Ecology issues and drainage.
- 40. An updated housing need survey for Barrington has identified a total need for 46 dwellings. The development of this site for 40 dwellings, when considered alongside the application at Primes Close, currently 16 dwellings, proposes a total of 56 dwellings, in excess of the current identified need for affordable housing in Barrington. Members have previously requested that the number of units proposed on the Primes Close be reduced (see relevant item on this agenda). I am of the view that if Members are minded to approve the development of Challis Close for

affordable housing on the scale currently proposed, having had regard to the other issues set out below, that development of the site could be phased to ensure that the total number of units constructed at the present time does not, when taken together with the number of any dwellings agreed on the Primes Close site, exceed the number currently identified in the housing needs survey. This approach is supported by the affordable housing panel on the basis that the need for affordable housing in Barrington is likely to increase in future years.

41. Given that both this scheme, and that at Primes Close, will have been drawn up and based on the 2003 housing survey I will ask the Development Manager to conform that the mix of housing across the two scheme continues to meet the need identified in the new survey. Any consent would require the applicant to enter into a Section 106 Agreement securing the housing as affordable housing which would be first available for occupation by persons on the housing needs list for Barrington.
42. In considering previous planning applications for the development of this site Members have found the principle of its use for affordable housing to be acceptable. The previous proposals involved the creation of a new access from Challis Green in the same manner as the current application. The applications supported in 1998, although eventually refused as the required Section 106 Agreement was not signed, proposed a total of 16 dwellings on the site, concentrated in the south east corner.
43. Policy HG8 of the Local Plan requires schemes for affordable housing to be well related to the built up area of the settlement and the scale of the scheme to be appropriate to the size and character of the village. In addition development should not harm the character of the village or the rural landscape. The text of the policy refers to the release of small-scale sites for affordable housing. The reference to small sites is included as part of the exceptions policy in the emerging Local Development Framework.
44. It is recognised that the erection of 40 houses on a site in Barrington is in excess of the number of dwellings that would normally be supported under Policy HG8 and therefore the application has been advertised as a departure from the Development Plan. Members will need to consider whether there is a case to allow larger number of dwellings in this case.
45. The requirement to construct a new access road of the standard shown would have been required to serve a development of 16 units as previously proposed and accepted in principle by Members in 1998. The increase in the number of dwellings proposed to 40 does not require any changes to this arrangement and therefore will not affect the visual impact of this part of the proposal from that previously considered.
46. Given that the site is relatively enclosed and does not impact on the wider areas of the village I am of the view that if the access road is accepted, best use of the site should be made in terms of the number of units that can be accommodated.
47. I have advised the applicants agent that the submitted drawings should make it clear how the alignment of the proposed roadway relates to the existing ditch near properties in Challis Close. The revised drawings do not currently address this point and further information will be sought prior to the meeting.
48. The Conservation Manager is supportive of the approach adopted for the development of the site. The construction a the new access road and upgrading of the access to Challis Green on the north east edge of the Green, and on the edge of

the Conservation Area, will have an impact on the character of the Conservation Area. I am of the view however that, when taken together with the extension proposed of Challis Green and the form of the new development, that overall the character of the area will be preserved.

49. The Local Highway Authority has considered the upgrading of the access from Challis Green and has not raised any objection in principle. The amended drawings, which include revisions required by the Local Highway Authority, have been sent to it for further comments, which will be reported to the meeting. The red edged area of the site has been extended as requested.
50. The revised drawing attempts to incorporate the existing safe route to school within the new development. Further negotiation and consultation will be required on this point to ensure that existing safety is not prejudiced.
51. In terms of the effect of the development on the amenity of nearby properties, particularly those in Challis Green, there will inevitably be an element of additional noise and disturbance as a result of the use of the new roadway. However given that the front of these properties will be some 30m from the new roadway, and the opportunity exists for additional planting between the two I consider the relationship to be acceptable.
52. The site abuts the north west boundary of No 8 Challis Close, a bungalow sited within 1.5m of the boundary. No8 has existing windows facing the application site and has undoubtedly benefited as a result of this land remaining undeveloped. The scheme has been designed however so that there is no new development within 17m of the boundary where it abuts the rear garden of No8, with additional planting proposed for that area of land. Two bungalows are proposed 20m from the boundary of the site where it abuts the existing bungalow. At the moment a 2m high fence is proposed for this boundary of the site although a reduction in height where it adjoins existing windows in No8 may be appropriate.
53. In terms of the effect on No1 Challis Close there is a new dwelling proposed 4m from the boundary with that property and set further forward. New dwellings on Plots 4, 5 and 6 are located a minimum of 15m from the boundary of the site where it abuts the garden of that property. Whilst it would be possible to provide the 10m clearance between Challis Close and any new development it would be at the expense of the size of the open area within the site.
54. I do not consider that the alternative access options suggested are practical or appropriate. The County Council has commented on the need to safeguard the route of the mineral railway line to the north east of the site.
55. Anglian Water has not raised any objection to the application.
56. The Environment Agency has stated that the draft proposals for surface water disposal are commendable and demonstrate an imaginative scheme for the re-cycling of surface water, and the minimisation of portable water usage, which should be encouraged and supported, although full details will be required by condition.
57. The Ecology Officer has not objected in principle to the application and the applicant's agent is currently preparing the further details he requires.
58. In my view the request by Barrington Parish Council to provide a car park and rear access to the school is not reasonable as part of this application. The amended

drawings provide for a 2m high fence along the south east boundary of the site with Challis Close. I do not consider it would be appropriate to extend this form of treatment at the front of the houses in Challis Green, although additional planting on land within the applicants ownership can be required.

59. A copy of the amended drawing has been forwarded to the Police Architectural Liaison Officer and any further comments will be reported at the meeting.
60. Applications for affordable housing do not contribute towards the provision of any additional education facilities required to support any additional pupils. Such provision in these cases is undertaken by Cambridgeshire County Council as Education Authority.
61. Barrington is not a village where the provision of 40 dwellings would normally be considered and may not be the most sustainable location for additional housing on this scale. However Policy HG8 allows affordable housing to be provided as an exception to the normal policies if the Development Plan provided it is to meet an identified local housing need.

Recommendation

62. That, subject to the outstanding issues referred to above, the application be referred to Go-East as a departure on the basis that Members are minded to approve the application subject to safeguarding conditions, including a phasing of the development. If the Secretary of State does not call the application in for her determination, it be approved.

Reasons for Approval

1. Although the application is a departure from the development plan in regard to scale and the character of the village, it provides affordable housing to meet an identified local need in accordance with all other provisions of Policy HG8 of the Local Plan 2004.
2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise.
 - Scale of development.
 - Impact on the character of the area.
 - Impact on the amenity of neighbours
 - Highway and pedestrian safety
 - Drainage Issues
 - Ecology and Biodiversity issues

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Local Development Framework – Core Strategy
- Cambridgeshire and Peterborough Minerals and Waste Development Plan Preferred Options Document
- Planning File Refs: S/0005/07/O, S/1726/98/F and S/1729/98/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2196/06/F - WILLINGHAM**Erection of 9 Dwellings Following Demolition of Existing Dwelling and Outbuildings at Land at 37 Rockmill End for Hazelmere Homes****Recommendation: Approval****Date for Determination: 10th January 2007****Notes:**

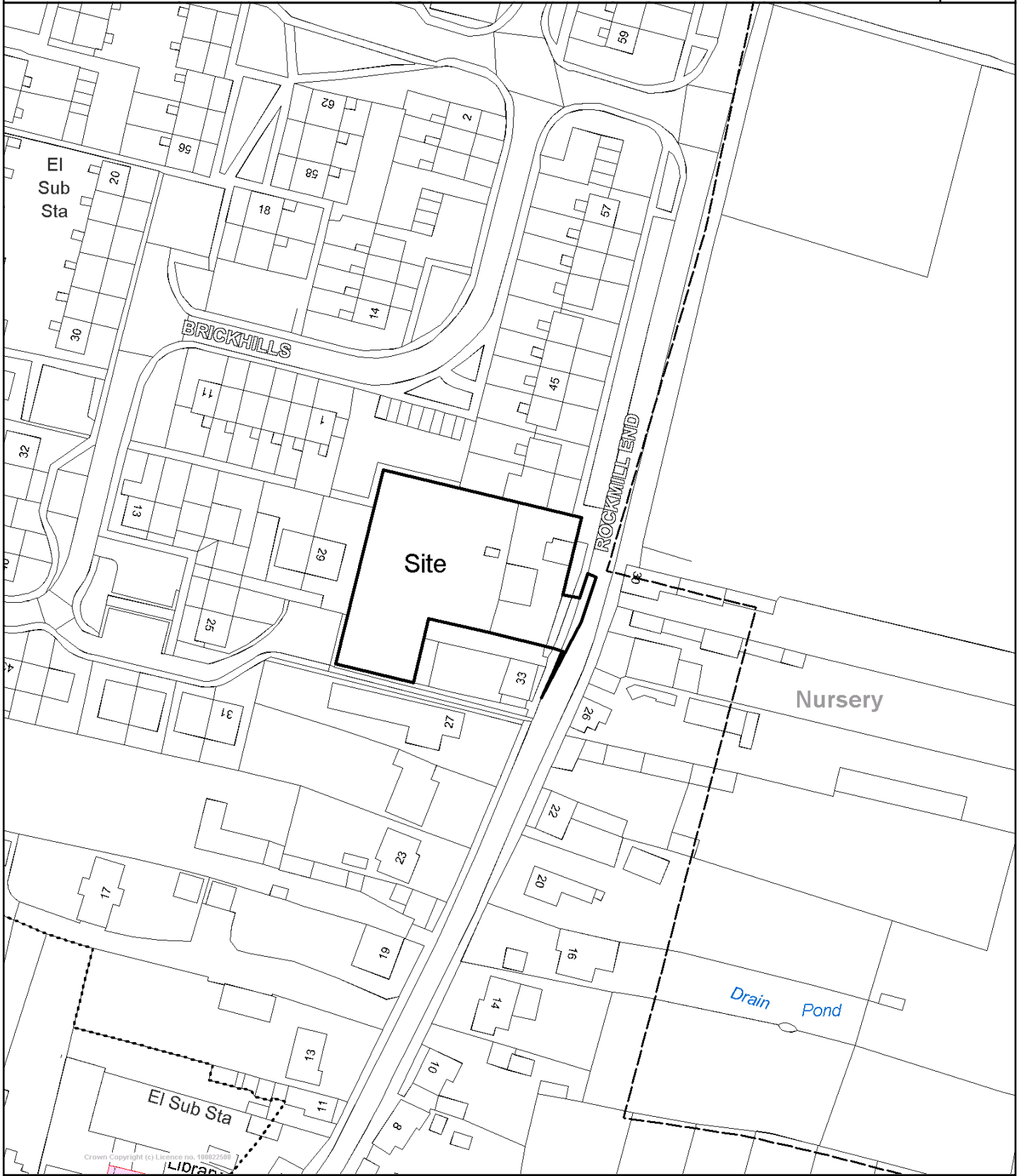
This Application has been reported to the Planning Committee for determination because the Parish Council objection does not accord with the Officer recommendation.

Members will visit the site on Monday 2nd April 2007

Site and Proposal

1. The 0.1822 ha site lies within the village framework close to the north eastern boundary of the village. A detached dwelling sits centrally within the Rockmill End frontage. To the north lie semi detached 1970s style properties. To the south a two storey period dwelling (The Old Dairy) that sits close to the back edge of the footpath behind a low wall (0.36m) with attached single storey range that lies on the site boundary. To the west lie bungalows. The site is 'L' shaped. To the south runs an adjacent public footpath that links Rockmill End to Brickhills.
2. There are no windows in the side elevations of the immediate bungalow to the west or in the semi detached dwelling to the north, although this has an attached conservatory that has obscure glazed windows directly onto this northern site boundary. There are 3 small windows in the single storey range of the dwelling to the south.
3. The full planning application, received 15th November 2006, proposes to demolish the existing dwelling and erect 9 dwellings at a density of approximately 49 per ha. The dwellings fronting Rockmill End would consist of ground floor and first floor flats forming 6 of the dwellings. To the rear is proposed a terrace of 1 two storey property and 2 1½ storey properties. Access to all dwellings is to be formed by a single shared access from Rockmill End. 15 car parking spaces are to be provided which is just in excess of 1½ spaces per dwelling.
4. The dwellings that would front Rockmill End range between 6.8 and 7m in height to the ridge line. The dwellings either side are approximately 6.4m to the ridge. The proposed dwellings to the rear range from 6.2m to 7.5m in height.

S/2196/06/F



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Scale 1/1250 Date 20/3/2007

Centre = 540884 E 270616 N

April 2007 Planning Committee

Planning History

5. Outline planning permission was granted in June 2005 for the erection of 5 dwellings and garages following demolition of the existing house. This permission has not been implemented but is extant. Siting and the means of access were approved. The approved siting indicated 3 houses on the frontage with Rockmill End with 2 bungalows to the rear. The 3 frontage properties each had its own point of access. The density is approximately 27 per ha.

Planning Policy

6. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 ('the 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 P5/3** of the Structure Plan states (in part) that densities of at least 40 dwellings per hectare should be sought in locations close to a good range of existing or potential services and facilities and densities of less than 30 dwellings will not be acceptable.
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 HG10** of the South Cambridgeshire Local Plan 2004 (the Local Plan) states (in part) that residential developments will be required to contain a mix of units providing accommodation in a range of types, sizes (including 1 and 2 bedroom dwellings) and affordability making the best use of the site, the design and layout of schemes should be informed by the wider character and context of the local townscape and landscape.
10. **Policy ST/5** of the adopted South Cambridgeshire Local Development Framework Core Strategy lists Willingham as a Minor Rural Centre where schemes of up to 30 dwellings may be permitted.

Consultation

11. **Willingham Parish Council** – recommends refusal. It states:
"Overdevelopment (ref. SCDC letter of 7.6.06 from Ray McMurray to Mr Hardiman of Hardiman Associates Ltd);

Part of the land included in the proposed visibility splay is not in the applicant's ownership;

The application proposes a 2-storey building very near to the single-storey part of the next door dwelling (the Old Dairy)".

12. **Cambridgeshire County Council Chief Financial Planning Officer**
An education contribution of £22,000 is needed to provide additional facilities at the village school, including provision for under fives, the secondary school at Cottenham which serves Willingham and various community facilities and amenities to be provided under the auspices of the Parish Council in the village itself.

13. **Old West Internal Drainage Board**
Provided soakaways are used to accommodate all run-off from the site the Board's surface water receiving system will not be affected.
14. **Cambridgeshire Fire and Rescue Service**
Additional water supplies for firefighting are not required. Access and facilities for the Fire Service should be provided in accordance with the Building Regulations Approved Document B5, Section 17.
15. **Chief Environmental Health Officer**
No objections subject to informatives to require a Demolition Notice prior to demolition and to restrict bonfires and the burning of waste during demolition and construction.
16. **Environment Operations Manager**
No objections, confirms arrangements for refuse storage and collection and access are acceptable.
17. **Local Highways Authority**
No objections subject to conditions to control visibility, access and parking. The access must not comprise radius kerbing and the footway along the frontage should be increased to a minimum width of 1.8m to be completed prior to the occupation of any of the dwellings.

Representations

18. One letter of objection has been received from the occupiers of The Old Dairy, 33-35 Rockmill End. The points are summarised below:
 - (a) The proposed plots 4 and 5 are very close. This will cause problems of maintenance.
 - (b) Fencing on this boundary will effectively 'board up' three windows which will affect light.
 - (c) Close proximity raises structural integrity issues.
 - (d) Loss of privacy from side facing kitchen windows.
 - (e) Line of sight at the front will prevent any future wall being erected at the front of The Old Dairy.
 - (f) Plot 3 is also very close, footing could cause structural problems with existing wall.
 - (g) First floor bathroom window will overlook garden.
 - (h) Single storey range comprises 3 bedrooms, a playroom, bathroom and a study. There is no cavity wall. Noise will therefore be suffered from the creation of 9 dwellings.
 - (i) A subsequent letter from the occupiers of this property states that they are prepared to enter into a legal agreement to protect the sight lines across the corner of their property.

Planning Comments – Key Issues

19. Given that the principle of development accords with Development Plan Settlement Policy, the key issues to consider in the determination of this application are:
- Impact upon the visual quality of the street scene
 - Impact upon residential amenity
 - Impact upon highway safety

Street scene

20. The proposed dwellings fronting Rockmill End are approximately 0.6m taller than those either side but still a modest 7m or so. I do not consider they will appear over dominant in the street scene and the spacing of the buildings is similar to the approved scheme for five dwellings.
21. Rockmill End contains a range of dwellings of varying ages and styles and there is no particular continuity of design or placement in the street scene. With the use of good materials these dwellings would not appear out of character.
22. The dwellings to the rear will turn their backs on the footpath which is a change from the approved scheme and will serve to enclose the footpath with rear garden fences for approximately 20m of its length. However I do not consider this somewhat negative aspect of the scheme would be sufficient to justify refusal. The bulk of the building mass steps away from the east, and more central part of the site, towards the west to effect a transition to the single storey heights of the adjacent bungalows. The design is varied and the buildings are set back approximately 15m from the footpath. I do not consider these dwellings will appear incongruous or dominant in the street scene or when viewed from the footpath.
23. The Old Dairy (dwelling to the south) does have a positive impact in the street scene. The new buildings although taller will be set back from it and will not in my opinion impinge on its visual importance in the street scene.

Residential amenity

24. With regard to potential loss of light, the buildings have been sited such that no significant overshadowing of existing properties will occur. Although the scheme introduces a further 4 dwellings from that approved, the position and bulk of the building mass is similar. The dwellings to the rear of the site have been located such that they are set forward of the bungalows to the west and will not result in any significant loss of light to the rear gardens of these properties particularly as the height steps down to just 3m on the boundary with a ridge of only 6.2m set some 9m from the nearest bungalow. Some overshadowing of the front garden of this property and a small loss of morning sunlight to its front facing windows may occur but the dwellings are sufficiently separate such that this is not unacceptable.
25. There will be a loss of light to the conservatory at the rear of No. 39 which lies directly on the northern site boundary and is likely to be blocked by boundary treatment. However, this is no different from the approved scheme and there is currently no restriction on the erection of fences (below 2m) or planting such that the occupiers of this property do not have any reasonable expectation of southern light into this conservatory. I note, however, that the main building mass does not lie adjacent and some light may still reach the south facing windows of the conservatory depending on the height of fences or planting.

26. The same situation arises for the single storey range to The Old Dairy in that a proposed fence along its length will block windows. The occupiers of this property have this concern and also concerns about future maintenance. This is addressed through the Party Wall Act but the blocking up of windows with a fence is regrettable. However, as above it is likely to have occurred through the approved scheme and could occur without the need for specific planning permission in any case. Although I understand the neighbours' concerns I do not consider this would amount to a justification to withhold planning permission.
27. The positioning of the dwellings in relation to existing properties will not result in any overbearing impact which viewed from within these properties or from their gardens.
28. With regard to privacy there will be no significant views into the rear gardens of existing properties other than from oblique angles. The rear facing bedroom window in plot 1 will afford views towards the rear of the adjacent rear garden but most of the garden will remain private.
29. Windows in the side elevations of the rear dwellings (plots 1 and 3) do not serve habitable rooms and can be required to be obscure glazed.
30. A kitchen window in the first floor southern elevation of plot 4 would look towards the rear garden of the adjacent property to the south but views from this window will be obscured by the existing single storey range. This is evident from the submitted street elevation.
31. A kitchen window in the north elevation of plot 9 will look towards the blank southern elevation of the adjacent semi detached property and will only afford very oblique views over its garage into the rear garden.
32. A condition restricting new openings in the north elevation of plot 9, the first floor west elevation of plot 1 and the first floor east elevation of plot 3 together with a requirement for obscure glazing to the first floor windows in the west and east elevations of plots 1 and 3 respectively will ensure that acceptable levels of privacy are maintained.

Highway safety

33. I note the comments of the Local Highways Authority. Adequate visibility can be achieved but this does require the cooperation of the occupiers of the neighbouring property. A letter has been received that indicates that these neighbours are willing to enter into a Section 106 agreement which will ensure that the southern visibility splay remains clear of obstruction.
34. Sufficient space has been provided within the site to allow vehicles to turn so that they exit in forward gear and the parking provision accords with the Council's car parking standards.

Other matters

35. The scheme provides for bin storage and collection points. The collection point in the centre of the site may prove problematic but there will be sufficient space to the Rockmill End site frontage for bins so that if collections could not occur from the centre of the site they could occur at the front of its access.

36. The scheme is below the threshold for affordable housing requirement in the Local Plan and it is not therefore required.
37. The scheme is generally for smaller dwellings (1 and 2 bed) which fits with changing demographic patterns and will help to provide a better mix of dwellings in this locality.
38. The density is high and accords with the Development Plan without compromising any visual, amenity or highway safety issues.

Recommendation

39. Subject to the prior completion of a S106 to maintain visibility over neighbouring land and to require an education contribution, approval subject to conditions to control materials visibility splays (pedestrian and vehicle), access road width and maintenance of parking spaces, revised access detail, footpath widening, surface and foul water drainage and no further openings/obscure glazing where relevant.

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development)
P5/3 (Density)
P5/5 (Homes in Rural Areas)
 - **South Cambridgeshire Local Plan 2004:**
HG10 (Housing Design and Mix)
 - **South Cambridgeshire Local Development Framework (LDF) Core Strategy,**
adopted January 2007
ST/5 (Minor Rural Centres)
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
 - Surface 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 Files Ref: S/2196/06/F; S/0397/04/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4th April 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2330/06/F – WILLINGHAM

Siting of Gypsy Mobile Home, Touring Caravans, Kitchen/Day Room, Utility/Bathroom and Haybarn/Stable/Tack Room (Retrospective Application) at 5 Cadwin Field, Schole Road for Mr and Mrs Smith

Recommendation: Temporary Consent for 3 Years

Date for Determination: 2nd February 2007

Site and Proposal

1. Schole Road is an area of generally flat agricultural Fen land with few hedges. The application site itself is a rectangular plot measuring 32 by, on average, 22 metres forming part of a strip of land running south from Schole Road behind the property known as The Barns.
2. The application, received 8th December 2006, proposes residential use of the land by Gypsy travellers, involving one mobile home, one touring caravan, one portable kitchen/day room (5m x 4m), one utility/bathroom (5m x 2.4m) and one haybarn/stable/tackroom (6.8m x 2.4m).

Planning History

3. The site is in an area where there are a number of existing sites some of which have the benefit of planning permission while others are unauthorised
4. The site does not have any relevant planning permission but has in the past been the subject of illegal dumping including cars.
5. The strip of land containing the site is divided into 6 plots running north to south. Members may recall granting temporary planning permission for three years for Plots 1, 2 and 6 at the October 2006 Committee Meeting. Plots 3 and 4 are subject to injunctive action to prevent further encroachment.

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 Gypsies and Travellers.
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.

S/2330/06/F



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9. **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.
10. **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.
11. **Policy EN1** relates to Landscape Character Areas, and in respect of this site, it is concerned with respecting, retaining and wherever possible, enhancing the Fens Landscape Character & Natural Area.
12. **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 in summary 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 site would not adversely affect any buildings of historic or archaeological importance, or sites of wildlife or nature conservation value.
- (7) Where planning permission is allowed, built forms of development will not be permitted except for utility outhouses. Small stables will be considered on their merits depending upon need and the nature of the site.
- (8) The site has adequate infrastructural connections to local services including water supply.
- (9) The use would not detract from convenient, safe and enjoyable use of a public right of way.

13. Also relevant is **Circular 01/2006 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.

14. 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 Issues and Options Report was considered by the Member Reference Group on the 15th February 2007. 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. A second Issues and Options report will be prepared, and this will specifically identify potential sites within South Cambs for Gypsy/Traveller sites using the criteria already agreed. At this stage we expect the second Issues and Options report to be consulted on in Summer 2007.

Consultation

Parish Council

18. Willingham Parish Council recommends refusal:
- (a) "Proportionality – relating to the number of traveller sites already within the village;
 - (b) Consistency with previous decision;
 - (c) Sustainability in relation to existing village infrastructure and services;
 - (d) The Parish Council wishes to re-state, yet again, that, Willingham is entirely willing to take its fair share of traveller sites, but wishes to maintain that the District Council should be working to ensure that traveller settlements are spread evenly among all the parishes in the District. Once again, the Parish Council requests an indication from SCDC of when the District Council will consider that Willingham has reached saturation point".

19. **Chief Environmental Health Officer**

The application has been considered in respect of noise and environmental pollution and it is concluded that there are no significant impacts. It is recommended that, if the application is successful, the applicant should be able to comply with the attached site license conditions relating to permanent residential caravan sites.

20. **Traveller's Liaison Officer**

Comments are awaited.

21. **Old West Internal Drainage Board**

The Board does not object from a drainage point of view.

Representations

22. None

Personal Circumstances

23. The application includes a statement of need. The applicants state that they are aged 75 and 73 and have been travelling for work in the South Cambridgeshire area nearly all of their working lives (more than 60 years ago). They have family and friends in the area and all of their grandchildren live in Willingham on plots 1, 2 and 6 Cadwin Lane and their great grandchildren all attend school in Willingham. Esther is now disabled and needs the fulltime care of her husband Stanley but increasingly it is important to remain with the rest of the family who also provide for her care. They state that they have cleaned up the site and just wish to remain with their family.

Equal Opportunities Implications

24. Under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000, the Council has a statutory duty to eliminate unlawful discrimination and to promote race equality and good race relations. The Race Equality Scheme, updated by the Council in July 2006 with an update of the 2005 - 2008 action plan, gives priority to actions relating to Travellers, as the biggest single ethnic minority in the District (around 1.0% of the District's population). The Council is committed to treating everyone fairly and justly, whatever their race or background and the scheme gives priority to actions relating to Travellers. It also incorporates recommendations from the Commission for Racial Equality's "Common Ground" report.

Planning Comments – Key Issues

25. The key issue is conflict with countryside policies and policy for Gypsy caravan sites with regard to the need to limit impact on the landscape and rural character of the area, and having regard to 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.
26. From the evidence of the photographs, a considerable amount of fly tipping had taken place on the site, and it is now much tidier.
27. In terms of the relevant criteria it is reasonably well located for schools, shops and other local services. Indeed the applicant's great grandchildren attend local schools. 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 am not aware of any service provision issue.
28. The site is already well screened and the existing barn building on the adjacent site already has a significant visual impact. It follows that in itself this proposal will not have a significant impact on the landscape. If it is granted permission, I am confident that appropriate landscaping could take place to reduce its impact.
29. There are no highway issues resulting from its use, nor are there any significant conservation, archaeological or wildlife issues.
30. There have been no adverse comments from any of the service providers, and drainage will be conditioned and subject to further approval. It would not adversely detract from the use of a public right of way.
31. As set out in the Policy section, the principle of Travellers' sites in the countryside are acceptable. There is nothing intrinsically wrong about this site's relationship with the other properties in the area since it is some distance from any other residential property, and the use of the access would not affect residential amenity.
32. While there have been issues of car breaking and burning in the past, these by and large pre-date the current residential use.
33. 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 Traveller sites within the Parish to be properly considered since this is one of the issues that the Council will be consulting on in preparing its G&TDPD.

Recommendation

34. That temporary permission be granted for 3 years subject to conditions.

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
- Circular 1/2006
- Cambridge Sub-Region Traveller Needs Assessment 2006
- Gypsy and Traveller Development Plan Document
- Planning Application Files Ref: S/2330/06/F, S/1653/05/F, S/1654/05/F and S/0788/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee4th April 2007**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

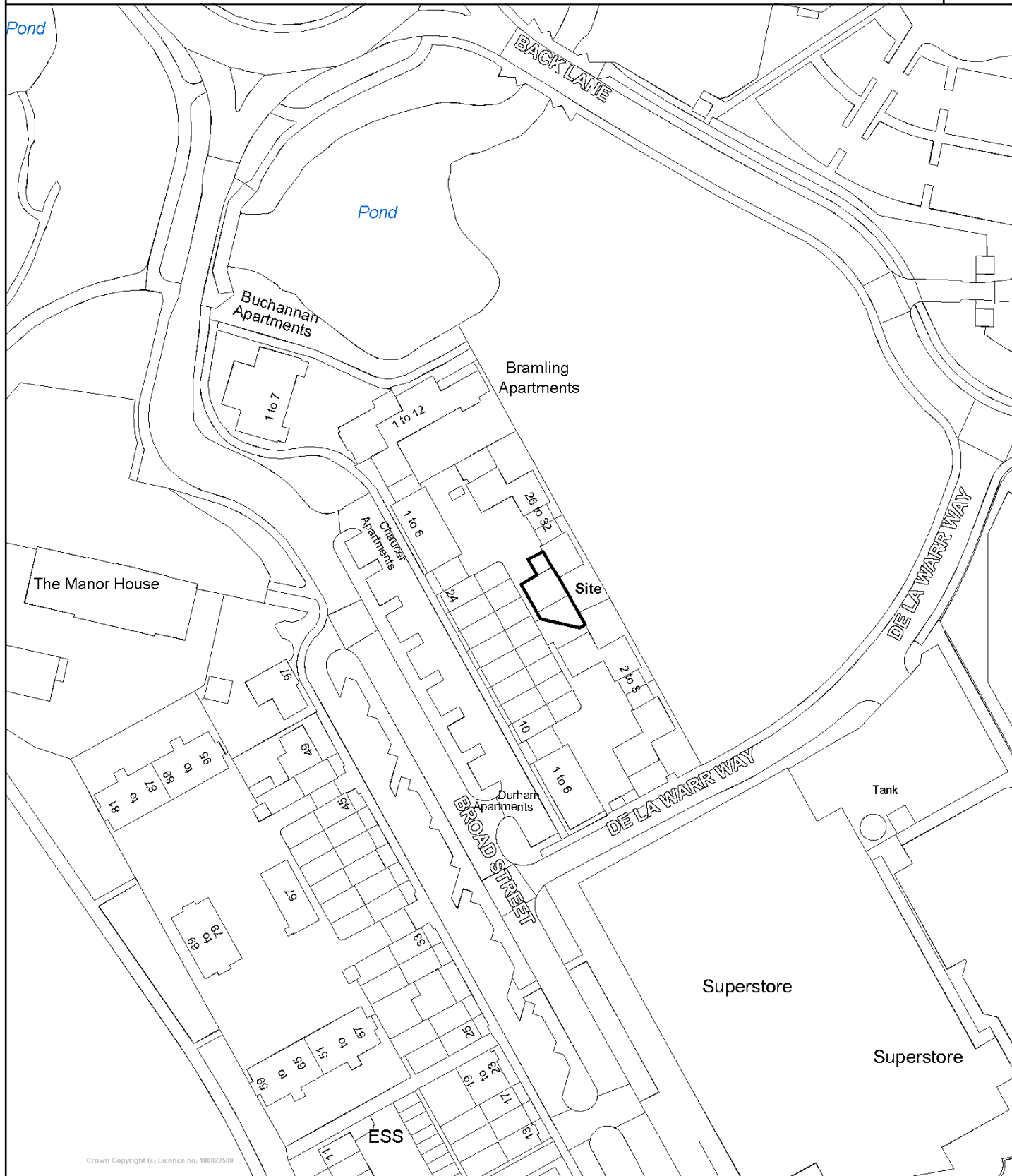
S/6392/07/F - CAMBOURNE**Change of Use from Live/work Mixed Use (B1/C3) to B1 Office Use Only at 26 Broad Street (Plot 43) - for MRL Public Sector Consultants Ltd****Recommendation: Approval****Date for Determination: 4th April 2007**

This Application has been reported to the Planning Committee for determination because the Parish Council recommend Refusal.

Site and Proposal

1. This property is located on the east side of Broad Street in a development marketed by Bryant (Taylor Woodrow) as "St James Gate". There are three-storey town houses and flats on the Broad Street frontage, with a parking area to the rear which serves Units 40 to 43 and six of the frontage residential units. The site is faced on the north side by a similar unit which backs onto four-storey flats with under croft parking (Bramling Apartments). To the east are some larger live/work units, all as yet unoccupied, and awaiting finishing. The applicant firm, MRL Public Sector Consultants Ltd, already occupies 8 Broad Street (Plot 44) which backs onto the application site.
2. The units comprise a ground floor space, approximately 30 sq.m. with adjacent toilet and utility room. They have residential accommodation on two floors above this. The application site has three bedrooms. The interior has not been finished nor fitted out. Each unit has two car spaces allocated, some within carports. This unit has a rear garden of 44 sq.m. and 12 metres separation from no. 8. If permission were granted for the change of use, a link would be made between the two gardens so that pedestrian access between the two offices would be direct. Vehicular access to the site is from the service road parallel to Broad Street, through a tall archway beneath/between the frontage blocks. The bus services to Cambridge and St Neots stop 100 metres to the south outside the supermarket.
3. The proposal is to use the premises in connection with the existing management consultants' office at no.8, so that archive storage and reprographic functions can be given greater space. The ground floor "workshop" would become a reception and work area, the first floor for archiving and reprographics, and the top floor would be a meeting room and a staff "breakout" area.
4. The application is accompanied by a new Travel to Work Plan which explains that the nature of the consultancy involves most of the consultants working at

S/6392/07/F



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their clients' sites, and describes facilities and incentives for staff to use other modes of transport than private cars. At present, because staff live locally, only two bring a car to the existing adjacent premises. An additional member of staff is proposed as part of the firm's expansion, and the application site has two car spaces.

Planning History

5. **S/6338/06/F** – Change of use of 8 Broad Street from mixed use to office – Approved, for the purposes of the current applicant only.
6. **S/6369/06/F** - Removal of Condition 20 of Planning Approval S/6233/04/F to Allow Plots 40 - 43 and 45 - 47 Inclusive to be used as Wholly Residential Units Rather than Live/Work Units.
7. **S/6233/04/F** - Erection of 39 Dwellings and 8 Live / Work Units.

Planning Policy

8. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007 Policy**

ST/4 Rural Centres – Development in proportion to services and facilities, and with good access to, among other things, employment opportunities.

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

EM6 – Allows for new employment at Rural Growth Settlements provided there would be no adverse impact on residential amenity, traffic conditions, village character and other environmental factors, and would contribute to a greater range of local employment opportunities.

Consultation

9. **Cambourne Parish Council** – recommend refusal on the following grounds:
 - a. lack of parking space for the floor space available. Further changes of use would give rise to greater problems. Alternative space in Morrison's Car Park not appropriate due to development in the Commercial centre and associated parking requirements.
 - b. Supporting travel plan is out of date.
 - c. The further loss of mixed use live/work premises would not accord with the provisions of the approved Cambourne Master Plan and Design Guide for "Country Studios" on the site, thereby reducing the opportunity for creation of a sustainable community with a variety of employment opportunities and fewer journeys to work.
 10. **Local Highway Authority** – No comment
- ### **Representations**
11. None received

Planning Comments – Key Issues

12. The key issues in this instance are residential amenity at surrounding properties, adequacy of car parking, and provision of employment premises in accordance with the Cambourne Master plan, Design Guide and Briefing Plan for this area.
13. The application is for the change of use of this mixed use building from a dwelling with ground floor office, to purely offices. Most of the staff are out on clients' premises rather than in the office, apart from team meetings, etc. The occupation of the building would be low density, some rooms being used purely for meetings, presentations and specific staff even though they are not there very often. Clients do not visit the premises. The main aspect windows of the building face directly onto the premises already occupied by MRL, so there would be no additional intrusion of commercial activity on privacy by virtue of office occupation of the upper floors. The low level of activity at the premises would not be more intrusive than the permitted live/work use; normal office hours would be 0900 to 1800 Monday to Friday, and no air conditioning equipment is anticipated. This is acceptable in accordance with Policy EM6 of the South Cambridgeshire Local Plan 2004.
14. The applicant has submitted a Travel for Work plan (updated and resubmitted following the Parish Councils comments) to show targets to reduce car use. The applicant lives at Cambourne as do some staff, and the bathroom facilities allow for changing and drying. It is intended to install a shed at the rear for bicycle storage. The 2 parking spaces have proved sufficient for this particular business and its travel plan, but an unfettered B1 use could well lead to the additional premises being more densely populated and more frequently occupied. It is therefore appropriate to restrict the use by condition to this named business only, to revert to mixed use upon cessation. With these conditions, the proposal accords with Policy TP1 of the South Cambridgeshire Local Plan 2004.
15. The Cambourne Design Guide indicates this area for "Country Studios". This was interpreted as a requirement for employment premises, and that was the basis for resisting the development of parcel CR03 for solely residential purposes, and allowing live-work units instead. Planning permission for MRL's current premises at no.8 was granted in consideration of the need for employment opportunities locally, and the firm's relocation from Caldecote to be closer to staff resident in Cambourne. It is therefore considered that the proposal complies with Policy EM6 of the South Cambridgeshire Local Plan 2004.

Recommendation

16. Approve - subject to the following conditions.

Conditions

1. Standard 3 years to implement;
2. The Travel for Work Plan hereby approved shall be implemented as approved during the occupation of the site by the applicant company.
(Reason: In the interests of sustainability, residential amenity and highway safety in accordance with Policies Cambourne 2 and TP1 of the South Cambridgeshire Local Plan 2004);

3. No person, business or company other than MRL Public Sector Consultants Ltd shall occupy the building. Upon cessation of use of the building by MRL Public Sector Consultants Ltd, the building shall revert to mixed C3/B1 use as granted by planning permission S/6233/04/F, unless otherwise permitted by the Local Planning Authority.
(Reason - Permission is only granted in this instance having regard to the nature of the applicant business, in the interests of neighbouring residential amenity and to avoid the overdevelopment of the site in accordance with Policies Cambourne 2 and EM6 of the South Cambridgeshire Local Plan 2004);
4. The site shall not be occupied until details of a secure cycle storage facility have been submitted to and approved in writing by the Local Planning Authority, and subsequently installed. The storage facility shall subsequently be retained for use by staff.
(Reason - To ensure the successful implementation of the Travel for Work Plan in the interest of sustainability in accordance with Policies Cambourne 2 and TP1 of the South Cambridgeshire Local Plan 2004.)

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - a. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007 Policy**
ST/4 Rural Centres – Development in proportion to services and facilities, and with good access to, among other things, employment opportunities.
 - b. **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
EM6 – New employment at Rural Growth Settlements

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

- Local Development Framework Core Strategy adopted January 2007
- South Cambridgeshire Local Plan 2004
- Planning files ref. S/6338/06/F, S/6369/06/F and S/6233/04/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4th April 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1631/06/F - Cottenham

Use of Land as a Gypsy Caravan Site – 5 pitches (retrospective application) Plots 5, 5A, 6, 10 & 11 Orchard Drive, Smithy Fen for M O'Brien, N O'Brien, M O'Brien, N Slattery & M Heggerty

**Recommendation: Refusal
Date for Determination: 3rd October 2006**

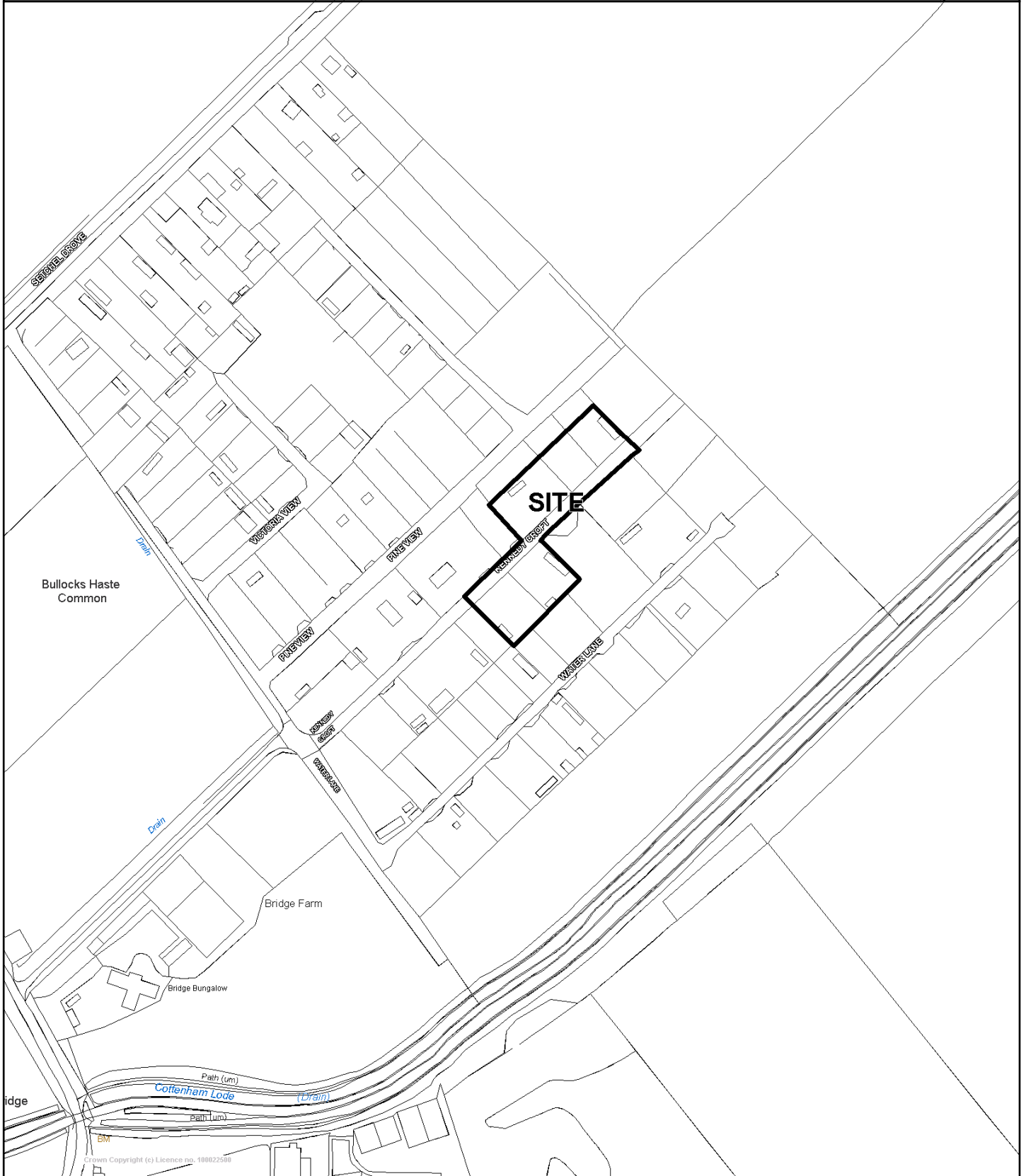
Site and Proposal

1. Smithy Fen is an area of generally flat agricultural Fen land with few hedges. Setchel Drove joins Lockspit Hall Drove to the west and this road meets Twenty Pence Road, The B1049, to the southwest. Smithy Fen Bridge takes Lockspit Hall Drove over a Watercourse, Cottenham Lode, which is edged by public footpaths on embankments. Lockspit Hall Drove provides access to several homes and farmsteads. Cottenham has a comprehensive range of facilities including food shops, multi-purpose shops, a post office, library, play school, primary school, village college and doctors' surgeries.
2. Plots 5,5A & 6 are to the north of what has been called Kennedy Croft. Plot 5 has a frontage of approximately 30 metres and a depth of 10, while 5A and 6 have the same depth of 10 metres but have half the frontage at 15 metres.
3. Plots 10 and 11 are to the south of Kennedy Croft and they each have a frontage of 22.5 metres and a depth of 25.

Planning History

4. The application, received 8th August 2006, proposes the retention of use of land as a residential caravan site for a temporary period of 4 years. The 5 plots are occupied by members of the extended O'Brian family, who have lived on these plots for the past 4 years. Three of the five families have children attending local schools.
5. The site is in an area where there are a number of existing sites some of which have the benefit of planning permission while others are unauthorised. Smithy Fen is part of the countryside to the northeast of Cottenham. A rectangular tract of land within Smithy Fen, approximately 7.5ha in extent, has seen extensive caravan development. The map accompanying this report shows the extent and location of the development. There are two areas of approved Gypsy Caravan Sites in the rectangle, separated by land in between without planning permission. In the northern sector of the rectangle there are 22 approved plots, most gaining access from Setchel Drove. In the southern sector of the rectangle there are 15 plots gaining access from Water Lane and Orchard Drive.
6. There has been some subdivision of these plots resulting in there now being some 48 plots on the approved gypsy caravan land. The existing permissions allow for a minimum of 63 caravans to be on the approved plots.

S/1631/06/F - Cottenham



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7. Most of the northern sector of Gypsy occupation, plots 2-12 Setchel Drove and 'Park Lane', Setchel Drove and the southern sector are long-standing. However, in 2003 planning permission was granted, on appeal, for a 4 plot Gypsy Caravan Site, 'Pine Lane', which is to the south of the Park Lane plot and in the western part of the land between the northern and southern sectors. A large part of the land between the northern and southern sectors, 'Pine View', was occupied by Gypsies in 2003, with their caravans, without planning permission. On 11 March 2005 the First Secretary of State dismissed 12 appeals concerning the gypsy occupation of this land. Further, on 7th December he also dismissed 6 appeals on land at Victoria View. Other land within the rectangle, including land to the rear of the approved 2-12 Setchel Drove plots, is occupied by gypsies without planning permission.
8. The site formed part of a larger area that was refused planning permission for 4 caravans under application **S/0248/F** in 1992.
9. 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 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.
10. Enforcement notices were served on the land in June 2005. Appeals against the notices served on plots 5, 5A, 6 and 10 were lodged and the decisions made in May and June 2006. They were all dismissed and the grounds of appeal included that planning permission should be granted. Hence in coming to his decision, the Inspector had to consider all the issues that are now for the Council to weigh in coming to a balanced decision.

Planning Policy

11. The relevant Development Plan comprises the approved Cambridgeshire & Peterborough Structure Plan 2003 and the adopted South Cambridgeshire Local Plan 2004.
12. **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.
13. **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.
14. **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.
15. **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.
16. **Policy EN1** relates to Landscape Character Areas, and it is concerned with respecting, retaining and wherever possible, enhancing landscape character.

17. **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 would have minimal impact on the amenities of existing local residents and adjoining land uses; concentration of sites will be avoided.

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.

- (2) The site can be satisfactorily assimilated into its surroundings by existing or proposed landscaping; an approved landscaping scheme will be required.

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.

- (3) 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.

18. 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

19. 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.

20. 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 Reps 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.

Page/Policy	Action
APPENDIX 4	
	Remove reference to 'Gypsy Preference Areas' from scoring matrix.

Powers under section 70A of the Town and Country Planning Act 1990 to decline to determine the application

21. Counsel has stated in a written opinion that the application made for temporary permission does not fall within the ambit of section 70A, and it would not be reasonable, proper or lawful for the Council to decline to determine it under these powers.

Attached Reports

22. These provide information to Members on counts of Travellers, site provision and planning applications. They provide background information to inform Members when they come to a decision.

Consultation

Advertised 29th August 2006

Parish Council

23. Strongly recommends that these planning applications go undetermined or be refused for the reasons set out below:

1. Determination – Our records, based upon information given by SCDC, show that pitches 4* and 5 were refused planning permission in January 2002; plots 6* and 7* were refused in December 2002; plots 10 and 11 were refused in February 2006 (*Highlighted for the relevance of their proximity to the appeal pitches).

In any event on the 4th May and 8th June 2006 enforcement appeals for plots 5, 5A, 6 and 10m were dismissed with appeal pertaining to plot 11 having been withdrawn.

This Council is, therefore, of the belief that SCDC should decline to determine these applications under the powers granted by the ODPM Circular 08/2005 sections 1-17 (a precedent for the use of these powers would appear to be the refusal to determine similar retrospective planning applications at Moor Drove, Histon once Enforcement appeals had been dismissed).

2. This Council presented its Statement of Case covering Enforcement appeals for plots 5, 5A, 6 and 10 through solicitors Taylor Vintners in November 2005 and sees no reason to change the basis of its objections to occupation of these pitches.

The summary of this statement states “The Parish Council feels strongly, therefore, that the appeal proposal is contrary to both national and Development Plan Policies (and supports the views of the Local Planning Authority in that regard), indeed there are additional material considerations indicating that the proposal should not be permitted (such as the unacceptable nature of the

impact on community services, which is unfair to local residents, and the effect of s. 17 of the Crime & Disorder Act 1998), and accordingly these appeals should be dismissed.

SCDC has the full statement on file (we can provide a further copy if necessary) and we ask that a copy be appended to S/1631/06/F.

3. Legislation & Government Guidance – This Council acknowledges that there have been changes to the law, and/or planning guidance, since November 2005.

The Planning & Compulsory Purchase Act 2004, now fully functional, requires that the Regional Planning Board for the East of England keeps under review the Regional Spatial Strategy for its region. The intention of the Act, and ultimately the Secretary of State, is that a regularised planning system is cascaded down to the Local Planning Authorities which then, amongst other things must secure plans for the current and future accommodation of the Gypsies and Traveller in, and resorting to, their areas. The Act is supported by various Policy statements and particularly the ODPM Circular 1/2006 with its express “code of conduct”.

It is this Council’s belief that the May and June appeal decisions (regarding pitches 5, 5A, 6 & 10) together with the June 2006 decisions of Mr Justice Silber (the Pine View injunctions) are unequivocally supportive of SCDC’s Gypsy and Traveller Policy- “as is” and “is evolving” – indicating as they do that there is no evidence of any breach of 1/2006b guidelines.

Conclusions

- a) SCDC need not determine these planning applications (and especially not that of plot 11) by virtue of the powers vested in it by Circular 8/2005.
- b) Should SCD decide that it must determine the planning applications then this Council repeats its objections as detailed in the Taylor Vintners Statement of Case made on its behalf in November 2005 (as is on record at SCDC).

Environment Agency

24. No objections, Conditions relating to surface and foul water drainage are recommended.

County Highways

25. Has raised no objection to the proposal from a highway point of view.

Chief Environmental Health Officer

26. 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.

Old West Internal Drainage Board

27. This application is within the Old West Internal Drainage District. The Board’s surface water receiving system has no residual capacity to accept increased rates of surface water run-off created from development. The Board are concerned that an effective means of surface water disposal is incorporated into any development within its District.

28. The application states that surface water will be discharged to adjacent watercourses. All run-offs should be attenuated prior to discharge to any watercourse in this area. A consent is required directly from the Board to discharge surface water to any watercourse within the district thereby increasing the arte of flow.
29. The application states that foul sewage will be directed to "mains sewer". The comments of the Environment Agency should be sought in respect of foul water disposal. The Board expect that an effective means of foul water disposal is incorporated into any development within this area to protect the surface water receiving system from pollution.
30. There is a surface water land drainage pipe that passes through the area, the subject to this application. This pipe provides land drainage for a considerable area of land upstream to which third parties have drainage rights. Would you please ensure that the future function and maintenance of this pipe is safeguarded in any consent that your authority may issue. There should be no buildings/construction over this pipe work and no direct connection to it for any form of drainage.

Travellers Officer

31. Comments are awaited.

Cottenham Village Design Group

32. The Design Group is seriously concerned by the continuing applications of this type in Smithy Fen. Despite some development, this area, which is outside the village framework, is still essentially rural character with locally distinctive open view of fen edge landscape.
33. We also note that developments in this area do not conform to the essentially nuclear settlement pattern established within the parish and are likely to integrate poorly with the village and its facilities. In addition, we do not believe that caravans and mobile homes fulfil the high architectural standards and respect for locally distinctive building forms and materials that the Design Statement promotes.
34. We do not consider that these concerns are lessened at all by the temporary nature of this application. "*This is a landscape of wide views and open spaces*" (Cottenham Village Design Statement p.10).
35. "*Settlement patterns are a key to the distinctive nature of the village. New developments need to be integrated with the village and form part of linked overall pattern*" (Design Statement p.12).

Representations

36. A letter of objection from a neighbour in which the following comments were made:
 - (a) The Council should use its powers under Circular 08/2005 to refuse to determine these applications. Otherwise it is making a mockery of planning law if we are no further forward;
 - (b) Enforcement appeals were heard earlier this year for these pitches and were dismissed with the appellants being given 3 months to comply. This period has now passed;
37. Further a letter the Cottenham Residents Association has been submitted in which the following comments are made:

- a. Mr Heggerty of 11 Orchard Drive withdrew his appeal at the beginning of 2006 and since has been in breach of his enforcement notice
- b. That plots 5, 5A, 6, and 10 were determined post 2nd February when Circular 1/2006 was issued and thus Inspector McKay will have taken into consideration the Government's new guidelines.
- c. That the applicants were given the opportunity to give further comment in view of the new circular to the Inspector prior to the determining of the enforcement appeal; they made no such representation
- d. There has been no appeal against the Planning Inspector's decision
- e. The appellants were granted by Inspector McKay 3 months to cease occupation and return the land to its original agricultural state. This period has now expired and the applicants are therefore in breach of the original enforcement notices
- f. The Council should use its powers under Circular 08/2005 to refuse to determine these applications.
- g. These flagrant breaches of the original enforcement notices should be swiftly dealt with

38. Comments are made by the applicants' agent in a letter accompany the application and it is stated that:
- i. That the planning merits of these plots has not been considered at appeal;
 - ii. That the 5 plots are an extended family, and that this is a material; consideration; supported on appeal as it represents a traditional way of life;
 - iii. All the occupants were born in England and have chosen to adopt a more settled life to put their children to school – 3 of the 5 having children at school locally;
 - iv. Through the planning process there is a reasonable expectation that alternative sites will be available in 4 years time, and that where there's unmet need and a lack of alternative sites, serious weight should be given to granting a temporary consent;
 - v. They should not be moved from land they own where they have access to mains services, health and education until there is some lawful alternative place for them to move to;

NB as stated earlier in the report, the enforcement appeal for 4 of the 5 plots considered the arguments that planning permission should be granted.

Personal Circumstances

39. 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 would bring clear and substantial benefits to the persons concerned.

Equal Opportunities Implications

40. 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

- 41. The key issues are:
 - a. Whether the development is in accord with countryside policies and policy for gypsy caravan sites with regard to the impact on the landscape and rural character of the area,
 - b. Impact on the amenities of existing residents,
 - c. Concentration of sites,
 - d. Sustainability and highway safety
 - e. Personal needs and circumstances
 - f. Alternative sites
 - g. Overriding need
 - h. Human rights
- 42. **Countryside Policies** - There is a clear breach of policies designed to protect the countryside. The development is beyond any village framework and so conflicts with Policy SE8. The appearance and character of this caravan development, with its motley assortment of touring and static caravans, sheds, fencing, hard surfacing and parked vehicles, is unsympathetic to the countryside. It relates most insensitively to the local rural environment and contributes nothing positive to the sense of place, identity or diversity of the distinctive fenland landscape character of the locality.
- 43. **Conformity with Gypsy Policy (HG23)** - The policy sets out clear, realistic criteria for gypsy sites. Many of the criteria have been met, and this has been established on appeal in connection with other cases in the immediate area. However, this is not the case in respect of criteria 3 & 4 i.e. "effect on the rural character and appearance of the surroundings".
- 44. The possibility of crime and anti-social behaviour has been argued in respect of other decisions in the area. However, the very recent Court of Appeal case *Smith v. FSS and Mid-Bedfordshire DC* held that a gypsy site is not inherently a use that must cause concern, particularly if those fears are not based on evidence as to the characteristics of future occupants. There was no evidence that could be linked to the occupation of this plot.
- 45. Smithy Fen has "a historic atmosphere". It is inherently difficult for such a sensitive fenland landscape to assimilate gypsy caravans without harm to the rural character and appearance of the locality. The lawful areas of caravans have already caused harm and it would be undesirable to add to it. Any further addition to the approved plots should be resisted. Screening of development would look unnatural.
- 46. The cumulative impact of traffic, particularly along Lockspit Hall Drove would be partly responsible for inconvenience to other road users, although not sufficient to materially conflict with the policy

47. In conclusion, the proposals fail to comply with Policy HG23 (3) and (4) – visual impact. The remaining criteria are complied with.
48. **Precedent** is an important consideration. There is a considerable demand from gypsies to live at Smithy Fen. Much of this is from extended family groups. It is highly likely that the grant of planning permission would set a precedent. It would encourage the Pine View and Victoria View residents to remain on their sites and encourage others to settle. Ultimately, the justification for retaining the gap between authorised sites would become less and less. The consequences would lead to considerable conflict with criteria designed to protect the rural character of the area, to restrict the volume of traffic and the safe and convenient use of rights of way.
49. The ‘Smith’ judgement does not support increased fears re crime and anti-social behaviour. Neither was there any direct evidence from the services themselves, that health and education services would be adversely affected.
50. **Personal circumstances** - The personal circumstances of the occupants are little different from those that are often pleaded. This issue was considered as recently as June 2006 and the Inspector concluded in all the cases that they were not significant. The circumstances of those on pot 11 are not materially different. They should not carry very much weight in this case. It’s also important to note that a decision on an adjacent site in January 2007, an Inspector dismissed an appeal where the appellants argued at some length their personal circumstances.
51. **Alternative sites** - There has been no search by the occupants for alternative sites. Nonetheless, there remains a real and serious problem in finding alternative sites. There is an undisputed need for further gypsy sites. Approval would contribute to meeting the general need for sites. However there are compelling reasons as outlined above and detailed below in this case as to why consent should not be granted here.
52. **Overriding Need** - The development is not in accord with development plan policies and would materially harm the character and appearance of the surrounding countryside. No personal circumstances have been put forward that weigh significantly in the balance of the harm that would be caused to them as opposed to the legitimate planning aims. The cumulative effect of consent and elsewhere in the immediate area would cause serious harm. The harm is such that a temporary consent would not be appropriate.
53. **Human Rights** - Refusal of this application would interfere with the applicants’ home, private and family life. In particular it could lead to the loss of their homes without satisfactory alternative. However the applicants started living on the land without obtaining prior planning permission and so it has been established unlawfully. Nevertheless, the interference with and the rights of the applicants must be balanced against the wider public interest in pursuing the legitimate aims of the planning system. The harm caused is serious and a refusal would be an appropriate proportional response. On balance, a refusal would not have a disproportionate effect on the appellants in terms of their human rights.

Conclusion

54. There are no material considerations that either individually or cumulatively, demonstrate an overriding need for the development, sufficient to outweigh the harm to the rural area and the policy conflict.

55. I have considered the possibility of a temporary planning permission given the advice in Circular 01/2006, I have considered that the damage to amenity is unacceptable even for a temporary period. As resources allow the Council will continue to enforce against the continued breach of control.

Recommendation

56. A Refusal on the following grounds:
1. Cottenham lies on the edge of the Fens. The landscape is typically flat with wide open and long distance views and with little natural screening. The establishment of additional caravan sites at Orchard Drive would further consolidate the area covered by existing lawful caravan sites at Setchel Drove and Water Lane, making them more obtrusive in the landscape. The use of the sites has a significant adverse effect on the rural character and appearance of the area in that the former openness of the site and the contribution that it made to the gap between existing authorised sites has been eroded. The importance of the open area between existing authorised sites was recognised in both the "Pine View" appeal decision in March 2005 and the "Victoria View" appeal decision in December 2005. Further in the context of individual enforcement appeals in respect of plots 5, 5A, 6 and 10 in June 2006, the Inspector concluded that, "*the development would be harmful to the distinctive character and appearance of this open flat fenland landscape*". The site cannot be satisfactorily assimilated into its surroundings by existing or proposed landscaping. This, too, has been confirmed by Inspectors at appeal most recently in June 2006 when the Inspector commented "*I do not believe that the site could be satisfactorily assimilated into its surroundings by existing or additional landscaping*". Significant landscaping would also be contrary to the generally open landscape character of the surrounding area.

As such the development would not relate sensitively to the local environment or the distinctive landscape character of the area. The proposal is therefore contrary to Policies P7/4 of the Cambridgeshire and Peterborough Structure Plan 2003 and criteria 3 and 4 of HG23 and EN1 of the South Cambridgeshire Local Plan 2004.
 2. Approval of the site cannot be considered in isolation from its potential impact on the longer-term development of Smithy Fen. There are currently a number of other unauthorised sites on adjoining and nearby land. Approval of this application would create a precedent that planning permission should be granted for all of these unauthorised plots at Smithy Fen. This would be undesirable given the adverse impact on the character and appearance of the countryside already caused by existing lawful development. The Inspector in the context of his decision in June 2006 commented that "*if planning permission was granted contrary to development plan policy it would be likely to encourage other gypsies to the Smithy Fen area and could lead to pressure to develop gypsy plots across the whole 7.5 ha rectangle of land at Smithy Fen. The cumulative impact of such developments would*

be seriously harmful to the character and appearance of the surrounding landscape.”

3. The Council is unaware of any personal circumstances that are sufficient to outweigh the non-compliance with the development plan and the potential cumulative impact of the appeal site on the future development of Smithy Fen. The Council has had regard to the advice in Circular 11/95 paragraph 109 in respect of temporary permission and has concluded that the harm would be significant even for a temporary period and therefore such a permission cannot be justified. This was the same conclusion that the Inspector arrived at in June 2006.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- 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 Committee	4 April 2007
AUTHOR/S:	Corporate Manager – Planning & 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

Ms A Porter – Erection of retaining wall and infilling of bank to create an enlarged garden area – Rose Cottage, High Street, Horningsea – Appeal against enforcement notice allowed. Application for costs against the Council dismissed.

2. Enforcement action was authorised after a series of protracted negotiations involving the Cambridgeshire County Council as potential landowner, the Parish Council and the Horningsea Millennium Green Trust. The reasons for issuing the notice was alleged harm to the character and appearance of the conservation area, nature conservation interests and the future health of an Oak tree within the site. The concerns regarding nature conservation were later withdrawn.
3. The appellant had undertaken the works to reinforce the side of her rear garden, which abuts the bank of a stream. The bank was said to be wearing away and there was a need to provide better security for her children. These works had the approval of the Environment Agency, which had advised on the type of work that should be carried out.
4. The appellant argued that in the first instance, planning permission was not required for the timber retaining wall as it was a means of enclosure below the height required before planning permission is needed. The Council argued that the wall does not have an enclosing function and as the County Council owns part of the land, the works have involved a material change of use of the land. The inspector made it clear that he did not want to adjudicate on whether the County Council's objections and claims to the land were correct. As he found that the wall does not have an enclosing function, he concluded that planning permission was required. The land ownership issue was therefore immaterial.
5. The inspector did not doubt the works were necessary, nor that the roots of the tree had become exposed through erosion of the bank. He found that the appearance of the timber revetment was acceptable, given that it had started to weather and would continue to do so. It had been "carefully designed, using timber components of suitable form in a simple, functional manner". The appellant had introduced new planting which would help to screen the revetment. An existing fence on top of the bank is an insubstantial element and taken as a whole the development was

considered not to harm the character and appearance of the conservation area. Planning permission was therefore granted for the alleged breach.

6. The appellant applied for costs on the basis that the Council had failed to explain why planning permission was required. The enforcement notice was a disproportionate response to the alleged breach of planning control. Legal costs had been incurred. The Council replied that the appellant had been made fully aware why the alleged works needed planning permission. The reasons for issuing the notice had been fully substantiated.
7. In dismissing the costs application, the inspector concluded that the issues raised did not suggest an easy conclusion. There were several issues to be considered and the Council had been obliged to consider both the need for planning permission and the effect on the conservation area. In all the circumstances, the Council had been correct to take enforcement action and it had not acted unreasonably.

Comment: The County Council has continually claimed that it owns the land on which the retaining wall has been erected. It will now have to decide if it wishes to take any further action in its capacity as landowner.

P Norbury – Use of land as general builders yard and storage including the retail sale of goods, siting and letting of steel containers, erection of buildings and formation of aggregate bays – Clunchpits, London Way, Melbourn – Appeal against enforcement notice part allowed/part dismissed

8. This appeal involved two plots of land previously used as a timber yard. There is an existing lawful development certificate that allows use for the wholesale distribution of timber including manufacturing of pallets and ancillary processing. Permission also exists for a machinery storage building. The notice alleged harm to the character and appearance of the area and highway safety concerns from the increased use of London way and its junction with Back Lane. The appeal was considered by Way of a hearing at which two local councillors supported the appellant.
9. The inspector was mindful of the fall-back position should the appeal fail. In this case, it was likely the use as a timber yard could resume and in his view this was no more acceptable visually than the existing use as a builders yard. The additional buildings were not themselves visually intrusive. Retail sales had now ceased. He did agree, however, that the stationing of some 56 steel shipping containers was visually intrusive and were inappropriate in this rural area. They were used for a variety of storage purposes unrelated to the main use of the site and were likely to result in increased vehicular movements along London Way.
10. If permission were to be given for mixed use as a timber yard/ builder's yard, the inspector reasoned that conditions could be imposed that would provide greater environmental protection and require improvements to London Way in the interests of road safety. On balance, he found this to be a better approach to dismissing the appeal in its entirety.
11. Planning permission was therefore granted for the continued use as a timber yard as previously confirmed lawful and as a general builder's yard restricted to the larger (and less visually intrusive) plot of land within the site. No part of the land shall be used for retail sales. Other conditions restrict the height of stored materials to no more than 3 metres; hours of operation to be only between 0700 and 1700 Monday to Friday and between 0700 and noon on Saturdays; the need for landscaping and boundary treatment; and improvements to London Way. The landscaping, boundary

and highway works were required to be submitted for approval within one month (i.e. before 23 March 2006). At the time of writing, these details were still awaited.

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INDEX OF CURRENT ENFORCEMENT CASES
4th April 2007

Ref No	Location	See Page No for full update	Remarks
18/98	Setchell Drove COTTENHAM	1-2	Plot 7, 7A and Four Winds unoccupied. Plot 10 Appeal pending.
34/98	Camside Farm Chesterton Fen Road MILTON	3-7	Prosecution file submitted to Legal Office.
17/02	Land at Sandy Park Chesterton Fen Road MILTON	7-9	Temporary planning permission S/2364/06/F granted for 3 years for part of the site.
18/02	Rose and Crown Road SWAVESEY	9-11	Planning application being submitted.
8/03	Land adjacent to Setchell Drove COTTENHAM (B Land - Pineview)	11-13	On 30/31 st October 2006, Direct Action was taken to remove structures and hardstanding. Site being monitored.
9/03	Land adjacent to Setchell Drove COTTENHAM (G Land - Pineview)	13-15	On 30/31 st October 2006, Direct Action was taken to remove structures and hardstanding. Site being monitored.
10/03	Victoria View, Land at Plot 2 and R/O Plot 3 Setchell Drove COTTENHAM	15-16	Appeal to the High Court dismissed. Proceeding with application for an injunction.
15/03	Victoria View Land to rear of Plots 3, 4 and 5 Setchel Drove COTTENHAM	17-18	Appeal to the High Court dismissed. Proceeding with application for an injunction.
19/03	Land adjacent to Moor Drove Cottenham Road HISTON	18-19	Proceeding with application for an injunction.
9/04	Land adjacent to Cow Fen Drove SWAVESEY	20-21	Case listed at Cambridge Magistrates Court on 26 th April 2007.

Ref No	Location	See Page No for full update	Remarks
13/04	Scholes Road WILLINGHAM	21-22	Appeal allowed. Appeal made to the High Court by the Council against the decision.
15/04	Land adjacent 12 The Common WEST WRATTING	22-23	Planning application S/0075/07/F being determined.
18/04	The Orchard Smithy Fen COTTENHAM	23-24	Civil action resulted in clearance of caravans from the site. Site being monitored.
3/05	Land adjacent to Hilltrees Babraham Road STAPLEFORD	24-25	Case adjourned to 23 rd April for committal proceedings to the Crown Court.
10/05	6A Dale Way SAWSTON	25-26	Planning application S/0346/07/F submitted as a result of a change of ownership of the site.
13/05	Plots 5, 5a, 6, 10 & 11 Orchard Drive COTTENHAM	26	Planning application S/1631/06/F to be determined.
15/05	White House Farm Cambridge Road MELBOURN	26-27	Prosecution file submitted to Legal Office for breach of Enforcement Notice.
17/05	Manna Ash House Common Road WESTON COLVILLE	27-28	Appeal allowed. Remove from list.
18/05	Land off Schole Road (known as Cadwin Lane) WILLINGHAM	28	Three year temporary planning permission granted for 3 plots. Injunction granted on 18 th November restricting development on plots 3 and 4. Planning application S/2330/06/F to be determined for plot 5.
19/05	Former Plough Public House Swavesey Road FEN DRAYTON	28-29	Enforcement Notice not complied with. Prosecution file to be submitted to Legal Office.
1/06	Slate Hall Farm Huntingdon Road OAKINGTON	29	Planning Contravention Notice issued. Enforcement file being prepared.

Ref No	Location	See Page No for full update	Remarks
2/06	The Old Stack Yard Mill Green SHUDY CAMPS	29-30	Appeal dismissed. Compliance date 7 th April 2007. Site visit to be made.
4/06	Plot 15 Water Lane Smithy Fen COTTENHAM	30	Appeal dismissed on 29 th January 2007. Compliance date 28 th January 2008.
5/06	Plot 17 Adjacent to Pine View Smithy Fen COTTENHAM	30-31	Proceeding with injunctive action.
7/06	Land adjacent to Mill Lane and A1301 SAWSTON	31	Appeal dismissed. Compliance date 12 th April 2007.
8/06	Plot 15 1 London Way Clunchpits MELBOURN	32	Appeal allowed in part and dismissed in part. Compliance date 22 nd August 2007.
10/06	The Old Well 55 Station Road Stow-cum-Quy	32	Appeal dismissed. Compliance date 4 th June 2007.
11/06	Tesco Store Viking Way BAR HILL	32-33	Appeal dismissed. Compliance date 17 th March 2007. Verbal update to be given.
12/06	Unit J Broad Lane COTTENHAM	33	Enforcement Notice not complied with. Site is subject of other issues involving Environmental Health and Legal.
13/06	Rose Cottage High Street HORNINGSEA	33	Appeal allowed. Remove from list.
14/06	Fern Farm Short Drove COTTENHAM	33-34	Enforcement Notice not complied with. Prosecution file to be submitted to Legal.
15/06	Land at Quarry Lane HASLINGFIELD	34	Enforcement Notice appealed.
16/06	49 Broad Street CAMBOURNE	34	Enforcement Notice appealed.

Ref No	Location	See Page No for full update	Remarks
17/06	Land north of Schole Road WILLINGHAM	34	Injunction served on 27 th November 2006 to prevent further development of the site. Site continues to be monitored.
18/06	Land south of Meadow Road WILLINGHAM	34	Injunction served on 2 nd December 2006 to prevent further development of the site. Site continues to be monitored.
19/06	Land adjacent to Moor Drove HISTON	35	Injunction served on 7 th December 2006 to prevent further development of the site. Site continues to be monitored.
1/07	Lanacre 86 Chrishall Road FOWLMERE	35	Enforcement Notice appealed.
2/07	Land adjacent to Lanacre 86 Chrishall Road FOWLMERE	35	Enforcement Notice issued. Compliance date 31 st March 2007. Verbal update to be given.