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28 January 2008

To: Chairman – Councillor Mrs PS Corney  
Vice-Chairman – Councillor CR Nightingale  
All Members of the Planning Committee

Quorum: 4

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, 6 FEBRUARY 2008** at **2.00 p.m.**

Yours faithfully  
**GJ HARLOCK**  
Chief Executive

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## AGENDA

	PAGES
<b>PROCEDURAL ITEMS</b>	
1. <b>Apologies</b> To receive apologies for absence from committee members.	
2. <b>General Declarations of Interest</b>	1 - 2
3. <b>Minutes of Previous Meeting</b> To authorise the Chairman to sign the Minutes of the meeting held on 9 January 2008 as a correct record. The draft minutes are available on the Council's website by going to <a href="http://www.scambs.gov.uk/meetings">www.scambs.gov.uk/meetings</a> , and following the links to this Committee (Committees > Planning Committee > Browse meetings)	
<b>PLANNING APPLICATIONS AND OTHER DECISION ITEMS</b>	
4. <b>S/1332/07/F – Milton (Sandy Park, Chesterton Fen Road)</b>	3 - 10
5. <b>S/1857/07/F - Papworth Everard (St Francis of Assis Roman Catholic Church Ermine Street)</b>	11 - 20
6. <b>S/2125/07/F – Willingham (Land off Rockmill End/Spong Drove)</b>	21 - 30

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| 7.  | <b>S/2048/06/F – Willingham (2 The Willow rear of Green Acre, Meadow Road)</b>  | <b>31 - 38</b> |
| 8.  | <b>S/2147/07/F – Gamlingay (Land off Station Road)</b>  | <b>39 - 52</b> |
| 9.  | <b>S/2148/07/F – Gamlingay (Land off Station Road)</b>  | <b>53 - 66</b> |
| 10. | <b>C/6/9/1A – Histon (Park Lane)</b><br>Appendices 1 and 2 are available on the Council's website by going to <a href="http://www.scamb.gov.uk/meetings">www.scamb.gov.uk/meetings</a> , and following the links to this Committee (Committees > Planning Committee > Browse meetings)                        | <b>67 - 68</b> |
| 11. | <b>S/2101/07/RM- Impington (Land Parcel B1, Arbury Camp, Kings Hedges Road)</b>   | <b>69 - 80</b> |
| 12. | <b>1APP - the validation of planning applications</b><br>Appendices 1, 2, 3 and 4 are available on the Council's website by going to <a href="http://www.scamb.gov.uk/meetings">www.scamb.gov.uk/meetings</a> , and following the links to this Committee (Committees > Planning Committee > Browse meetings) | <b>81 - 84</b> |
| 13. | <b>Officer delegation procedures</b><br>Appendices 1 and 2 are available on the Council's website by going to <a href="http://www.scamb.gov.uk/meetings">www.scamb.gov.uk/meetings</a> , and following the links to this Committee (Committees > Planning Committee > Browse meetings)                        | <b>85 - 88</b> |
| 14. | <b>Fen Drayton: Former Land Settlement Association Agreement (1937)</b>   | <b>89 - 90</b> |

#### **INFORMATION ITEMS**

The following item is included on the agenda for information and, apart from the summaries element, is available in electronic format only (at [www.scamb.gov.uk/meetings](http://www.scamb.gov.uk/meetings) and in the Weekly Bulletin dated 30 January 2008). Should Members have any comments or questions regarding issues raised by the report, they should contact the appropriate officers prior to the meeting.

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|-----|---|----------------|
| 15. | <b>Appeals against Planning Decisions and Enforcement Action</b><br>Summaries of Decisions of interest attached.<br><b>Contact officers:</b><br>Gareth Jones, Corporate Manager (Planning and Sustainable Communities) – Tel: 01954 713155<br>John Koch, Appeals Manager (Special Projects) – Tel: 01954 713268 | <b>91 - 92</b> |
|-----|---|----------------|

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## EXCLUSION OF PRESS AND PUBLIC

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

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

Planning Committee – 6 February 2008 – Declaration of Interests

Councillor .....

**Personal / Personal and Prejudicial [delete as appropriate]**

Item no: ..... App. No. .... Villiage: .....

Reason:

**Personal / Personal and Prejudicial [delete as appropriate]**

Item no: ..... App. No. .... Villiage: .....

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**Personal / Personal and Prejudicial [delete as appropriate]**

Item no: ..... App. No. .... Villiage: .....

Reason:

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**Personal / Personal and Prejudicial [delete as appropriate]**

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

**Reason:**

**Personal / Personal and Prejudicial [delete as appropriate]**

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

**Reason:**

**Personal / Personal and Prejudicial [delete as appropriate]**

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

**Reason:**

**Personal / Personal and Prejudicial [delete as appropriate]**

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> February 2008**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/1332/07/F - MILTON****Change of use to 19 Gypsy Caravan Pitches (retrospective application) at Plots 1,3 & 5 Sandy Park, Chesterton Fen Road for Mr N O'Connor****Recommendation: Delegated Approval for temporary permission of 3 years  
Date for Determination: 20 February 2008 (Major Application)****DEPARTURE APPLICATION****Site and Proposal**

1. The site is on the north-eastern outskirts of the City in an area known as Chesterton Fen. The surrounding area is generally flat and much of the land is still open in character. The Cambridge to Ely railway line runs to the west, the river Cam and a towpath lie to the east and the A14 to the north. Chesterton Fen Road is a long cul-de-sac, which runs roughly northwards from the level crossing over the railway line to a point ending close to the A14 road. As this is the only access into the area, the Fen is relatively isolated.
2. The site is on the western side of the road. This L-shaped site is currently divided into a number of plots, most of which are occupied by caravans. There is one access into the site to the east off Chesterton Fen Road. There are also a couple of sheds and a mobile home to the front of the site. Immediately to the north west of the site is Sandy Park Caravan Site. Opposite the site are three longstanding Gypsy sites. There are other Gypsy sites to the south, interspersed with areas of open land.
3. The application is for the change of use to 19 Gypsy caravan pitches. This description was originally for 19 transit caravan pitches but has since been amended to gypsy caravan pitches. A Flood Risk Assessment accompanies the application.

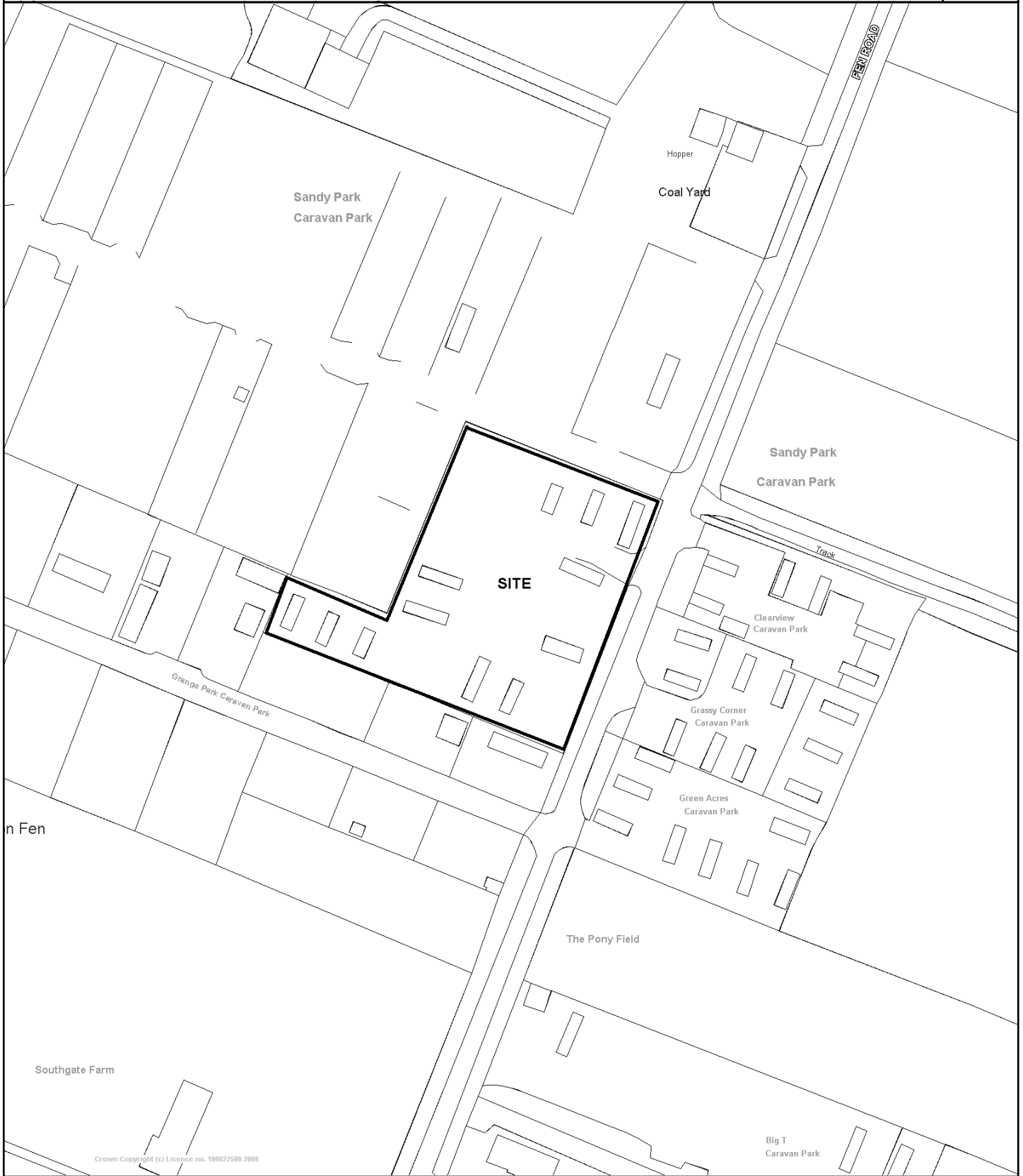
**Planning History**

4. Permission was refused in 2003 for a transit site for gypsies and construction of access and the appeal was dismissed S/0903/03/F refers.

**Planning Policy**

5. The relevant Development Plan comprises the approved Cambridgeshire & Peterborough Structure Plan 2003 and the adopted South Cambridgeshire Local Development Framework Development Control Policies 2007.
6. **Policy 9/2a** Green Belt specifies that a Green Belt will be maintained around Cambridge. Within Green Belt new development is to be limited to that required for agriculture and forestry, outdoor sport cemeteries and other uses appropriate to a rural area.

S/1332/07/F Milton



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February Planning Committee



7. **Policy CNF6** of the Local Plan says that the expansion of existing residential caravan sites or the sporadic siting of individual caravans will not be permitted, with the exception of an area on the west side of Chesterton Fen Road up to and including the Grange Park site where permission may be granted for private Gypsy sites to meet local need so long as they are properly landscaped and drained.
8. **Policy DP/1 Sustainable Development** only permits development where it is demonstrated that it is consistent with the principles of sustainable development. The policy lists the main considerations in assessing whether development meets this requirement.
9. **Policy DP/2 Design of New Development** requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.
10. **Policy DP/3 Development Criteria** sets out what all new development should provide, as appropriate to its nature, scale and economic viability and clearly sets out circumstances where development will not be granted on grounds of an unacceptable adverse impact e.g. residential amenity and traffic generation.
11. **Policy GB/1 Development in Green Belt** established that there is a presumption against inappropriate development in the Green Belt as defined by PPG2
12. **Policy GB/2 Mitigating the impact of Development in the Green Belt** where development is permitted landscaping conditions will be attached in ensure impact on Green Belt is mitigated.
13. 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.
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 Member Reference Group on the 15<sup>th</sup> 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:
1. The responses to representations on the GTDPD Issues and Options 1 Report and the Sustainability Appraisal at Appendix 3 be agreed.
  2. The list of Preferred Options at Appendix 2 be approved in order for stage 2, the site options search to begin.
  3. 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).
  4. The three-tier scoring matrix at Appendix 4 be used in the next stage of the GTDPD Issues and Options process.
  5. Authority be delegated to the Corporate Manager for Planning and Sustainable Communities, to make any minor editing changes necessary to the responses as set out in Appendices 1 and 3 with any which involve a material change being delegated to the Planning and Economic Development Portfolio Holder.
17. Arising out of the meeting, the following changes were recommended to Council and accepted at their meeting on the 22<sup>nd</sup> February:

<b>Page/Policy</b>	<b>Action</b>
<b>APPENDIX 3</b>	
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.
<b>APPENDIX 2</b>	
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.

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

18. A further round of consultation was programmed for September 2007; however this will now be subject to a delay to enable further work to be undertaken. A revised timetable will be produced in due course.

### Consultation

#### Advertised 31 July 2007

#### Milton Parish Council

19. Refuse. We would have more sympathy if we felt that this was a genuine transit site for the visiting travellers caravans. However we believe that the caravans are permanent although the occupants appear may be in transit. The caravans appear to be used for commercial lettings, for migrant workers. Should permission be granted we recommend extensive landscaping be carried out.

#### Representations

20. Local Councillor, Hazel Smith, has raised concerns about the site not being used as a transit site for gypsies but for hostel accommodation/short term lets. The applicant owns all caravans on the site and therefore it is not available for families in transit to pull their caravans onto. She wants to ensure that the County Highway would approve the road junction at Sandy Park. The fence is too high and causes a blind corner at junction. The long term transport plans for Cambridge East show 2 way bus traffic running the length of Fen Road. This will entail the widening of the road and the frontage of Sandy Park will be a bottleneck to this. There is no pavement here so can we have a pavement, verge and a hard layby area to the front of the development?

#### Environment Agency

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

#### County Highways

22. 19 residential units would be anticipated to generate around 95 motor vehicle trips (two-way) per day. Of those trips, 10% (ten trips) would be anticipated to occur in the morning peak, with a similar number in the evening. Therefore no significant adverse effect upon the Public Highway should result from this proposal should it gain benefit of planning permission. In the event that the Planning Authority is so minded as 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 interference with the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

**Chief Environmental Health Officer**

23. No significant impacts from an environmental health standpoint.

**Travellers Officer**

24. My understanding is that a transit site would allow people to pull on with their own tourer vans. As acknowledged this application is retrospective and the site currently contains in the region of 20 static vans. These are I presume are to remain so what facility is there for people to pull on with their own vans? Is the applicant stating that the current statics on site belong to the occupants? In definition such a site would be different from the one described in the application of a transit site which would be service blocks and concrete hardstanding allowing people to pull their own tourers on and off the site. Application makes no mention of provision for people to pull their own tourers onto the site. Confirm knowledge of occupant of site who has since left was not of Gypsy/Traveller ethnicity.

**Representations**

25. None

**Amended Consultation**

**Advertised 31 November 2007**

26. **Milton Parish Council** No recommendation. Should permission be granted we recommend that extensive landscaping be carried out. We understand that guidelines for development in the Green Belt recommend keeping fencing to a minimum. Please note the amount of 6' high fencing already at this site.

**Environment Agency**

27. No comments received

**County Highways**

28. No comments received

**Chief Environmental Health Officer**

29. No comments received

**Travellers Officer**

30. No comments received.

**Equal Opportunities Implications**

31. 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).
32. Planning is identified as being amongst the services most relevant to promoting race equality.
33. 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**

34. The key issues are conflict with countryside policies, Green Belt policy, concentration of sites, sustainability and highway safety and policy for Gypsy caravan sites with regard to the need to limit impact on the landscape and rural character of the area, together with the special circumstances that are argued here, and the advice in circular 1/2006 concerning temporary consent while councils such as South Cambs are preparing a Development Plan Document.
35. The site is basically clean and tidy and is set within an area of similar caravan developments. On balance whilst this is in a Green Belt Location the use would not significantly harm the openness of the Green Belt anymore than the adjacent authorised uses which benefit from temporary planning permissions.
36. The applicant has confirmed that he intends to offer the static mobile homes for rent to the Gypsy community. They will be able to bring a tourer on site with them or put their touring caravan into storage. Although he anticipates a high turnover of pitches he does not wish to discourage those who wish to use his site as a settled base and indeed he already has families occupying the site in this way. The applicant is only allowing bona fide Gypsies and is aware of the need to restrict occupancy to genuine Gypsy families. It is intended to operate the site more along the line of a public site by allowing occupancy by families unable to provide pitches for themselves. The site will be closely supervised by a resident warden (the applicant) and will be well managed. The applicant has no objection to a temporary permission.
37. In terms of the relevant criteria it is reasonably well located for schools shops and other local services. The site has limited impact on the amenities of neighbours. 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 a temporary permission while the Gypsy and Traveller Development Plan Document proceeds through the relevant planning stages is not unreasonable.
38. The highway issues have been carefully assessed by the Highways Officer, and I do not dispute the conclusion that there is no significant highway problems. There is no request for additional pavement or a layby.
39. There have been no adverse comments from any of the service providers including flooding and foul drainage.

40. The Council has accepted the need for additional Traveller sites in the immediate area in response to the clear need notwithstanding the area's inclusion within the Green Belt.
41. The consultations 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.

**Recommendation**

42. That the proposal, as amended by letter dated 13 November 2007, be referred to the Secretary of State, and subject to her agreement I request delegated power to grant a temporary permission for 3 years subject to conditions.

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

- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- South Cambridgeshire Development Control Policies 2007
- Circular 1/2006
- Cambridge Sub-Region Traveller Needs Assessment 2006
- Gypsy and Traveller Development Plan Document 2006
- Planning Files S/1332/07/F and S/0903/03/F

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

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> February 2008**AUTHOR/S:** Executive Director / Head of Planning Services

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**S/1857/07/F – PAPWORTH EVERARD****Erection of Two Dwellings, Garaging and Revised Access Following Demolition of Existing Church****Recommendation: Approval****Date for Determination: 23<sup>rd</sup> November 2007****Notes:**

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

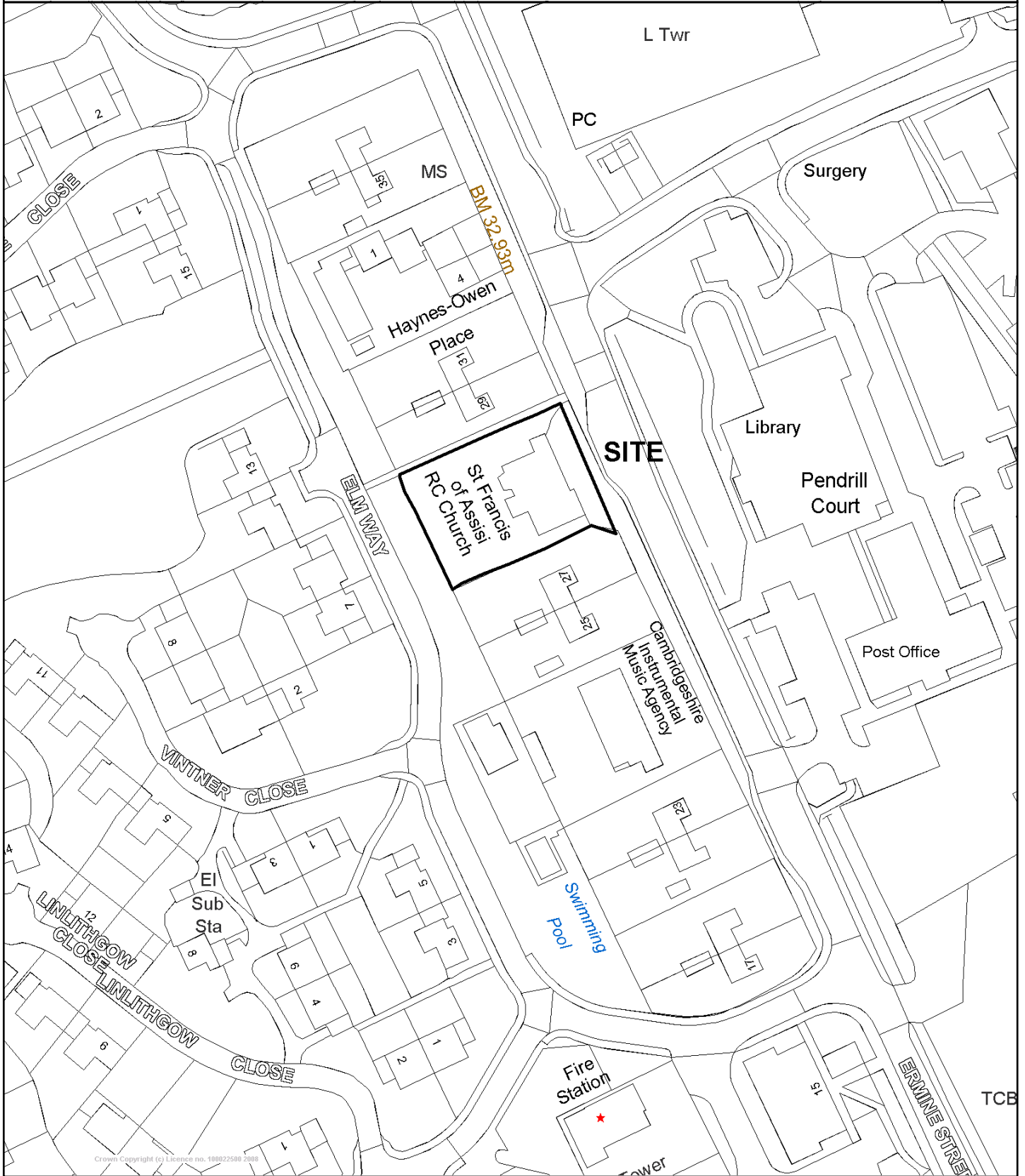
**Site and Proposal**

1. The site, measuring 0.1252 hectares (ha), lies immediately to the west side of Ermine Street, behind a lay-by. On the site at present is an existing single-storey church building, which is currently vacant. This structure broadly fills the width of the plot and is located behind two mature trees that are located on a grassed verge at the site's frontage. The southern most of these trees is the subject of a Tree Preservation Order. The remaining boundaries to the site are made up of a dense hedgerow to the south, a row of coniferous trees to the west and a close-boarded fence and pathway to the north. Within the site, immediately to the rear of the existing church building, is an overgrown area of grass and a fruit tree.
2. To the north and south are two-storey dwellings. Both structures are free from facing openings, apart from a single ground floor door in each. Beyond the rear (west) boundary of the site is an area of grassed verge that separates the site from Elm Way.
3. This full planning application, as submitted on the 28<sup>th</sup> September 2007, proposes the demolition of the existing vacant church building and its replacement by the erection of two detached dwellings, with single, detached garages to their rear and the creation of a shared access onto Ermine Street. The proposed dwellings are two-storey structures, each providing 4-bedroom accommodation.
4. The scheme equates to a density of 16 dwellings per hectare.

**Planning History**

5. **S/2435/02/O** – proposed the erection of two dwellings on the site, in outline. This application was withdrawn prior to determination.

S-1857-07-F



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6. **S/0752/74/O** – proposed a day nursery/playgroup use on the church site. Consent was granted for a temporary period of two years, after which the proposed works were to be removed from the site and the land be restored.

### **Planning Policy**

#### **Cambridgeshire and Peterborough Structure Plan 2003**

7. **P1/3 - Sustainable Design in Built Development** requires a high standard of design and sustainability for all new development, providing a sense of place appropriate to the location, efficient use of energy and resources and account to be taken of community requirements.
8. **Policy P6/1 - Development Related Provision** states development will only be permitted where the additional infrastructure and community requirements generated by the proposals can be secured.
9. **Policy P9/8 - Infrastructure Provision** identifies a coordinated approach to securing infrastructure improvements required to support development for the Cambridge sub-region. A programme encompassing for example, transport, affordable housing and education, amongst others is identified.

#### **South Cambridgeshire Local Development Framework 2007**

10. **Draft Site Specific Policy SP/8 – Papworth Everard Village Development** states that exceptionally, if the re-use or redevelopment of the area to be known as Papworth Everard West Central is required, development above the scale permitted in a Group Village will be permitted. Redevelopment will be based on a mixed-use development aimed at the continued invigoration of the village centre with community uses, employment and housing development. Any scheme for redevelopment must: be well related to, and respect the character of, Papworth Everard village centre; and integrate with the housing allocation to the south.
11. **Policy ST/5 – Minor Rural Centres** identifies Papworth Everard and states that residential development and re-development up to an indicative maximum scheme size of 30 dwellings will be permitted within village frameworks.
12. **Policy ST/6 – Group Villages** states that residential development and redevelopment up to an indicative maximum scheme size of 8 dwellings will be permitted within the village frameworks of Group Villages.
13. **Policy DP/1 - Sustainable Development** states development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form.
14. **Policy DP/2 - Design of New Development** requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.
15. **Policy DP/3 - Development Criteria** sets out what all new development should provide, as appropriate to its nature, scale and economic viability and clearly sets out circumstances where development will not be granted on

grounds of an unacceptable adverse impact e.g. residential amenity and traffic generation.

16. **Policy DP/4 - Infrastructure and New Developments** requires that development proposals should include suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. It identifies circumstances where contributions may be required e.g. affordable housing and education.
17. **Policy DP/5 – Cumulative Development** states that development will not be permitted where it:
  - (a) Forms part of a larger site where there would be a requirement for infrastructure provision if developed as a whole;
  - (b) Would result in a piecemeal, unsatisfactory form of development;
  - (c) Would prejudice development of another site adjacent or nearby.
18. **Policy DP/7 - Development Frameworks** states redevelopment of unallocated land and buildings within development frameworks will be permitted, provided that:
  - (a). Retention of the site in its present state does not form an essential part of the local character.
  - (b). Development would be sensitive to the character of the location, local features of landscape, ecological or historic importance, and the amenities of neighbours.
  - (c). There is the necessary infrastructure capacity to support the development.
19. **Policy HG/1 - Housing Density** is set at a minimum of 30 dph unless there are exceptional local circumstances that require a different treatment in order to make best use of land. Higher densities of 40 dph will be sought in the most sustainable locations.
20. **Policy HG/3 - Affordable Housing** at a level of 40% of all new dwellings on developments on two or more units is required to meet housing need. The exact proportion, type and mix will be subject to the individual location and the subject of negotiation. Affordable housing should be distributed in small groups or clusters. Financial contributions will be accepted in exceptional circumstances.
21. **Policy SF/1 – Protection of Village Services and Facilities** states that planning permission will be refused for proposals which would result in the loss of a village service, including village pubs, shops, post offices, community meeting places or health centres, where such loss would cause an unacceptable reduction in the level of community or service provision in the locality. The following matters will be considered in determining the significance of the loss:
  - (a) The established use of the premises and its existing and potential contribution to the social amenity of the local population;
  - (b) The presence of other village services and facilities which provide an alternative with convenient access by good local public transport services, or by cycling or walking; and

- (c) The future economic viability of the use including, in appropriate cases, financial information and the results of any efforts to market the premises for a minimum of 12 months at a realistic price.
22. **Policy NE/1 - Energy Efficiency** states development will be required to demonstrate that it would achieve a high degree of measures to increase the energy efficiency of new buildings, for example through location, layout, orientation, aspect and external design.
23. **Policy NE/6 - Biodiversity** requires new developments to aim to maintain, enhance, restore or add to biodiversity. The District Council will refuse development that would have an adverse significant impact on the population or conservation status of protected species, priority species or habitat, unless the impact can be adequately mitigated by measures secured by planning conditions. Previously developed land will not be considered to be devoid of biodiversity. The re-use of such sites must be undertaken carefully with regard to existing features of biodiversity interest. Development proposals will be expected to include measures that maintain and enhance important features whilst incorporating them within any development of the site.
24. **Policy NE/9 - Water and Drainage Infrastructure** indicates that planning permission will not be granted where there are inadequate water supply, sewerage or land drainage systems to meet the demands of the development unless there is an agreed phasing agreement between the developer and the relevant service provider to ensure the provision of necessary infrastructure.
25. **Policy TR/1 - Planning for More Sustainable Travel** states planning permission will not be granted for developments likely to give rise to a material increase in travel demands unless the site has a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel modes. The amount of car parking provision in new developments should be minimised, compatible with their location. Developments should be designed from the outset with permeable layouts to facilitate and encourage short distance trips by cycle and walking. Safe and secure cycle parking shall be provided.
26. **Policy TR/2 - Car and Cycle Parking Standards** states car parking should be provided in accordance with the Council's maximum standards, to reduce over reliance on the car and to promote more sustainable forms of transport.

### **Consultations**

27. **Papworth Everard Parish Council** – recommends refusal and comments “the application contravenes SCDC’s adopted and draft planning policies. In addition there are specific details and aspects of the site arrangements that are not appropriate when assessing the application on its merits.” The Parish Council’s comments in full are included as appendices. A summary of the points raised is as follows:
- (a) Site lies within Submission Site Specific Policy SP/8 area – Papworth West Central
- (b) Development Brief should be prepared for submission site to set out criteria which the District Council will take into account when determining applications.

- (c) Consider that policy requires Development Brief to be agreed before any development should take place.
- (d) No such document has yet been agreed and other applicants have suspended pending applications until such a document has been agreed.
- (e) Grant of consent would therefore be premature and would set a precedent for other sites with the policy area.
- (f) District Council is seeking a land equalisation scheme for site, towards provision of balanced provision of community uses etc across site. Grant of consent for this development would diminish likelihood of successful land equalisation scheme on rest of site.
- (g) Applicant does not acknowledge that site is within SP/8 area.
- (h) Density of housing proposed does not meet policy target.
- (i) Draft SPD identifies site for six cottages.
- (j) Site does not meet affordable housing requirements.
- (k) Proposed access crosses footway near a pelican crossing. Potential danger to children walking to school.
- (l) Hard surface area in front of dwellings is unattractive and out of character in the location
- (m) Disappointed that one of the two mature horse chestnut trees is to be removed.
- (n) Concerns would be addressed if access were re-directed to the rear of the site.
- (o) Any development needs to respect the building line on this side of Ermine Street North.
- (p) Boundaries are to be retained as existing – not appropriate for central village area and replacements should be specified.
- (q) Concern regards due process of application. Understood that application could have been considered at Chairman's delegation meeting.

28. **Local Highways Authority (Cambridgeshire County Council) – recommended and requested:**

- (a) Location of garages encourages unnecessary manoeuvring within the site. Would be better relocated closer to properties
- (b) Request radii details for access route, as a minimum 6m
- (c) Proposed access should be at least 5m for the first 5m to permit two cars to pass off the adopted Public Highway
- (d) Two 2.0m x 2.0m visibility splays to be provided within site curtilage, to be secured by condition.
- (e) Informatives should be attached to any consent regarding works in the Public Highway and the need for relevant licences and costs to be sought and borne by the applicant

29. **Housing Projects Officer** – no comments received.

30. **Trees and Landscape Officer** – no comments received.

31. **Cultural Services Manager** – no comments received.

32. **Chief Environmental Health Officer** – no comments received.

33. **Principal Planning Policy Officer** – comments that the site lies within an area designated by the Submission Site Specific Policies DPD Policy SP/8,

known as Papworth West Central. Although this plan has yet to be adopted it is a material consideration. The policy requires a holistic approach to the redevelopment of this area that will enhance the village centre. Achieving a mix of uses, including housing, employment and community uses, is an essential element of the policy. Whilst this is a small site in the context of the policy area, it is reasonable and appropriate to require a contribution towards community provision to be achieved offsite, on a scale appropriate to the development proposed.

34. **Archaeology (Cambridgeshire County Council)** – considers it likely that there are important archaeological remains on the site that could be severely damaged or destroyed by the proposed development. A condition requiring a scheme of archaeological investigations in accordance with PPG16 is required.

### **Representations**

35. No representations have been received.

### **Planning Comments – Key Issues**

36. The key issues in determining this planning application are:
- (a) Location within Submission Site Specific Policy Area SP/8 – Papworth West Central
  - (b) Affordable housing provision,
  - (c) Density and Character,
  - (d) Highways,
  - (e) Loss of Village Service
  - (f) Other Matters

### ***Location within Submission Site Specific Policy Area SP/8 – Papworth West Central***

37. The site is located within the northern peninsula of the Submission policy area, which extends largely to the south of the application site and includes its main body around Church Lane. The site forms a minor area of land, when compared with the size and nature of the allocation as a whole.
38. The submission policy seeks to ensure a mixed-use redevelopment of the site, to include residential development, as well as employment and community uses, that will enhance the village centre.
39. Considering the concerns raised in respect of the prematurity of the application, and the potential precedent that this would set for future developments, I am mindful of Para. 17 of the Communities and Local Government's publication *The Planning Systems: General Principles* which states that "in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal

for development which has an impact on only a small area would rarely come into this category.”

40. As the proposal seeks consent for residential development on a small site within the policy area, the scheme would not, in principle, conflict with the aims of the submission policy and would therefore not be considered premature against Government guidance. Whilst the comments of the Parish Council are noted in respect of its consideration that the policy also requires a Development Brief to be prepared prior to any schemes being determined, this is not so. The policy advises that a Development Brief will be prepared to inform the whole-scale redevelopment of the site, but does not require it as a necessity prior to considering individual applications. Additionally considering the nature of the draft Development Brief, the Parish Council highlights that the site has been identified in that process as offering potential for residential development. By virtue of its size and location, and the nature of development proposed, therefore, the development of this parcel of land is not considered to significantly prejudice the application of the submission policy.
41. Whilst this is a small site in the context of the policy area, and the site specific policy is not formally adopted, the submission policy does serve to add weight to the basic criteria within Policy DP/4 of the LDF which seeks to ensure that a balanced range of development and services is forthcoming within villages. It is therefore considered reasonable and appropriate to require a contribution towards community provision to be achieved offsite, on a scale appropriate to the development proposed. This could be secured through the completion of a S106 Agreement. It is considered that this would serve to further satisfy the mixed-use aims of the submission policy, by securing facilities that could be provided off-site, but to the benefit of the village. The comments of the Cultural Services Manager, in respect of any likely requirement for community provision, are awaited. Any comments received will be reported verbally at Committee.

### ***Affordable Housing***

42. Parish Council has noted that the development did not originally propose any contribution towards affordable housing. Since the time of the original submission, the applicants have indicated a willingness to consider that one of the dwellings be given over as an affordable unit of accommodation, which would satisfy the criteria set out in Policy HG/3, in respect of the sought level of provision on site.

### ***Density and Character***

43. The street scene within the vicinity of the site is characterised by large, two storey structures, that are located approximately 15m back from the rear of the public footway. The scheme proposes the erection of two detached dwellings, of similar scale and proportions to other dwellings that are located within the vicinity, and set back from the public highway a similar distance, approximately 13.5m. The density for the proposed development equates to approximately 16 dwellings per hectare, which is below the level typically sought within the Authority (30dph typical). With the addition of the mature Horse Chestnut tree at the site's frontage and the relationship of the site with adjoining buildings, the developable area of the site is such that the site is considered to demand an alternative design approach. Considering matters of design, scale and form, and the relationship with existing buildings, which are

located broadly at the same distance back from the public highway, the proposed scheme, is considered to provide a satisfactory level and form of development that reflects the character of existing buildings within the street scene.

### ***Highways***

- 44 Whilst I note the concerns raised in respect of the proximity of the proposed access to the existing pelican crossing I am mindful that the Local Highway Authority ('the LHA') has not raised a specific objection to the access point, subject to a number of outstanding issues being addressed. The basic layout and principle of development on this site and its access point onto Ermine Street is therefore acceptable. Incidents of conflict between users of the site access and the footway and driveway would be resolved through appropriate visibility splays at the point of entry to the site. Sufficient space exists within the site for the LHA requirements to be achieved. The agent has discussed the points raised, in respect of the provision of additional and amended details, and has indicated that revised plans will be submitted shortly to address the comments made. Any additional details received will be reported verbally at the meeting. Where necessary specific details could be controlled by conditions of consent.
- 45 In respect of the concerns raised with regard to the appropriateness of the hard standing in front of the proposed dwellings, I note that other properties in the immediate vicinity have gravelled areas that cover the site frontage. As such, subject to appropriate materials being agreed, I am of the opinion that this aspect of the development would not be unduly out of character with the area, such as to warrant refusal.

### ***Loss of Village Service***

- 46 The applicants have detailed that the Church ceased operating from the site approximately 10 months ago, due to the condition of the existing buildings on site and the significant cost of repair. They state that since the time of the closure alternative provision for worship has been secured in the village with the Methodist Church, which is located about 150 metres away on Church Street.. The removal of the Church buildings and use would therefore not lead to an unacceptable reduction in the provision of such services within the village, and would therefore not prevent an alternative, appropriate use for the site being found.
- 47 The applicants have investigated the alternative conversion of some of the existing buildings on site for residential development, but have decided to pursue the demolition of existing structures and replacement as they consider this to be the most appropriate alternative use for the site.

### ***Other Matters***

- 48 The comments of the Trees and Landscape Officer are awaited in respect of the proposed landscape details, including the proximity of the proposed development from the protected Horse Chestnut tree on the site frontage. However, the scheme has been designed to keep the development away from the crown spread of that tree, save for the proposed access in front of the southern of the two dwellings. As such, subject to appropriate 'no dig' construction methods being used for the access, no harm should arise to that

tree. Whilst the loss of the other mature tree on the site frontage is regrettable, the Authority's trees team have previously inspected it and deemed that its health and condition means it is not worthy of being protected by Preservation Order. As such, its retention cannot be insisted upon. In respect of the proposed boundary treatment, it is considered that the existing boundary treatment could be improved upon to enhance and assimilate the development into the street scene. A condition of consent would secure an appropriate scheme be agreed prior to development commencing.

- 49 Other matters that can be dealt with through the imposition of planning conditions include: drainage, bin and cycle storage, and archaeology.

### **Recommendation**

- 50 Approve - Subject to the prior completion of a S106 Agreement in regard to affordable housing and to community provision and to no new material planning objections being received from the outstanding consultations and subject to the following conditions:

1. Standard Condition A – Time limited permission (Reason A);
2. Drainage
3. Bin and cycle storage
4. Archaeology
5. Landscaping
6. Implementation of landscaping
7. Tree protection
8. Permanent retention of car parking, including within garages
9. Details of boundary treatments
10. External Materials for Dwellings
11. Materials for hard surfaced areas
12. Visibility splays
13. Access widths

### **Informatives**

1. Piled foundations,
2. Demolition
3. Bonfires

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

- South Cambridgeshire Local Development Framework 2007
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file refs. S/1857/07/F, S/2435/02/O and S/0752/74/O

**Contact Officer:** Michael Osbourn – Senior Assistant Planning Officer (Acting)  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> February 2008**AUTHOR/S:** Executive Director / Head of Planning Services

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**S/2125/07/F - WILLINGHAM  
Erection of 19 Affordable Dwellings  
Recommendation: Approval**

**Date for Determination: 6<sup>th</sup> February 2008 (Major Application)**

**Notes:**

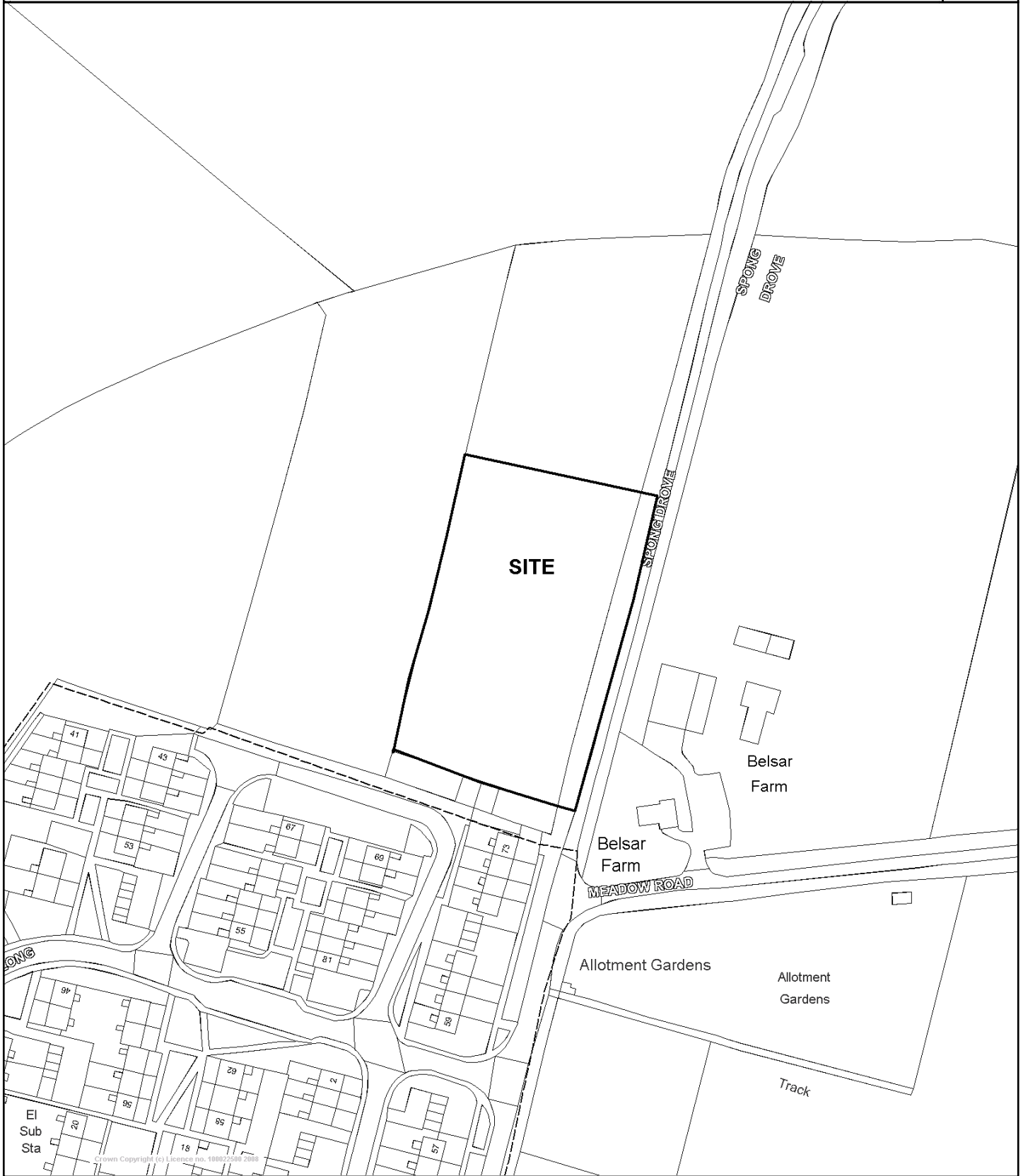
**This Application has been reported to the Planning Committee for determination because it is for affordable housing on an exception site.**

**Members will visit this site on Wednesday 6<sup>th</sup> February 2008.**

**Site and Proposal**

1. The site, measuring 0.60 hectares (ha), lies immediately to the west of Spong Drive. It is located to the north of the existing residential developments at Rockmill End and Wilford Furlong and comprises an area of largely flat, grassed field.
2. It is surrounded by mature hedgerows that form the boundaries with a field access, that separates the site from Wilford Furlong; other fields to the west; and Spong Drive to the east. There is a significant mature tree located immediately adjacent to the south-east corner of the site, on the approach from the village. Three other mature trees are located along the western edge of the site. The northern boundary of the application site is currently undefined, located in the middle of the open field of which the application site is part.
3. Spong Drive is presently a single width, unadopted, road that leads north towards the River Great Ouse.
4. This full planning application, as submitted on the 7<sup>th</sup> November 2007, proposes the erection of 19 affordable dwellings, an area of open space for play, the widening of Spong Drive to the point of access into the site, internal roadways, parking spaces and internal landscaping. The proposed dwellings comprise 4 one-bedroom flats, to be provided in a two-storey structure; 8 two-bedroom semi-detached houses; 6 three-bedroom semi-detached houses and 1 four-bedroom detached house. An amendment has been received on the 17<sup>th</sup> January 2008, illustrating visibility splays serving accesses within the estate, enhanced landscape proposals and revisions to the elevational treatment for plots 1-4, 5/6, 9/10, 11/12 and 17/18.
5. The scheme equates to a density of 32 dwellings per hectare.

S-2125-07-F



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Scale 1/1711 Date 24/1/2008

Centre = 540931 E 270884 N

February 2008 Planning Committee

### **Planning History**

6. There is no relevant planning history for the site.

### **Planning Policy**

#### **Cambridgeshire and Peterborough Structure Plan 2003**

7. **P1/3 - Sustainable Design in Built Development** requires a high standard of design and sustainability for all new development, providing a sense of place appropriate to the location, efficient use of energy and resources and account to be taken of community requirements.
8. **Policy P6/1 - Development Related Provision** states development will only be permitted where the additional infrastructure and community requirements generated by the proposals can be secured.
9. **Policy P9/8 - Infrastructure Provision** identifies a coordinated approach to securing infrastructure improvements required to support development for the Cambridge sub-region. A programme encompassing for example, transport, affordable housing and education, amongst others is identified.

#### **South Cambridgeshire Local Development Framework 2007**

10. **Policy ST/5 – Minor Rural Centres** identifies Willingham and states that residential development and re-development up to an indicative maximum scheme size of 30 dwellings will be permitted within village frameworks. Where development of a larger scale (9 to 30 dwellings) would place a material burden on the existing village services and facilities the District Council will use its powers under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions at an appropriate level towards their development or improvement.
11. **Policy DP/1 - Sustainable Development** states development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form.
12. **DP/2 Design of New Development** requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.
13. **DP/3 Development Criteria** sets out what all new development should provide, as appropriate to its nature, scale and economic viability and clearly sets out circumstances where development will not be granted on grounds of an unacceptable adverse impact e.g. residential amenity and traffic generation.
14. **DP/4 Infrastructure and New Developments** requires that development proposals should include suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. It identifies circumstances where contributions may be required e.g. affordable housing and education.

15. **Policy DP/7 - Development Frameworks** states redevelopment of unallocated land and buildings within development frameworks will be permitted, provided that:
  - (a) Retention of the site in its present state does not form an essential part of the local character.
  - (b) Development would be sensitive to the character of the location, local features of landscape, ecological or historic importance, and the amenities of neighbours.
  - (c) There is the necessary infrastructure capacity to support the development.
16. **Policy HG/1 - Housing Density** is set at a minimum of 30 dph unless there are exceptional local circumstances that require a different treatment in order to make best use of land. Higher densities of 40 dph will be sought in the most sustainable locations.
17. **Policy HG/2 - Housing Mix** requires affordable housing to be of an appropriate mix to respond to identified needs at the time of the development, in accordance with HG/3
18. **Policy HG/5 - Exceptions Sites for Affordable Housing** states that as an exception planning permission for 100% affordable housing may be granted subject to it meeting identified local housing needs on small sites within or adjoining villages. Such housing will relate well to the built-up area and village services, its scale will be appropriate to the size and character of the village, it should not damage the character of the village or rural landscape and it shall be secured in perpetuity.
19. **Policy SF/6 - Public Art and New Development** states in determining planning applications the District Council will encourage the provision or commissioning of publicly accessible art, craft and design works. The Policy will apply to residential developments comprising 10 or more dwellings.
20. **Policy NE/1 - Energy Efficiency** states development will be required to demonstrate that it would achieve a high degree of measures to increase the energy efficiency of new buildings, for example through location, layout, orientation, aspect and external design.
21. **Policy NE/3 - Renewable Energy Technologies in New Development** states all development proposals greater than 10 dwellings will include technology for renewable energy to provide at least 10% of their predicted energy requirement.
22. **Policy NE/6 - Biodiversity** requires new developments to aim to maintain, enhance, restore or add to biodiversity. The District Council will refuse development that would have an adverse significant impact on the population or conservation status of protected species, priority species or habitat, unless the impact can be adequately mitigated by measures secured by planning conditions. Previously developed land will not be considered to be devoid of biodiversity. The re-use of such sites must be undertaken carefully with regard to existing features of biodiversity interest. Development proposals will be expected to include measures that maintain and enhance important features whilst incorporating them within any development of the site.

23. **Policy NE/9 - Water and Drainage Infrastructure** indicates that planning permission will not be granted where there are inadequate water supply, sewerage or land drainage systems to meet the demands of the development unless there is an agreed phasing agreement between the developer and the relevant service provider to ensure the provision of necessary infrastructure.
24. **Policy TR/1 - Planning for More Sustainable Travel** states planning permission will not be granted for developments likely to give rise to a material increase in travel demands unless the site has a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel modes. The amount of car parking provision in new developments should be minimised, compatible with their location. Developments should be designed from the outset with permeable layouts to facilitate and encourage short distance trips by cycle and walking. Safe and secure cycle parking shall be provided.
25. **Policy TR/2 - Car and Cycle Parking Standards** states car parking should be provided in accordance with the Council's maximum standards, to reduce over reliance on the car and to promote more sustainable forms of transport.
26. **Policy TR/4 - Non-motorised Modes** states the District Council will use its planning powers by ensuring that all new developments are designed at the outset to facilitate and encourage short distance trips between home, work, schools and for leisure.

#### **Consultations**

27. **Willingham Parish Council** – recommends approval (no comments).
28. **Local Highways Authority**– requested:
  - (a) Two 2.0m x 2.0m visibility splays to all car parking spaces (within dwelling curtilages where applicable), be secured by condition.
  - (b) a section 106 for the provision of the new footway and full reconstruction of the existing road to the widths as shown on the drawings
  - (c) the clarification of the proposed position of parking bays 33 and 34 in the event of future development proceeding
  - (d) a cartographic error with reference to the Local Area for Play be corrected.
29. **Housing Projects Officer** – unanimous support for development on this exception site for local people. Happy with numbers proposed, will partly address the housing needs for the village and seems well related to village amenities. Mix proposed as 11 rental units and 8 shared ownership.
30. **Trees and Landscape Officer** – considers that extension of development into small fields risks loss of small-scale agricultural pattern. However, positioning of housing entirely within field, with retention of existing field boundary and new hedge is reasonable compromise. Proximity of close boarded fence to hedgerow is a concern. Recommends alternative boundary treatments. Seek management plan for planting and comprehensive planting scheme. Tree protection will be required for the existing trees on adjacent fields.

31. **Old West Internal Drainage Board** – no comment received.
32. **Cambridgeshire Fire and Rescue** – request that adequate provision for fire hydrants be made by way of Section 106 agreement or planning condition.
33. **Environment Operations Manager** – no comment received.
34. **Police Architectural Liaison Officer** – no comments received.
35. **Archaeology (Cambridgeshire County Council)** – considers it likely that there are important archaeological remains on the site that could be severely damaged or destroyed by the proposed development. A condition requiring a scheme of archaeological investigations in accordance with PPG16 is required.
36. **Environment Agency** – comments surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). Where it is intended that disposal is made to public sewer, the Water Company or its agents should confirm that there is adequate spare capacity in the existing system taking future development requirements into account.
37. **Anglian Water** – no comments received.

#### **Representations**

38. The owner/occupier of 55 Fen End has raised the following concerns/comments:
  - (a) Site is outside the planning line and will be ribbon development leading into the fen
  - (b) SCDC has previously opposed this type of Greenfield development in Willingham. No reason to change this policy.

#### **Planning Comments – Key Issues**

39. The key issues in determining this planning application are:
  - (a) Affordable housing provision,
  - (b) Highways,
  - (c) Drainage,
  - (d) Landscaping
  - (e) Other Matters

#### ***Affordable Housing***

40. An affordable housing panel was held on the 11<sup>th</sup> January 2008. Parish Council and Local Councillors were represented. The Housing Projects Officer, Development Control Manager and Case Officer were also in attendance.
41. The site is located outside, but immediately adjacent to, the village development framework. As such the scheme must satisfy the exception site criteria, set out in Policy HG/5 of the Local Development Framework ('the LDF').

42. In respect of the aforementioned criteria, the scheme proposes that all the dwellings that are to be provided are affordable, with a mix of 11 rental units and 8 equity share units. At the panel meeting it was confirmed that there is need for affordable units within the village in excess of the number and type proposed by this scheme. The scheme was therefore considered to be compatible with the requirement to service the specific local need. It was also confirmed that the mix of tenure and property type being provided is compatible with local need in the village.
43. The panel requested that the applicants consider revisions to the mix of materials and minor design features for the dwellings, to visually enhance the development. The applicants have submitted revised elevational treatments, in an attempt to address these comments. Any comments that are received in respect of these alterations will be reported verbally at Committee.
44. The site, by virtue of its proximity to the existing residential estates to the south, was considered to relate well to the built-up area of the village. Furthermore, it is close to the services and facilities that are located along Church Street and High Street, which are within walking distance.
45. Although the scheme proposes a cluster of 19 affordable units on one single development, it was considered that the scale of the proposal is acceptable and proportional to the size and character of the village of Willingham.

### ***Highways***

46. The layout is acceptable in principle. The agent has submitted additional details, in respect of provision of visibility splays, which appear to satisfy the comments made by the Local Highway Authority in that regard. Any additional comments received will be reported verbally at the meeting. It is understood that the proposed section 106 agreement is acceptable, although footway provision and the widening of Spong Drove can be required by planning condition.

### ***Drainage***

47. The site is located within Flood Zone 1 (Low Risk), as identified by the Environment Agency. As such the application is not required to be accompanied by a Flood Risk Assessment. However, The Old West Internal Drainage Board has a drain that is located near the southern boundary of the site. This is not anticipated to cause any additional flood risk to the site, in light of the Environment Agency's comments and the applicant's proposed methods of surface water disposal. However, any comments received from the Drainage Board will be reported verbally to members.
48. The comments of Anglian Water are awaited in respect of foul water disposal and the residual capacity within the recipient system to cope with the additional requirements arising from this development. Any comments received will be reported verbally to Committee. Notwithstanding this point, however, the applicants and Anglian Water have various obligations under the Land Drainage Act that would need to be satisfied separately from any planning requirements, to ensure adequate provision of facilities.

***Landscaping***

49. The outline landscape details that have been provided by the applicants are acceptable, in principle. Additionally, the enhancements sought by Officers have been addressed, in part, by the submitted amendment. Specific boundary treatments and planting schedules could be secured by appropriate planning conditions. Tree Protection measures, to ensure that existing mature trees are unharmed by the proposed development, can also be secured by condition.

***Other Matters***

*Renewable Energy*

50. The applicants have stated that the scheme will meet the 10% renewable energy requirements as set out in Policies NE/2 and NE/3 of the LDF. Roof-mounted solar water heating panels or ground heat recovery systems are being considered by the applicants, who are willing to agree an appropriate scheme with the Authority. A condition of consent can require agreement of a scheme prior to development commencing.

*Open Space*

51. The scheme provides a Local Area for Play measuring approximately 100sqm. The applicants have previously agreed a separate capital contribution for the provision of off-site outdoor sport facilities, that can be secured through a formal section 106 agreement.

*Refuse Management*

52. Although the comments of the Environment Operations Manager are awaited, it is noted that the applicants have indicated spaces to be provided within the curtilage of each dwelling for the storage of refuse bins, at a distance within the draft waste design guide standards. A large turning area is provided centrally within the site's road layout that would meet Manual for Streets standards to enable refuse vehicles to turn within the site, enabling access for collection staff.

*Archaeology*

53. The comments of the County Archaeologist are noted. The imposition of relevant planning conditions can ensure that a scheme of archaeological investigation takes place prior to development commencing.

**Recommendation**

54. Approve - Subject to no new material planning objections being received from the outstanding consultations; and completion of a section 106 securing affordable housing provision, outdoor sport facilities and highway alterations, subject to the following conditions:
1. Standard Condition A – Time limited permission (Reason A);
  2. Drainage
  3. Renewable energy
  4. Archaeology



5. Landscaping
6. Implementation of landscaping
7. Tree protection
8. Retention of car parking, including within garages
9. Details of boundary treatments
10. Materials
11. Materials for hard surfaced areas
12. Visibility splays
13. Lighting scheme
14. Provision of fire hydrants
15. Scheme of affordable housing
16. Scheme for the provision and maintenance of open space
17. Footway provision
18. Scheme for the widening of Spong Drove.

**Informatives**

1. Piled foundations,
2. Demolition
3. Bonfires
4. Bird boxes

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

- South Cambridgeshire Local Development Framework 2007
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file refs. S/2125/07/F

**Contact Officer:** Michael Osbourn – Senior Assistant Planning Officer (Acting)  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 6 February 2008  
**AUTHOR/S:** Executive Director/Corporate Manager – Planning and Sustainable  
Communities

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**S/2048/06/F - WILLINGHAM**

**Siting of 1 Gypsy Mobile Home, 2 Touring Caravans and Amenity Block at 2 The Willow rear of Green Acre, Meadow Road for Mrs C Smith**

**Recommendation: Temporary Approval**

**Date for Determination: 18<sup>th</sup> December 2006**

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

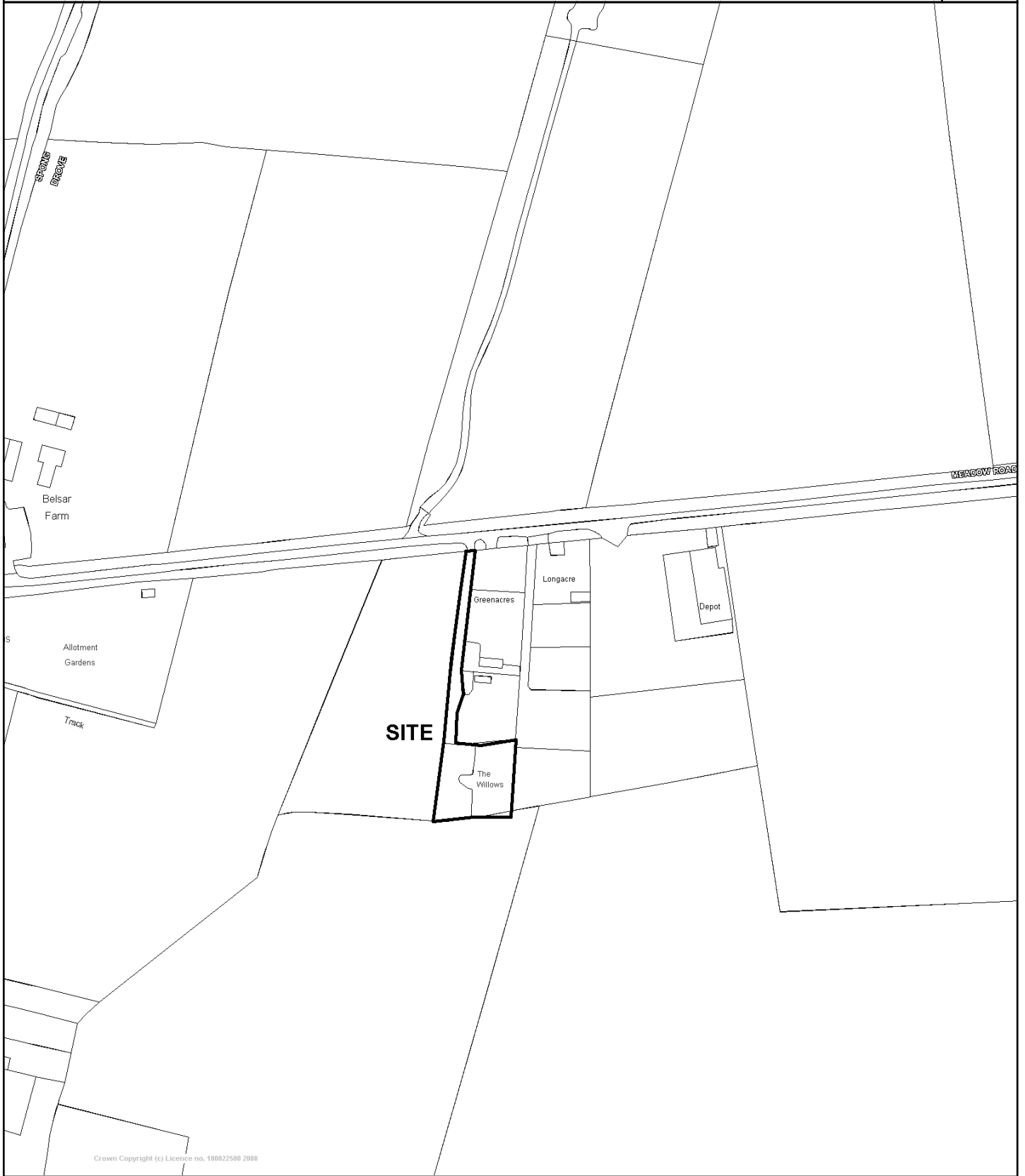
**Site and Proposal**

1. The site occupies the south western plot of a group to the south of Meadow Road. The plot measures 35m by 32m, and is accessed from a narrow shared private drive. The exposed southern and western boundaries are marked with mature hedgerows and some close boarded fencing. The internal boundaries are also fenced.
2. The application dated 18<sup>th</sup> October 2006, seeks partly retrospective planning permission for the siting of a mobile home, two touring caravans and a temporary amenity block.
3. Hard standing for two vans, a touring caravan and amenity block has been erected within the site.

**Planning History**

4. The site has a long planning history with planning permission being refused in the nineties for the use of the site as a Gypsy caravan site, one of the main reason being that, at the time, adequate provision was already made by the then open County Council site further along Meadow Road. Two enforcement appeals have been dismissed on this plot.
5. More recently temporary planning permission has been granted IMMEDIATELY to the north of this site for Mrs E Webb for a temporary three-year period for the siting of two Gypsy Mobile Homes (**S/0375/06**)
6. To the east of the application site (Plot 5) temporary planning consent was granted for Mr Tom Webb in November 2006 for 2 gypsy mobile homes 2 touring caravans and an amenity block (**S/0402/06**).

S-2048-06-F



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7. Temporary planning permission was granted on nearby land to the northeast fronting Meadow Road, at a former depot site, for 3 years for the siting of 6 Gypsy caravans (part retrospective) and use of existing building for storage for personal use **(S/2010/04/F)**.

### **Planning Policy**

8. The relevant Development Plan is the Local Development Framework, (LDF) which includes a number of Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and Area Action Plans (AAP). Currently the adopted DPD's are Core Strategy January 2007 and Development Control Policies (July 2007).
9. Following the consultation carried out on issues and options in November 2006 of The Gypsy and Traveller Development Plan Document (GTDPD), work is progressing on identifying potential site options. As an interim measure the Council applied for Policy HG/23 Gypsies and Travelling Show people to be saved under the Planning and Compulsory Purchase Act 2003 however this was not included the schedule of policies saved by the Government Office for the East of England.
10. The GTPD specifically identifies potential sites within South Cambs for Gypsy/Traveller sites. Willingham is identified as a Minor Rural Centre in the Core Strategy document and Meadow Lane is likely to be considered under the GTPD site options report. However until such time as its adoption the relevant Policy documents are Development Control DPD policies, Government Circulars and advice.:
11. Policy DP/1 that outlines the sustainable criteria with which development proposals must comply. In particular criteria b, l m, p are relevant.
12. Policy DP/3 Development Criteria outlines the requirements that development proposals must meet. In particular criteria k, l and m are relevant.
13. Also relevant is Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites and PPS3 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 aspect of finding sites for Gypsies and Travellers and how local authorities and Gypsies and Traveller 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 the Circular 11/95, *The Use of Conditions in Planning Permissions*. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no available alternative Gypsy and traveller site provision in an area, but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area, which will meet that need, local planning authorities should give consideration to granting a temporary permission. Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocations DPD. In such circumstances local planning authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.
15. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full

permission for use of the land as a caravan site. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

### **Gypsy and Traveller Development Plan Document**

16. Consultants CDN Planning began working on this project in April 2006. The Member Reference Group considered the Issues and Options Report on the 15<sup>th</sup> 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 are agreed;
  - (b) The list of Preferred Options at Appendix 2 is 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 is used in the next stage of the GTDPD Issues and Options process; and
  - (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 I expect the second Issues and Options report to be consulted on early in the New Year.

### **Consultation**

18. **Willingham Parish Council** – recommends refusal:
- (a) Proportionality: Willingham already has a substantially larger, and still rapidly increasing, number of Traveller sites than other SCDC parishes.
  - (b) Village services, in particular Willingham Primary School, with currently one of the highest proportions of Traveller children in the country, is already struggling to maintain an adequate service to both the Traveller and the settled community.
  - (c) The Parish Council has drawn SCDC's attention before to the effect of subdividing existing sites and the resulting increase in de facto sites.
  - (d) As stated many times before, Willingham is entirely willing to take its fair share of Traveller sites, but maintains that SCDC should be working to ensure that Traveller settlements are spread evenly among all the parishes in the District. WPC would like an indication from SCDC of when the District Council will consider that Willingham has reached saturation point.

19. **Old West Internal Drainage Board** - Some ditches/watercourses adjacent to the development site may be the responsibility of the applicant. These should be kept clear and free flowing to ensure the proper drainage of the District.
20. **Chief Environmental Health Officer** - It is recommended that if the application is successful, the applicant should be able to comply with the site licence conditions relating to permanent residential caravan sites.
21. **Travellers Liaison Officer** – I have known Mrs C Smith since she returned to her land in June of 2006, shortly after contacting myself to begin preparation for the submission of this planning application. I am aware that she has a genuine local connection to the area through a historical planning application for this land and relatives residing in the area. I understand that her original application was refused partly due to the then existing provision of the now closed Local Authority site in the village.

### **Representations**

22. Advertised in Cambridge Evening News 07/11/06 – None received.

### **Personal Circumstances**

23. Mrs C Smith has lived in the South Cambridgeshire area all her life and her children born and raised in the area. Her Grandfather is buried in Willingham Church Graveyard and Great Grandfather buried in Cottenham Church Graveyard. She has family on neighbouring plots in Meadow Road and Schole Road Willingham and many relatives in the area.
24. Having lost her appeal to the High Court she finally moved off this plot in 1998 and since that time has been living on the roadside in various places, which has disrupted the children's education and taken its toll on the health of the family. There is consistent stated desire for a settled lifestyle in Willingham where the children are doing well and happy with their school.

### **Equal Opportunities Implications**

25. Under the Race Relations Act 1976 and 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**

26. The key issues are:
  - 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,

- Changes in circumstances since the decisions in the High Court on this site and in particular advice in Circular 1/2006 concerning temporary consent while councils such as South Cambs are preparing a Development Plan Document.
  - The special circumstances that are argued here,
27. The site is currently well screened from the south by an established hedge. The site is situated well back from the road via a long driveway, which is fenced. The plots between the application site and Meadow road are occupied with fences giving some screening to the site however the current touring van is visible from Meadow Road. Plot 2 has not been created by subdivision of an adjacent plot. The applicant has indicated that she is willing to comply with any condition the authority would wish to impose to reduce the impact of the structures on the site in the countryside and I am confident that appropriate landscaping within the site could take place to reduce its impact.
28. There have been no adverse comments from any of the service providers, and drainage will be conditioned and subject to further approval. This would include a requirement to demonstrate that connection to public foul water sewer is not available.
29. Following Government advice in Circular 1/2006, as set out in the Policy section the principle of locating Travellers' sites in the countryside is acceptable. Although the site is adjacent to existing permitted Traveller sites and could be considered to add to the concentration of sites it is located to the south of the existing group and does not visually extend the site frontage to Meadow Road. It is also reasonably well located for schools, shops and other local services, indeed the applicant wants her children to continue to attend local schools. 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 properties.
30. 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. *An injunction has been obtained to cover other sites in Willingham to minimize additional sites in advance of the Development Plan Document but in view of the GTDPD it has not been appropriate to pursue enforcement action against this site.*
31. The applicant has strong local connections, as evidenced in paragraph 21, 23 and 24 above.

### **Recommendation**

32. That temporary permission is granted for 3 years subject to conditions including a requirement to provide proper landscaping and drainage.

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

- Government Circulars 11/95 and 1/2006
- PPS3 Housing



- Local Development Framework Core Strategy and Development Control Policies 2007
- South Cambridgeshire Local Development framework Gypsy and Traveller Development Plan Document Issues and Options Report October 2006.
- Cambridge Sub-Region Traveller Needs Assessment 2006
- Planning Application Files Ref S/2048/06/F, S/0375/06/F, S/0402/06/F and S/2010/04/F

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Telephone 01954 713151

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> February 2008**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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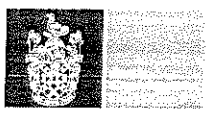
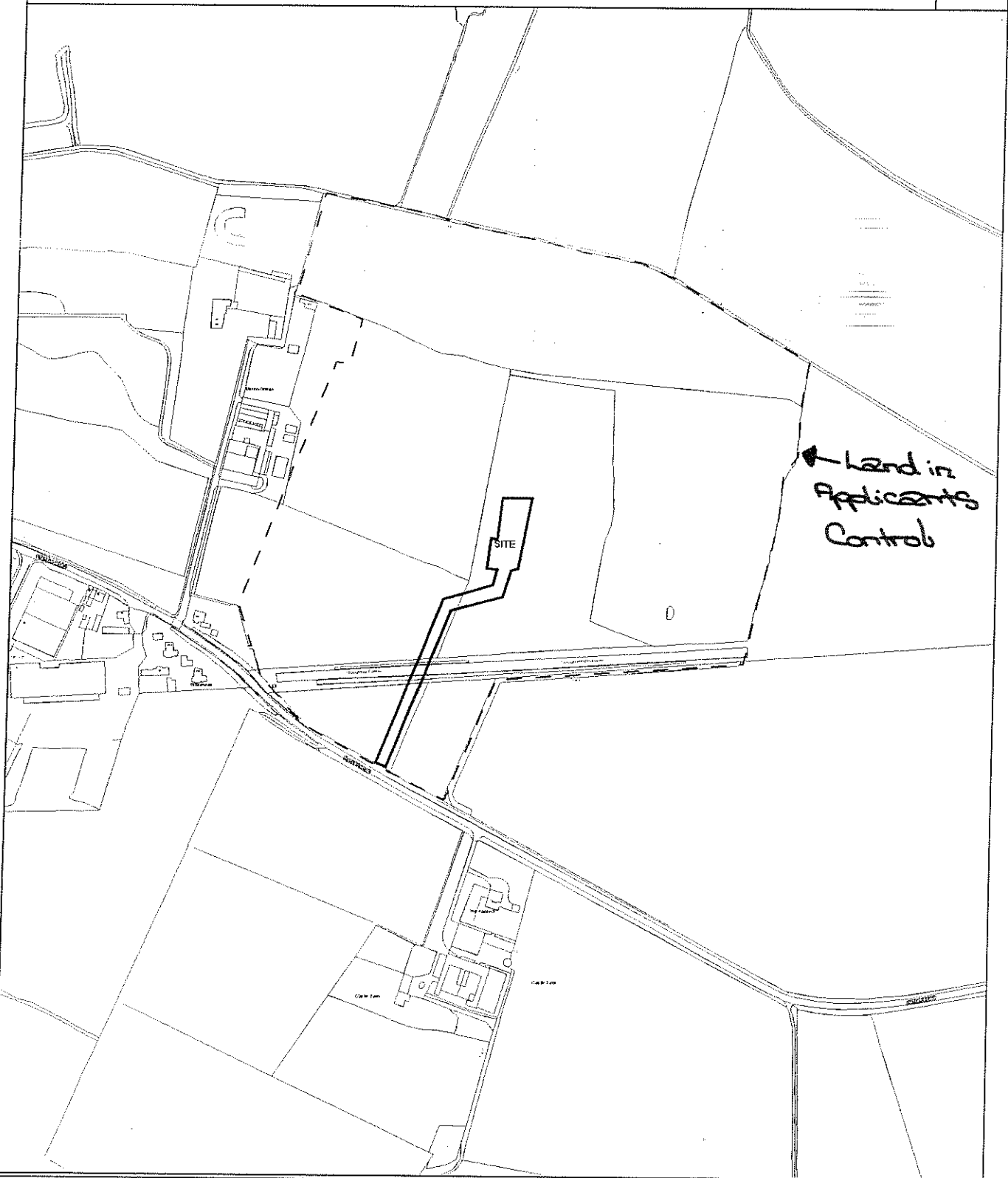
**S/2147/07/F – GAMLINGAY****Erection of Free Range Poultry Unit (Phase 2), Land off Station Road for Mr I Quince****Recommendation: Approval****Date for Determination: 13<sup>th</sup> February 2008  
(Major Application)****Notes:**

**This Application has been reported to the Planning Committee for determination as the officer recommendation is contrary to the objections received from the Parish Council and local residents**

**Site and Proposal**

1. This full application, received on 14<sup>th</sup> November 2007, proposes the erection of a 447m<sup>2</sup> free range poultry unit (Phase 2) on land to the north of Station Road, Gamlingay. The site area of the application is limited to the area of the building (including Phase 1 – see History below) and roadway from Station Road but the applicant controls a large area of surrounding land which will be used in association with the operation.
2. The majority of the land is to the north of the route of the former Cambridge to Bedford railway line. To the north the land is bounded by Millbridge Brook with agricultural land beyond extending to Long Lane. To the west of the land are Merton Grange and its associated outbuildings, and a dwelling fronting Station Road. To the east is agricultural land.
3. The building is located to the east of an existing hedgerow and measures 24.4m x 18.3m and is 6.8m high and will house approximately 4000 birds, giving a total of 8000, inclusive of phase 1 (see Para 8 below). Material proposed is dark green coated profile steel sheeting.
4. The elevations depict a stand alone building however the site layout plan and floor plan show the building linked with Phase 1 giving a total of 977m<sup>2</sup>.
5. Access will be from Station Road, approximately 150 metres to the east of the top of the old railway bridge.
6. The application is accompanied by an Environmental Statement and an Environmental Report.

February Committee 2008



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7. The application has been screened in respect to the possible requirement for an Environmental Impact Assessment (EIA). Although the 2001 and 2006 applications (see History below) were accompanied by an EIA, at the request of the Local Planning Authority, the applicant subsequently requested screening opinions from Go-East. Although the decision to require an EIA was originally supported the Secretary of State has subsequently taken the view that although the scale of the building as originally proposed exceeded the relevant threshold it would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location and therefore concluded that it did not constitute EIA development. It was stressed however that this did not override the need to address matters raised in the previous reasons of refusal.

### **Planning History**

8. Planning consent was granted at the January meeting (**S/2046/07/F**) for the erection of a 530m<sup>2</sup> free range poultry building and associated hardstanding (Phase 1).
9. Previously two planning applications were refused for the erection of an egg production unit on this site.
10. In 2005 a planning application (**S/2194/01/F**) for a 1560m<sup>2</sup> egg production building, including a storage building and vehicular access was refused on the grounds of the adverse visual impact on the area from the loss of hedgerow required to provide the visibility splays requested by the Local Highway Authority; the adverse impact of the buildings on the rural character of the area and approach to the village and; that the Environmental Impact Assessment submitted with the application was unsatisfactory in respect of its failure to address how the possible presence of badgers within the site would be taken into account within the development, the lack of botanical investigation of the disused railway line where 3 county scarce plants had been found and; that landscape mitigation/enhancement and management of hedgerows, oak trees and other features had not been adequately addressed.
11. An appeal against the refusal was dismissed in November 2006, however the Inspector did not support all the reasons of refusal in respect of the visual impact of the proposed access and its associated visibility splays. He concluded, following discussion at the appeal hearing, that the removal of the hedgerow was not necessary except for a small protruding section 80m west of the access. He concluded that this would therefore overcome the Council's concern about the impact of the access. Similarly he did not feel that the proposed building would look out of place in an agricultural landscape, taking into account existing planting and hedgerow retention. As a result the Inspector concluded that the proposals would not materially harm the character and appearance of the surrounding area.
12. In respect of the Environmental Impact assessment additional information was supplied at the appeal in respect of a botanical survey and the impact of over-flying aircraft (although not a reason of refusal) on the birds which the Inspector felt adequately addressed these concerns, however he felt that the matter of the possible impact of the proposal on badgers had not been satisfactorily addressed and the appeal was dismissed on the grounds that the development would have an unacceptable adverse impact on the ecology of the sites and the surrounding area.
13. The Inspector commented the "neighbours were also concerned about highway safety, odours and aircraft over-flying, as well as loss of wildlife, amongst other things. The proposal would only result in a few vehicular movements a day, less than half of which would be heavy lorries and I am satisfied an adequate access can be

provided at minimal damage to the roadside hedge. I am told that a free range unit of this type should not produce an unacceptable odour problem and arrangements could be made to ensure that manure spreading was carried out at a suitable distance from domestic properties. I am advised that over-flying aircraft can cause distress to chickens, but the evidence from existing flocks close to Little Gransden airfield is that they soon become used to the noise. Wildlife interests are covered in the ES.”

14. In 2001 a second application (**S/2193/01/F**) was submitted for an agricultural mobile home on the site which was refused on the grounds of lack of justification (given the refusal of the unit) and visual impact. Although the appeal was dismissed, the inspector concluded that a temporary mobile home was justified to support an egg production unit when it is built.
15. In 2005 the applicant submitted prior notifications of proposed agricultural development under Part 6 of Article 3, Schedule 2 of the General Permitted Development Order 1995 in respect of an agricultural storage building and agricultural access. The Council did not exercise its option of prior approval.
16. In 1995 an application was submitted for the Certificate of Lawfulness for the proposed use of land for the siting of mobile poultry sheds and grazing of free range hens. The certificate was issued in May 2006.
17. In October 2006, prior to the receipt of the Inspectors decision on the 2001 application, a planning application (**S/1321/06/F**) was refused for an identical building on the same grounds as the previous refusal but with an additional concern added that the application failed to provide information on the procedures for dealing with fallen stock. An appeal has been lodged against that decision and a Local Inquiry is due to take place in March 2008. Given the Inspectors decision on the previous appeal in November 2006 the Council has confirmed that it no longer wishes to object to either the scale and location of the poultry shed or the creation of the new access, subject to satisfactory conditions, and will only now contest the appeal on the grounds of the impact of the development on the ecology of the site and surrounding area.

### **Planning Policy**

18. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) states that development should only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form.
19. **Policy DP/1** of the South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007 sets out criteria in respect of sustainable development and has the same aims as Policy P1/3 of the County Structure Plan.
20. **Policy DP/2** of the LDF states that all new development must be of high quality design and, as appropriate to the scale and nature of the development, sets out criteria that should be addressed.
21. **Policy DP/3** of the LDF states that planning permission will not be granted where the proposed development would have an unacceptable adverse impact, amongst others, on residential amenity; from traffic generated; on the countryside and landscape character; from undue environmental disturbance such as noise, lighting, vibration, odour, noxious emissions and dust; on ecological, wildlife and archaeological interests; on flooding and flood risk; or on the quality of ground or surface water.

22. **Policy NE/4** of the LDF states that development will only be permitted where it respects and retains or enhances the local character and distinctiveness of the individual Landscape Character Area in which it is located.
23. **Policy NE/6** of the LDF sets out the Councils policy in respect of biodiversity.
24. **Policy NE/11** of the LDF states that in relation to flood risk, applications for planning permission will be judged against national policy (currently PPS25).
25. **Policy NE/14** of the LDF controls lighting within development proposals.
26. **Policy NE/15** of the LDF deals with the issue of noise pollution.
27. **Policy NE/16** of the LDF deals with emissions.

### **Consultation**

28. **Gamlingay Parish Council** recommends refusal. "The Council reiterate their objections relating to phase 1 (S/2046/07/F). Council concerned about the numerous inconsistencies within the application, in addition.

Site slopes towards Millbridge Brook – discounted

Site floods – evidence of regular localised flooding – discounted

Waste recycling/storage/bins – marked n/a when requirement to address manure/dead chickens, trade effluent etc.

Badgers/otter activity in vicinity would be affected."

In respect of application S/2046/07/F the Parish Council commented as follows:

"The Council was concerned about discrepancies between the supporting documentation and the completion of the application form, in addition to all the previous objections to development of this site. It is unclear whether there is the equivalent of 1 full time or two full time employees required for this venture. There is also reference to industrial machinery being required (bobcat), which is incorrectly recorded in the application form (no industrial machinery).

The access way to the site is OUTSIDE the 40 mile an hour limit – not inside as recorded in the supporting documentation, and the Council reiterate their concerns that this access way is not suitable for HGV use as it will cause HGV's being on the wrong side of the road when turning towards Gamlingay over a blind summit of the bridge, and potentially will cause a serious road traffic accident. The road is very narrow at this point.

Concerns were also expressed about the foul water disposal – again not recorded on the application form but evidence provided in the supporting documentation. This field does flood after heavy rain and therefore effluent from the free-range chickens will pass into the Millbridge brook adjacent – this water run off cannot be collected and contained in tanks. This will cause local environmental impact.

The Council is concerned about the concentration of local chicken farms in the vicinity of Gamlingay, with regard to the outbreaks of bird flu. If such an event did happen,

Gamlingay would be at the centre of a 3Km exclusion zone surrounded on all sides by four chicken farms. This would cause local anxiety and concern.

The application also states long operating hours between 7am and 10pm every day, which will cause additional concerns to the residents adjacent to the site.

The Council therefore recommends refusal of the application.”

29. The **Local Highway Authority** states that the proposal will result in increased traffic usage of the existing junction. Whereas, the increase may not at present be significant the proposed three phases have the potential to increase the likelihood of accidents occurring at an unmodified junction. The Highway Authority will require that the access be improved to reduce potential hazard.

The applicant should provide visibility splays of 2.4m x 120m; the splays must be either within the existing adopted public highway or over land in the control of the applicant. The access itself should be at least 6m wide over the first 20m of its length to allow two larger vehicles to pass without one having to wait on the highway. The above length of access should also be hard paved to prevent debris from spreading onto the adopted public highway.

30. **Natural England** has no objection to the proposed development subject to it being carried out in strict accordance with the application, particularly with reference to the mitigation measures within the Ecology Report. Any planning permission should include a suitably worded condition to ensure that ecological enhancement measures (especially regarding works to improve the habitats on the railway cutting, field margins and hedgerows) in the Report are carried out in full.

31. The **Corporate Manager (Health and Environmental Services)** comments that the submitted information does not satisfactorily address the question of how fallen stock will be dealt with, but is satisfactory in all other respects.

32. The **Ecology Officer** has no objection subject to negotiation of suitable conditions. He comments that the ecological information supplied in support of the information now provides the detailed information required to consider the proposal and the explanation of how the chicken ranging areas will be moved around the site is useful to appreciate that the entire site will not be fenced off all at one time.

He is currently willing to accept that the badger sett in the dry pond is not active and similarly that the hedgerow sett is only being used occasionally. The applicants approach to leave wide buffer zones around these features to avoid any future possible conflict is welcomed. Surveys in 2007 do not show badgers as foraging across the proposed chicken ranging areas. Nevertheless, with the proposal to move the fenced areas around the site he does not envisage permanent fencing forming a barrier to the future movements of the local badger population.

Whilst the Ecology and Nature Conservation chapter of the Environmental Statement is useful in terms of habitat and species assessment and proposed mitigation, it is not actually clear if the measures contained within it are merely recommendations by the Ecologist or if they are actual commitments to mitigation and habitat provision. If it is the former and written confirmation can be provided as such then he is willing to accept the details. If not, then a condition is required to secure an Ecological Management Plan (EMP) to take forward specific matters that can be monitored in future.



Issues to specifically take forward in an EMP will include:

Buffer planting/ grassland strips around badger setts.  
Baffles on lights to avoid spillage on to oak trees (lessening impact on possible bat roosts)  
Control of vegetation removal during the period 15<sup>th</sup> March to 15<sup>th</sup> September to avoid impact on breeding birds and young hares  
Habitat enhancement of the western end of the railway embankment, including hedge Laying and scrub removal  
Planting of woodland screen  
Hedgerow management programme  
Grassland buffer to avoid nutrients reaching Millbridge Brook  
Provision of 10 bird boxes  
Provision of 10 bat boxes

Although this application is for the poultry unit it would appear reasonable to request the applicant to implement the formerly discussed landscape mitigation measures. These would include gapping up of hedgerows along the northern boundary of the site plus the inclusion of hedgerow trees (such as Oaks). Off-site landscaping has been requested and would still be desirable to lessen the wider landscape impact.

If the application is to be considered on the red line site alone then some form of screening may be requested for the individual unit.

The choice of species within the landscape proposals of the Environmental Report (Aug 2007) are not entirely suitable. Species included such as geulder rose and wayfaring tree are more typical of chalk landscapes. On the sandy soils of this location it is requested that they are replaced with rowan and downy birch.

Additionally, it is stated that the woodland belt will be delivered via a Woodland grant Scheme. If this landscape feature is required for planning purposes then delivery should not rely on the success of a grant scheme.

The **Bedfordshire and River Ivel Internal Drainage Board** comments that the two issues which are of interest to the Board are firstly the Board's Byelaw which requires a 7m margin alongside the watercourse rather than the 6m referred to in the report prepared by Acorus Rural Property Services. Secondly, surface water runoff from the proposals should be restricted to the Greenfield equivalent rate unless a higher discharge rate is agreed and has the formal consent of the Board. If the Planning Authority is minded to grant planning permission the applicant should contact the Board for the purpose of obtaining the necessary consents.

33. The comments of the **Environment Agency** will be reported at the meeting. In respect of application S/2046/07/F it requested conditions relating to the submission of schemes for foul and surface water drainage and pollution control as well as outlining a number of informatives to be attached to any consent.

## **Representations**

34. The occupiers of 101 Station Road object to the application on the following grounds:
- (a) Probable detriment on protected species:

- 1 The environment assessment recorded one badger's track on the site but from observation badgers are extremely active in and around the proposed site.
  - 2 The assessment has failed to note several other species present in the area. There are green woodpeckers currently nesting in the oak trees marked on the planning drawing; three species of owls are present in the area and little owls in particular are nesting in Merton Grange buildings; there is a healthy population of foxes in the Merton Grange grounds – living in one of the badger setts; roe deer are often seen crossing the fields in the area.
- (b) Water pollution. The environmental report states that provided adequate pollution run-off controls are implemented, impact on Millbridge Brook is assessed as being negligible." The only run-off control outlined in the application is a soakaway thus this issue needs to be addressed. The application form states that there will be no foul water to be disposed of but it is felt that this cannot be the case and needs to be addressed.
- (c) The matter of waste and waste disposal has not been addressed.
- (d) Smell. There is concern from those living close to the proposed site about the odour from the poultry unit. No assessment appears to have been made of this issue.
- (e) The proposed building will be 530m<sup>2</sup> (the height is unclear) but it is likely to have a substantial impact on the visual landscape. It is understood that avoidance of building on green belt land is a very topical issue for the present government.
- (f) Noise pollution. The application form states that no noise assessment has been conducted and is not applicable but this is not the case. At present this is a peaceful area of countryside on the outskirts of Gamlingay. The proposed working hours of the unit (7am – 10pm, 7 days a week), not to mention the noise from the poultry itself, will be intrusive to local residents, both during office hours (several residents work at home) and leisure hours.
- (g) The poultry unit will incur a significant increase in traffic, in particular HGV's, along approaching roads to the site – which have narrow sections.
- (h) It is understood that the applicant has not outlined a business plan for the unit, therefore it is not known if there are plans to enlarge the business in the future, which would increase all the above concerns
- (i) The application form states that there is no new or altered vehicular access proposed but this is incorrect, as the applicant has recently laid a hard track that will support heavy goods vehicles.
- (j) It is understood that the applicant has been attempting to get permission through inappropriate methods – agricultural applications rather than mandatory planning applications – until this point. The objector is outraged to have witnessed work on site and the presence of building

materials despite no permission having been granted and the planning application form stating that no development has taken place.

### Planning Comments – Key Issues

35. The site has been the subject of two previous refusals and one dismissed appeal. The second refusal notice has been appealed. However at the January meeting Members granted consent for a 530m<sup>2</sup> building as phase 1, having been satisfied that the applicant had addressed outstanding issues identified by the Planning Inspectorate relating to ecological matters
36. In assessing this application it is necessary for Members to consider all aspects of the proposal but in particular to concentrate on the previous reasons of refusal, the decision of the Planning Inspectorate, and again whether the current application satisfactorily addresses these concerns.
37. **Access.** The Local Highway Authority has not objected to the application but has required the upgrading of the access and the provision of appropriate visibility splays. These improvements are secured by a condition attached to planning consent S/2046/07/F but should be repeated on this application.
38. Work on the construction of an access and roadway has started on site under the prior notification application.
39. Given that the previous reason of refusal on access grounds was not supported by the Inspector and that this application would not involve vehicular movements over and above those previously considered, it is my view that it would be unreasonable to refuse this application on access grounds.
40. **Visual Impact.** The proposed building, when considered with that approved as Phase 1, is approximately two thirds of the floor area of the building previously considered at appeal. There is existing screening within the site and the applicant has indicated that he is willing to undertake additional planting to further screen the building, which can be secured by condition.
41. At the appeal the Inspector considered the issue of the visual impact of the larger building and concluded that it would not materially harm the character and appearance of the surrounding area, and therefore did not support the previous refusal on this ground. Given this it would be unreasonable to refuse the current application on this ground.
42. **Ecology/Wildlife.** The Inspector previously upheld the reason of refusal on ecology/wildlife grounds, particularly in respect of the lack of information in respect of badgers.
43. The Environmental Statement submitted with this application has satisfied the previous concerns of the Ecology Officer in respect of the possible impact of the development on protected species, particularly badgers (refer to Ecology Officers comments above). Nevertheless he requires that a condition be attached to any consent requiring the submission of an Ecological Management Plan to ensure that measures indicated in the application are implemented.

44. **Noise.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of the impact of noise on nearby residential dwellings. The closest dwelling is approximately 270m from the proposed building.
45. The applicant has addressed issues of noise in the Environmental Report.
46. **Odour.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of the effect of odour on nearby residential dwellings. The issue of odourants and soild manure is addressed in the Environmental Report
47. **Lighting.** The question of lighting has not been addressed in the Environmental Report and the Ecology Officer has outlined the need to control the impact of any lighting on the adjacent Oak trees to avoid undue disturbance to wildlife. A condition can be attached to any consent requiring details of any lighting to be submitted and agreed. Such a condition is supported by Policy NE/14 of the LDF.
48. **Dust.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of the effect of odour on nearby residential dwellings.
49. The Environmental Report states that calculations indicate that annual average concentrations of poultry dust are not expected at a distance exceeding 100m from the source. In this case distances from the nearest residential properties are in excess of 100m and prevailing winds are away from residential areas. The report also states that existing and planned hedging and trees will form a biological screen that will trap many odour-carrying particles at the times of year when odour risk will be greatest.
50. **Pollution Control.** The comments of the Environment Agency will be reported to the meeting. However it did not object to the previous proposals, subject to the imposition of safeguarding conditions and this matter was not considered an overriding concern by the Planning Inspector.  
  
The issues raised by the Bedfordshire and River Ivel Internal Drainage Board can be attached as informatives on any consent
51. The issue of clean and dirty water control is addressed in the Environmental Report. It states that no slurry will be produced from the building, apart from a negligible volume in the doorway after pressure washing which will be directed into the dirty water tank via a foul drain immediately in front of the building. This tank will also contain any fouled rainwater.
52. Manure will be taken to field heaps prior to spreading on other land owned by the applicant or neighbouring fields. These heaps must be at least 10 metres from a ditch or field drain.
53. **Pest Control.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of pest control. The Environmental Report states that flies are not likely to be a problem as litter is not normally a breeding ground for flies during a layer's life and no dirty litter will be stored on site after cleaning the houses. A fully trained Pest Control contractor will make regular visits to the site.

54. The report states that routine baiting and a well constructed site will ensure that there will be no risk of the poultry houses becoming a breeding ground for rats or mice, again this will be covered by the pest control contractor.
55. In conclusion the applicant has now satisfactorily addressed the ecological issues which resulted in the previous appeal being dismissed and I am of the view that, subject to the response of outstanding consultations, that the application should be approved.
56. In my view to object to the application on grounds that have already been considered and dismissed by the Planning Inspectorate would lay the Council open to a possible award of costs at any subsequent appeal as there has not been any material change in circumstances since that decision.

### **Recommendation**

57. I will report the comments of outstanding consultees but will recommend approval subject to safeguarding conditions.

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
2. No development shall take place until precise details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing with the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
(Reason – To ensure the appearance of the building is satisfactory.)
3. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such times(s) as may be specified in the approved scheme.  
(Reason – To prevent the increased risk of pollution to the water environment.)
4. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage, to include a storm water control system, shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such times(s) as may be specified in the approved scheme.  
(Reason – To ensure a satisfactory method of surface water drainage.)
5. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such times(s) as may be specified in the approved scheme.  
(Reason – To prevent the increased risk of pollution to the water environment.)

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and specification of all proposed trees, hedges and shrub planting, which shall include details of species, density size and stock.  
(Reason - To enhance the quality of the development and to assimilate it within the area.)
7. 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.)
8. The use of the building hereby permitted shall not commence until the proposed access from the existing highway shall have been laid out and constructed in accordance with the details shown on Drawing No Quince/Road franked 8<sup>th</sup> January 2008 submitted with application S/2046/07/F. The access and visibility splays shall thereafter be retained as such and the visibility splays shall be maintained free from any obstruction over a height of 600mm.  
(Reason – In the interests of highway safety.)
9. The permanent space to be reserved on the site for the turning, parking, loading and unloading of vehicles shall be provided before the use of the building commences and thereafter retained as such.  
(Reason – In the interests of highway safety.)
10. Details of the location and type of any power driven plant or equipment for the poultry unit 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 and maintained 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.)
11. Vehicle movements from delivery/collection vehicles shall only occur on the site between the hours of 0800 to 1800 hours Mondays to Fridays, 0800 to 1300 hours on Saturdays and not at all on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.  
(Reason – To minimise noise disturbance for adjoining residents.)
12. No development shall commence until a scheme of external lighting, specifying the type, location, mounting heights, light levels and alignment of any external light fittings to be erected on the site has been submitted to and approved in writing by the Local Planning Authority. No external lighting other than that contained in the approved scheme shall be used and no changes to the approved scheme shall be made thereafter without the prior written permission of the Local Planning Authority.  
(Reason – To prevent light pollution in accordance with the aims of Policy NE/14 of the South Cambridgeshire Local Development Framework – Development Control Polices 2007.)

13. No development shall commence until an Environmental and Site Management Plan for the site and surrounding land within the applicants control has been submitted to and approved in writing by the Local Planning Authority. The Environmental and Site Management Plan shall include details of the means of periodic disposal of litter/manure from the building (including the location of any storage of manure); the arrangements for the cleaning out of the building; clean and dirty water disposal; fly and vermin control; details and the location of the proposed refrigeration units for fallen stock; alarm systems and; arrangements for feed delivery. These details shall follow the information contained in the Environmental Report dated August 2007, which accompanied the planning application. Operations on the site shall be carried out in accordance with the approved Environmental and Site Management Plan unless otherwise previously agreed in writing with the Local Planning Authority. (Reason – To ensure that the operation of the site does not have an adverse impact on residential amenity by undue environmental disturbance such as noise, odour or dust in accordance with the aims of Policy DP/3 of the South Cambridgeshire Local Development Framework – Development Control Policies 2007.)
14. No development shall commence until details of an Ecological Management Plan for the site and surrounding land within the applicants control has been submitted and agreed in writing by the Local Planning Authority. The Ecological Management Plan shall detail which measures proposed in the document *Environmental Statement: Proposed Chicken Farm Station Road, Gamlingay - Ecology and Nature Chapter* by Greenwillows Associates Ltd 2007, shall be implemented by the applicant and by when. The Ecological Management Plan shall be fully implemented for the duration of the use of the site unless otherwise agreed in writing with the Local Planning Authority. (Reason - To protect and enhance habitats and species of biodiversity importance. PPS9 Biodiversity and Geological Conservation seeks to maintain, enhance and restore biodiversity. Furthermore Local Development Framework - Development Control Policy 2007 NE/6 Biodiversity seeks to conserve and enhance biodiversity and expects adequate mitigation and compensation.)

### **Informatives**

Comments of the Environment Agency and Bedfordshire and River Ivel IDB

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

- South Cambridgeshire Local Development Framework – Development Control Policies (adopted July 2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/2147/07/F, S/2046/07/F, S/2147/07/F; S/2148/07/F, S/1321/06/F, S/1999/05/PNA, S/1851/05/LDC, S/1786/05/PNA, S/2193/01/F and S/2194/01/F

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

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> February 2008**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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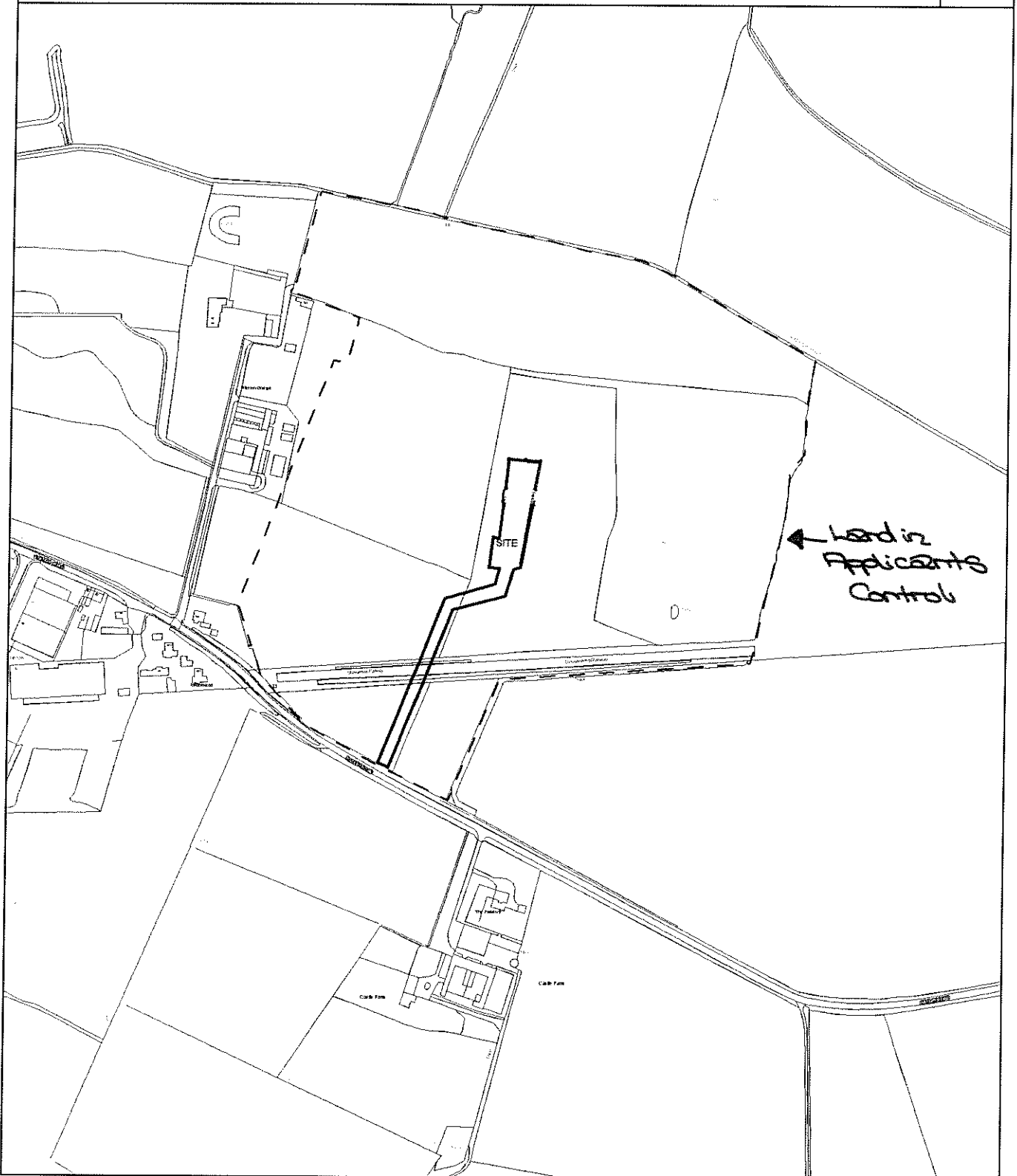
**S/2148/07/F – GAMLINGAY****Erection of Free Range Poultry Unit (Phase 3), Land off Station Road for Mr I Quince****Recommendation: Approval****Date for Determination: 13<sup>th</sup> February 2008  
(Major Application)****Notes:**

**This Application has been reported to the Planning Committee for determination as the officer recommendation is contrary to the objections received from the Parish Council and local residents**

**Site and Proposal**

1. This full application, received on 14<sup>th</sup> November 2007, proposes the erection of a 558m<sup>2</sup> free range poultry unit (Phase 3) on land to the north of Station Road, Gamlingay. The site area of the application is limited to the area of the building (including Phases 1 and 2 – see History below) and roadway from Station Road but the applicant controls a large area of surrounding land which will be used in association with the operation.
2. The majority of the land is to the north of the route of the former Cambridge to Bedford railway line. To the north the land is bounded by Millbridge Brook with agricultural land beyond extending to Long Lane. To the west of the land are Merton Grange and its associated outbuildings, and a dwelling fronting Station Road. To the east is agricultural land.
3. The building is located to the east of an existing hedgerow and measures 30.5m x 18.3m and is 6.8m high and will house approximately 4000 birds, giving a total of 12000, inclusive of phases 1 and 2 (see Para 8 below). Material proposed for the building is dark green coated profile steel sheeting.
4. The elevations depict a stand alone building however the site layout plan and floor plan show the building linked with Phases 1 and 2 giving a total of 1535m<sup>2</sup>.
5. Access will be from Station Road, approximately 150 metres to the east of the top of the old railway bridge.
6. The application is accompanied by an Environmental Statement and an Environmental Report.

February Committee 2008



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7. The application has been screened in respect to the possible requirement for an Environmental Impact Assessment (EIA). Although the 2001 and 2006 applications (see History below) were accompanied by an EIA, at the request of the Local Planning Authority, the applicant subsequently requested screening opinions from Go-East. Although the decision to require an EIA was originally supported the Secretary of State has subsequently taken the view that although the scale of the building as originally proposed exceeded the relevant threshold it would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location and therefore concluded that it did not constitute EIA development. It was stressed however that this did not override the need to address matters raised in the previous reasons of refusal.

### **Planning History**

8. Planning consent was granted at the January meeting (**S/2046/07/F**) for the erection of a 530m<sup>2</sup> free range poultry building and associated hardstanding (Phase 1). Application reference **S/2147/07/F** for phase 2 is being considered at this Committee meeting.
9. Previously two planning applications were refused for the erection of an egg production unit on this site.
10. In 2005 a planning application (**S/2194/01/F**) for a 1560m<sup>2</sup> egg production building, including a storage building and vehicular access was refused on the grounds of the adverse visual impact on the area from the loss of hedgerow required to provide the visibility splays requested by the Local Highway Authority; the adverse impact of the buildings on the rural character of the area and approach to the village and; that the Environmental Impact Assessment submitted with the application was unsatisfactory in respect of its failure to address how the possible presence of badgers within the site would be taken into account within the development, the lack of botanical investigation of the disused railway line where 3 county scarce plants had been found and; that landscape mitigation/enhancement and management of hedgerows, oak trees and other features had not been adequately addressed.
11. An appeal against the refusal was dismissed in November 2006, however the Inspector did not support all the reasons of refusal in respect of the visual impact of the proposed access and its associated visibility splays. He concluded, following discussion at the appeal hearing, that the removal of the hedgerow was not necessary except for a small protruding section 80m west of the access. He concluded that this would therefore overcome the Councils concern about the impact of the access. Similarly he did not feel that the proposed building would look out of place in an agricultural landscape, taking into account existing planting and hedgerow retention. As a result the Inspector concluded that the proposals would not materially harm the character and appearance of the surrounding area.
12. In respect of the Environmental Impact assessment additional information was supplied at the appeal in respect of a botanical survey and the impact of over-flying aircraft (although not a reason of refusal) on the birds which the Inspector felt adequately addressed these concerns, however he felt that the matter of the possible impact of the proposal on badgers had not been satisfactorily addressed and the appeal was dismissed on the grounds that the development would have an unacceptable adverse impact on the ecology of the sites and the surrounding area.
13. The Inspector commented the "neighbours were also concerned about highway safety, odours and aircraft over-flying, as well as loss of wildlife, amongst other

things. The proposal would only result in a few vehicular movements a day, less than half of which would be heavy lorries and I am satisfied an adequate access can be provided at minimal damage to the roadside hedge. I am told that a free range unit of this type should not produce an unacceptable odour problem and arrangements could be made to ensure that manure spreading was carried out at a suitable distance from domestic properties. I am advised that over-flying aircraft can cause distress to chickens, but the evidence from existing flocks close to Little Gransden airfield is that they soon become used to the noise. Wildlife interests are covered in the ES.”

14. In 2001 a second application (**S/2193/01/F**) was submitted for an agricultural mobile home on the site which was refused on the grounds of lack of justification (given the refusal of the unit) and visual impact. Although the appeal was dismissed, the inspector concluded that a temporary mobile home was justified to support an egg production unit when it is built.
15. In 2005 the applicant submitted prior notifications of proposed agricultural development under Part 6 of Article 3, Schedule 2 of the General Permitted Development Order 1995 in respect of an agricultural storage building and agricultural access. The Council did not exercise its option of prior approval.
16. In 1995 an application was submitted for the Certificate of Lawfulness for the proposed use of land for the siting of mobile poultry sheds and grazing of free range hens. The certificate was issued in May 2006.
17. In October 2006, prior to the receipt of the Inspectors decision on the 2001 application, a planning application (**S/1321/06/F**) was refused for an identical building on the same grounds as the previous refusal but with an additional concern added that the application failed to provide information on the procedures for dealing with fallen stock. An appeal has been lodged against that decision and a Local Inquiry is due to take place in March 2008. Given the Inspectors decision on the previous appeal in November 2006 the Council has confirmed that it no longer wishes to object to either the scale and location of the poultry shed or the creation of the new access, subject to satisfactory conditions, and will only now contest the appeal on the grounds of the impact of the development on the ecology of the site and surrounding area.

### **Planning Policy**

18. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”) states that development should only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form.
19. **Policy DP/1** of the South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007 sets out criteria in respect of sustainable development and has the same aims as Policy P1/3 of the County Structure Plan.
20. **Policy DP/2** of the LDF states that all new development must be of high quality design and, as appropriate to the scale and nature of the development, sets out criteria that should be addressed.
21. **Policy DP/3** of the LDF states that planning permission will not granted where the proposed development would have an unacceptable adverse impact, amongst others, on residential amenity; from traffic generated; on the countryside and landscape character; from undue environmental disturbance such as noise, lighting, vibration,

odour, noxious emissions and dust; on ecological, wildlife and archaeological interests; on flooding and flood risk; or on the quality of ground or surface water.

22. **Policy NE/4** of the LDF states that development will only be permitted where it respects and retains or enhances the local character and distinctiveness of the individual Landscape Character Area in which it is located.
23. **Policy NE/6** of the LDF sets out the Councils policy in respect of biodiversity.
24. **Policy NE/11** of the LDF states that in relation to flood risk, applications for planning permission will be judged against national policy (currently PPS25).
25. **Policy NE/14** of the LDF controls lighting within development proposals.
26. **Policy NE/15** of the LDF deals with the issue of noise pollution.
27. **Policy NE/16** of the LDF deals with emissions.

### **Consultation**

28. **Gamlingay Parish Council** recommends refusal. "The Council reiterate their objections relating to phase 1 (S/2046/07/F). Council concerned about the numerous inconsistencies within the application, in addition.

Site slopes towards Millbridge Brook – discounted

Site floods – evidence of regular localised flooding – discounted

Waste recycling/storage/bins – marked n/a when requirement to address manure/dead chickens, trade effluent etc.

Badgers/otter activity in vicinity would be affected."

In respect of application S/2046/07/F the Parish Council commented as follows:

"The Council was concerned about discrepancies between the supporting documentation and the completion of the application form, in addition to all the previous objections to development of this site. It is unclear whether there is the equivalent of 1 full time or two full time employees required for this venture. There is also reference to industrial machinery being required (bobcat), which is incorrectly recorded in the application form (no industrial machinery).

The access way to the site is OUTSIDE the 40 mile an hour limit – not inside as recorded in the supporting documentation, and the Council reiterate their concerns that this access way is not suitable for HGV use as it will cause HGV's being on the wrong side of the road when turning towards Gamlingay over a blind summit of the bridge, and potentially will cause a serious road traffic accident. The road is very narrow at this point.

Concerns were also expressed about the foul water disposal – again not recorded on the application form but evidence provided in the supporting documentation. This field does flood after heavy rain and therefore effluent from the free-range chickens will pass into the Millbridge brook adjacent – this water run off cannot be collected and contained in tanks. This will cause local environmental impact.

The Council is concerned about the concentration of local chicken farms in the vicinity of Gamlingay, with regard to the outbreaks of bird flu. If such an event did happen, Gamlingay would be at the centre of a 3Km exclusion zone surrounded on all sides by four chicken farms. This would cause local anxiety and concern.

The application also states long operating hours between 7am and 10pm every day, which will cause additional concerns to the residents adjacent to the site.

The Council therefore recommends refusal of the application.”

29. The **Local Highway Authority** states that the proposal will result in increased traffic usage of the existing junction. Whereas, the increase may not at present be significant the proposed three phases have the potential to increase the likelihood of accidents occurring at an unmodified junction. The Highway Authority will require that the access be improved to reduce potential hazard.

The applicant should provide visibility splays of 2.4m x 120m; the splays must be either within the existing adopted public highway or over land in the control of the applicant. The access itself should be at least 6m wide over the first 20m of its length to allow two larger vehicles to pass without one having to wait on the highway. The above length of access should also be hard paved to prevent debris from spreading onto the adopted public highway.

30. **Natural England** has no objection to the proposed development subject to it being carried out in strict accordance with the application, particularly with reference to the mitigation measures within the Ecology Report. Any planning permission should include a suitably worded condition to ensure that ecological enhancement measures (especially regarding works to improve the habitats on the railway cutting, field margins and hedgerows) in the Report are carried out in full.

31. The **Corporate Manager (Health and Environmental Services)** comments that the submitted information does not satisfactorily address the question of how fallen stock will be dealt with, but is satisfactory in all other respects.

32. The **Ecology Officer** has no objection subject to negotiation of suitable conditions. He comments that the ecological information supplied in support of the information now provides the detailed information required to consider the proposal and the explanation of how the chicken ranging areas will be moved around the site is useful to appreciate that the entire site will not be fenced off all at one time.

He is currently willing to accept that the badger sett in the dry pond is not active and similarly that the hedgerow sett is only being used occasionally. The applicants approach to leave wide buffer zones around these features to avoid any future possible conflict is welcomed. Surveys in 2007 do not show badgers as foraging across the proposed chicken ranging areas. Nevertheless, with the proposal to move the fenced areas around the site he does not envisage permanent fencing forming a barrier to the future movements of the local badger population.

Whilst the Ecology and Nature Conservation chapter of the Environmental Statement is useful in terms of habitat and species assessment and proposed mitigation, it is not actually clear if the measures contained within it are merely recommendations by the Ecologist or if they are actual commitments to mitigation and habitat provision. If it is the former and written confirmation can be provided as such then he is willing to accept the details. If not, then a condition is required to secure an Ecological

Management Plan (EMP) to take forward specific matters that can be monitored in future.

Issues to specifically take forward in an EMP will include:

- Buffer planting/ grassland strips around badger setts.
- Baffles on lights to avoid spillage on to oak trees (lessening impact on possible bat roosts)
- Control of vegetation removal during the period 15<sup>th</sup> March to 15<sup>th</sup> September to avoid impact on breeding birds and young hares
- Habitat enhancement of the western end of the railway embankment, including hedge laying and scrub removal
- Planting of woodland screen
- Hedgerow management programme
- Grassland buffer to avoid nutrients reaching Millbridge Brook
- Provision of 10 bird boxes
- Provision of 10 bat boxes

Although this application is for the poultry unit it would appear reasonable to request the applicant to implement the formerly discussed landscape mitigation measures. These would include gapping up of hedgerows along the northern boundary of the site plus the inclusion of hedgerow trees (such as Oaks). Off-site landscaping has been requested and would still be desirable to lessen the wider landscape impact.

If the application is to be considered on the red line site alone then some form of screening may be requested for the individual unit.

The choice of species within the landscape proposals of the Environmental Report (Aug 2007) are not entirely suitable. Species included such as geulder rose and wayfaring tree are more typical of chalk landscapes. On the sandy soils of this location it is requested that they are replaced with rowan and downy birch.

Additionally, it is stated that the woodland belt will be delivered via a Woodland grant Scheme. If this landscape feature is required for planning purposes then delivery should not rely on the success of a grant scheme.

The **Bedfordshire and River Ivel Internal Drainage Board** comments that the two issues which are of interest to the Board are firstly the Board's Byelaw which requires a 7m margin alongside the watercourse rather than the 6m referred to in the report prepared by Acorus Rural Property Services. Secondly, surface water runoff from the proposals should be restricted to the Greenfield equivalent rate unless a higher discharge rate is agreed and has the formal consent of the Board. If the Planning Authority is minded to grant planning permission the applicant should contact the Board for the purpose of obtaining the necessary consents.

33. The comments of the **Environment Agency** will be reported at the meeting. In respect of application S/2046/07/F it requested conditions relating to the submission of schemes for foul and surface water drainage and pollution control as well as outlining a number of informatives to be attached to any consent.

### **Representations**

34. The occupiers of 101 Station Road object to the application on the following grounds:
- (a) Probable detriment on protected species:

1. The environment assessment recorded one badger's track on the site but from observation badgers are extremely active in and around the proposed site.
  2. The assessment has failed to note several other species present in the area. There are green woodpeckers currently nesting in the oak trees marked on the planning drawing; three species of owls are present in the area and little owls in particular are nesting in Merton Grange buildings; there is a healthy population of foxes in the Merton Grange grounds – living in one of the badger setts; roe deer are often seen crossing the fields in the area.
- (b) Water pollution. The environmental report states that provided adequate pollution run-off controls are implemented, impact on Millbridge Brook is assessed as being negligible." The only run-off control outlined in the application is a soakaway thus this issue needs to be addressed. The application form states that there will be no foul water to be disposed of but it is felt that this cannot be the case and needs to be addressed.
- (c) The matter of waste and waste disposal has not been addressed.
- (d) Smell. There is concern from those living close to the proposed site about the odour from the poultry unit. No assessment appears to have been made of this issue.
- (e) The proposed building will be 530m<sup>2</sup> (the height is unclear) but it is likely to have a substantial impact on the visual landscape. It is understood that avoidance of building on green belt land is a very topical issue for the present government.
- (f) Noise pollution. The application form states that no noise assessment has been conducted and is not applicable but this is not the case. At present this is a peaceful area of countryside on the outskirts of Gamlingay. The proposed working hours of the unit (7am – 10pm, 7 days a week), not to mention the noise from the poultry itself, will be intrusive to local residents, both during office hours (several residents work at home) and leisure hours.
- (g) The poultry unit will incur a significant increase in traffic, in particular HGV's, along approaching roads to the site – which have narrow sections.
- (h) It is understood that the applicant has not outlined a business plan for the unit, therefore it is not known if there are plans to enlarge the business in the future, which would increase all the above concerns
- (i) The application form states that there is no new or altered vehicular access proposed but this is incorrect, as the applicant has recently laid a hard track that will support heavy goods vehicles.
- (j) It is understood that the applicant has been attempting to get permission through inappropriate methods – agricultural applications rather than mandatory planning applications – until this point. The objector is outraged to have witnessed work on site and the presence of building materials despite no permission having been granted and the planning application form stating that no development has taken place.



**Planning Comments – Key Issues**

35. The site has been the subject of two previous refusals and one dismissed appeal. The second refusal notice has been appealed. However at the January meeting Members granted consent for a 530m<sup>2</sup> building as phase 1, having been satisfied that the applicant had addressed outstanding issues identified by the Planning Inspectorate relating to ecological matters
36. In assessing this application it is necessary for Members to consider all aspects of the proposal but in particular to concentrate on the previous reasons of refusal, the decision of the Planning Inspectorate, and again whether the current application satisfactorily addresses these concerns.
37. **Access.** The Local Highway Authority has not objected to the application but has required the upgrading of the access and the provision of appropriate visibility splays. These improvements are secured by a condition attached to planning consent S/2046/07/F but should be repeated on this application.
38. Work on the construction of an access and roadway has started on site under the prior notification application.
39. Given that the previous reason of refusal on access grounds was not supported by the Inspector and that this application would not involve vehicular movements over and above those previously considered, it is my view that it would be unreasonable to refuse this application on access grounds.
40. **Visual Impact.** The proposed building, when considered with that approved as Phase 1 and that under consideration as Phase 2, is equivalent to the floor area of the building previously considered at appeal. There is existing screening within the site and the applicant has indicated that he is willing to undertake additional planting to further screen the building, which can be secured by condition.
41. At the appeal the Inspector considered the issue of the visual impact of the larger building and concluded that it would not materially harm the character and appearance of the surrounding area, and therefore did not support the previous refusal on this ground. Given this it would be unreasonable to refuse the current application on this ground.
42. **Ecology/Wildlife.** The Inspector previously upheld the reason of refusal on ecology/wildlife grounds, particularly in respect of the lack of information in respect of badgers.
43. The Environmental Statement submitted with this application has satisfied the previous concerns of the Ecology Officer in respect of the possible impact of the development on protected species, particularly badgers (refer to Ecology Officers comments above). Nevertheless he requires that a condition be attached to any consent requiring the submission of an Ecological Management Plan to ensure that measures indicated in the application are implemented.
44. **Noise.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of the impact of noise on nearby residential dwellings. The closest dwelling is approximately 270m from the proposed building.

45. The applicant has addressed issues of noise in the Environmental Report.
46. **Odour.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of the effect of odour on nearby residential dwellings. The issue of odourants and soild manure is addressed in the Environmental Report
47. **Lighting.** The question of lighting has not been addressed in the Environmental Report and the Ecology Officer has outlined the need to control the impact of any lighting on the adjacent Oak trees to avoid undue disturbance to wildlife. A condition can be attached to any consent requiring details of any lighting to be submitted and agreed. Such a condition is supported by Policy NE/14 of the LDF.
48. **Dust.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of the effect of odour on nearby residential dwellings.
49. The Environmental Report states that calculations indicate that annual average concentrations of poultry dust are not expected at a distance exceeding 100m from the source. In this case distances from the nearest residential properties are in excess of 100m and prevailing winds are away from residential areas. The report also states that existing and planned hedging and trees will form a biological screen that will trap many odour-carrying particles at the times of year when odour risk will be greatest.
50. **Pollution Control.** The comments of the Environment Agency will be reported to the meeting. However it did not object to the previous proposals, subject to the imposition of safeguarding conditions and this matter was not considered an overriding concern by the Planning Inspector.

The issues raised by the Bedfordshire and River Ivel Internal Drainage Board can be attached as informatives on any consent

51. The issue of clean and dirty water control is addressed in the Environmental Report. It states that no slurry will be produced from the building, apart from a negligible volume in the doorway after pressure washing which will be directed into the dirty water tank via a foul drain immediately in front of the building. This tank will also contain any fouled rainwater.
52. Manure will be taken to field heaps prior to spreading on other land owned by the applicant or neighbouring fields. These heaps must be at least 10 metres from a ditch or field drain.
53. **Pest Control.** The Corporate Manager (Health and Environmental Services) has not objected to the application on the grounds of pest control. The Environmental Report states that flies are not likely to be a problem as litter is not normally a breeding ground for flies during a layer's life and no dirty litter will be stored on site after cleaning the houses. A fully trained Pest Control contractor will make regular visits to the site.
54. The report states that routine baiting and a well constructed site will ensure that there will be no risk of the poultry houses becoming a breeding ground for rats or mice, again this will be covered by the pest control contractor.

55. In conclusion the applicant has now satisfactorily addressed the ecological issues which resulted in the previous appeal being dismissed and I am of the view that, subject to the response of outstanding consultations, that the application should be approved.
56. In my view to object to the application on grounds that have already been considered and dismissed by the Planning Inspectorate would lay the Council open to a possible award of costs at any subsequent appeal as there has not been any material change in circumstances since that decision.

### **Recommendation**

57. I will report the comments of outstanding consultees but will recommend approval subject to safeguarding conditions.

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
2. No development shall take place until precise details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing with the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
(Reason – To ensure the appearance of the building is satisfactory.)
3. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such times(s) as may be specified in the approved scheme.  
(Reason – To prevent the increased risk of pollution to the water environment.)
4. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage, to include a storm water control system, shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such times(s) as may be specified in the approved scheme.  
(Reason – To ensure a satisfactory method of surface water drainage.)
5. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such times(s) as may be specified in the approved scheme.  
(Reason – To prevent the increased risk of pollution to the water environment.)
6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the

course of development and specification of all proposed trees, hedges and shrub planting, which shall include details of species, density size and stock.  
(Reason - To enhance the quality of the development and to assimilate it within the area.)

7. 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.)
8. The use of the building hereby permitted shall not commence until the proposed access from the existing highway shall have been laid out and constructed in accordance with the details shown on Drawing No Quince/Road franked 8<sup>th</sup> January 2008 submitted with application S/2046/07/F. The access and visibility splays shall thereafter be retained as such and the visibility splays shall be maintained free from any obstruction over a height of 600mm.  
(Reason – In the interests of highway safety.)
9. The permanent space to be reserved on the site for the turning, parking, loading and unloading of vehicles shall be provided before the use of the building commences and thereafter retained as such.  
(Reason – In the interests of highway safety.)
10. Details of the location and type of any power driven plant or equipment for the poultry unit 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 and maintained 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.)
11. Vehicle movements from delivery/collection vehicles shall only occur on the site between the hours of 0800 to 1800 hours Mondays to Fridays, 0800 to 1300 hours on Saturdays and not at all on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.  
(Reason – To minimise noise disturbance for adjoining residents.)
12. No development shall commence until a scheme of external lighting, specifying the type, location, mounting heights, light levels and alignment of any external light fittings to be erected on the site has been submitted to and approved in writing by the Local Planning Authority. No external lighting other than that contained in the approved scheme shall be used and no changes to the approved scheme shall be made thereafter without the prior written permission of the Local Planning Authority.  
(Reason – To prevent light pollution in accordance with the aims of Policy NE/14 of the South Cambridgeshire Local Development Framework – Development Control Policies 2007.)
13. No development shall commence until an Environmental and Site Management Plan for the site and surrounding land within the applicants control has been submitted to and approved in writing by the Local Planning Authority. The Environmental and

Site Management Plan shall include details of the means of periodic disposal of litter/manure from the building (including the location of any storage of manure); the arrangements for the cleaning out of the building; clean and dirty water disposal; fly and vermin control; details and the location of the proposed refrigeration units for fallen stock; alarm systems and; arrangements for feed delivery. These details shall follow the information contained in the Environmental Report dated August 2007, which accompanied the planning application. Operations on the site shall be carried out in accordance with the approved Environmental and Site Management Plan unless otherwise previously agreed in writing with the Local Planning Authority. (Reason – To ensure that the operation of the site does not have an adverse impact on residential amenity by undue environmental disturbance such as noise, odour or dust in accordance with the aims of Policy DP/3 of the South Cambridgeshire Local Development Framework – Development Control Policies 2007.)

14. No development shall commence until details of an Ecological Management Plan for the site and surrounding land within the applicants control has been submitted and agreed in writing by the Local Planning Authority. The Ecological Management Plan shall detail which measures proposed in the document *Environmental Statement: Proposed Chicken Farm Station Road, Gamlingay - Ecology and Nature Chapter* by Greenwillows Associates Ltd 2007, shall be implemented by the applicant and by when. The Ecological Management Plan shall be fully implemented for the duration of the use of the site unless otherwise agreed in writing with the Local Planning Authority.

(Reason - To protect and enhance habitats and species of biodiversity importance. PPS9 Biodiversity and Geological Conservation seeks to maintain, enhance and restore biodiversity. Furthermore Local Development Framework - Development Control Policy 2007 NE/6 Biodiversity seeks to conserve and enhance biodiversity and expects adequate mitigation and compensation.)

### **Informatives**

Comments of the Environment Agency and Bedfordshire and River Ivel IDB

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

- South Cambridgeshire Local Development Framework – Development Control Policies (adopted July 2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/2148/07/F, S/2147/07/F, S/2046/07/F, S/2147/07/F; S/2148/07/F, S/1321/06/F, S/1999/05/PNA, S/1851/05/LDC, S/1786/05/PNA, S/2193/01/F and S/2194/01/F

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

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> February 2008**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**C/6/9/1A - HISTON****Discharge of Conditions – Cambridgeshire Guided Busway  
Signal Controlled Junction on Park Lane, Uncontrolled Cycle Crossing of the  
Guideway, Toucan Crossing of Park Lane for the Maintenance Track/Cycleway,  
Signage and 13 Lighting Columns, Park Lane, Histon****Recommendation: Approval****Notes:**

**This submission has been reported to the Planning Committee for determination following deferral at 5<sup>th</sup> December 2007 meeting.**

**Background**

1. At the meeting on 5<sup>th</sup> December 2007, Committee deferred consideration of the proposal at Park Lane, Histon, to discharge condition 3 (a)(iii) of the Planning Permission for the Cambridgeshire Guided Busway.
2. It was deferred “pending the receipt of assurances about provision of a controlled crossing for the crossing of the Guideway by the footway/cycleway.”
3. Members should refer to the report (item 11) of the 5<sup>th</sup> December 2007 agenda for details of the condition, scheme, representations and issues.

**Additional Consultations**

4. Apart from those of **Histon Parish Council** and the **Local Highways Authority**, I reported at the December meeting the following comments of the Chairman of **Girton Parish Council**:
5. “In response to the objections of the Parish Council the Local Highways Authority states: “I wish to confirm that the County Council will not accept street lighting that does not meet county standards, at a junction where there are to be vulnerable road users crossing a busy village road and the guided busway whilst under signal control. ... The County Council would not accept the scheme being implemented without adequate advance signing”. This admirable concern for safety (though perhaps tempered by its concern for mere delay and vehicle damage) fits ill with the cavalier disregard of the safety of vulnerable schoolchildren on cycles, whose safety is put in jeopardy because “there is insufficient land within the limits of the scheme to provide the infrastructure necessary for a controlled crossing”. It should also be noted that the path referred to in the documentation as a “maintenance track/cycleway” is in fact to be designated as a bridleway, and there are a number of young riders who also use Gatehouse Road.

- 6 To offer as an adequate alternative “the appropriate visibility in each direction in relation to the approach speed of vehicles” appears to attribute to 11 year-old cyclists and young riders a far greater degree of mature judgement than officers attribute to motorists in need of such excessive signage and lighting; and will be seen as a studied insult. Many of the children using this crossing will come from my Parish and deserve higher standards of safety. It is also a matter of some concern that my Parish was not on the list of consultees for this application considering its impact upon us.
- 7 I do hope you will instruct the officers and developers that they must find the necessary extra land needed (if necessary by means such as narrowing the roadway to provide the extra space), or develop a truly safe alternative, and refuse to discharge the conditions until they do.”

#### **Representation from Guided Bus Team (GBT)**

8. Further to the decision of Committee on 5<sup>th</sup> December 2007, the GBT has responded. Its reasons for not proposing a signal controlled crossing are attached as appendix 1 and comments upon lighting incorporated as appendix 2 on the lighting contours plan.

#### **Planning Comments**

- 9 As an alternative to a signal controlled facility for pedestrians/cyclists crossing the northern arm of the Girton junction, the Road Safety Audit (RSA) Stage 2 stated that: “the design team must ensure that a pedestrian or cyclist waiting to cross the guideway has the appropriate visibility in each direction in relation to the approach speed of vehicles.
- 10 The GBT has responded by removing the bus turning movement on the NW corner of the junction to improve sight line visibility for the crossing. This enables cyclists and pedestrians to have an unrestricted view north eastwards of oncoming buses before crossing in a south westerly direction. This has also reduced the crossing distance from 16 metres to 13 metres.
11. The lighting contour plan justifies the amount and height of columns in order to provide a safe junction, whilst at the same time minimising light pollution.

#### **Recommendation**

- 12 In view of the fact that the amended plan addresses the alternative recommendation of the RSA Stage 2, it is recommended that condition 3(a)(iii) be discharged in regard to the amended design (drawing no. (GB-HJY-JNGIR-D-I-001F) of the Park Lane, Histon junction subject to agreement of the detailed signals design by the County Council’s Signals Team.

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

- Planning File Ref: C/6/9/1A
- Documents referred to in the report including appendices on the website only and reports to previous meetings.

**Contact Officer:** David Rush – Development Control Manager  
Telephone: (01954) 713153



**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> February 2008**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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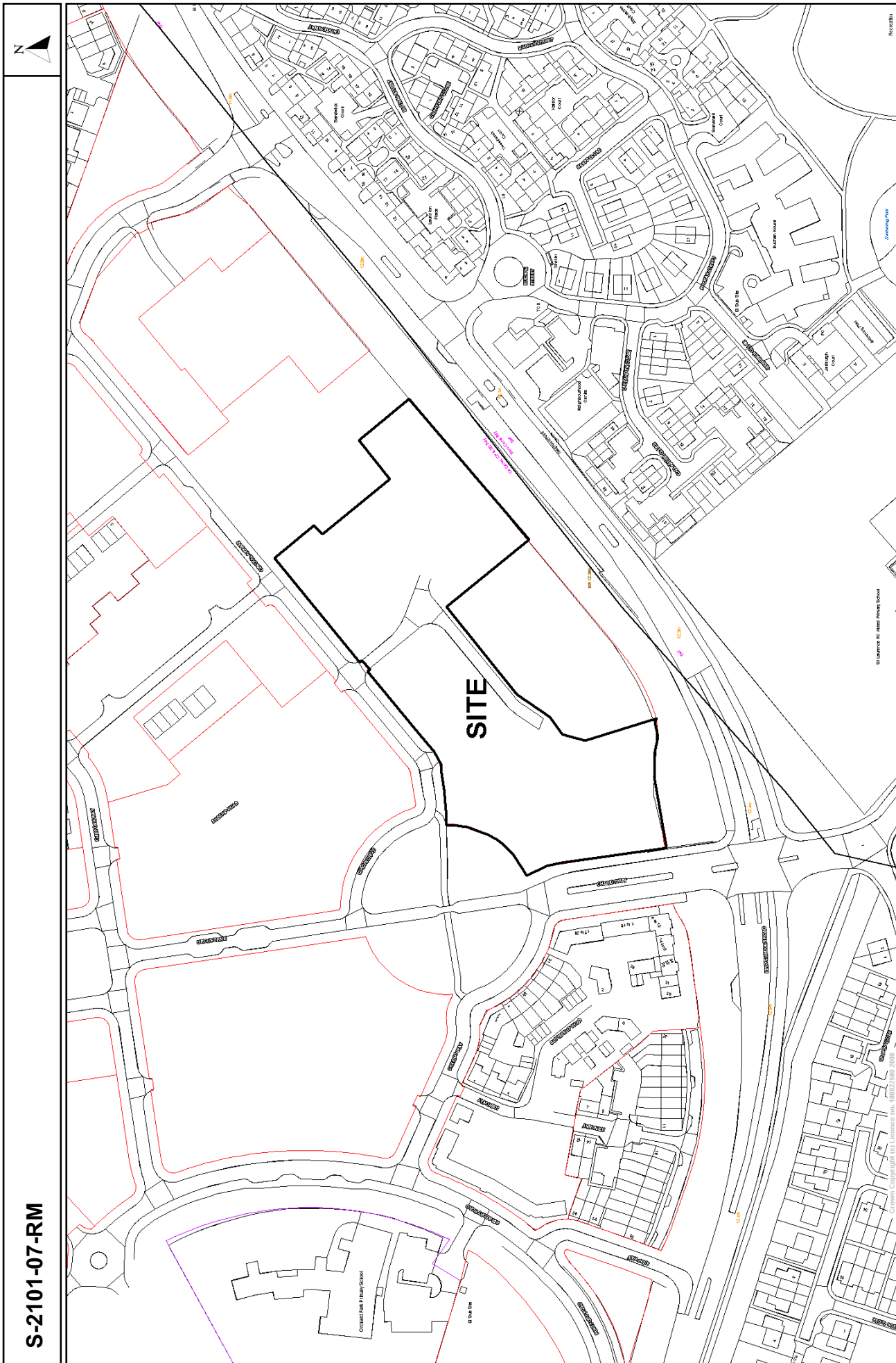
**S/2101/07/RM- IMPINGTON**  
**Erection of 98 Dwellings and Associated Infrastructure****Recommendation: Approval****Date for Determination: 6<sup>th</sup> February 2008****Notes:**

**This Application has been reported to the Planning Committee for determination because of objection received from Impington Parish Council.**

**Members will visit this site on 6<sup>th</sup> February 2008**

**Site and Proposal**

1. This site is particularly prominent as it fronts Kings Hedges Road and will complete the south eastern quadrant of the Circus and the eastern side of the principal access into Arbury Park. Construction is underway on the three other sides of the Circus. This includes Land Parcel C1, which fronts the Circus and extends across the north of the application site. The site itself extends around land parcel B2 and up to Public Open Space No4 where the Community Centre is under construction. To the south are B2 and the route of the Cambridge Guided Bus. Separating Kings Hedges road from the route of the CGB and the application site is a hedge of varying thickness .To the east the hedge will obscure views from Kings Hedges road but to the west the site will be clearly visible from the road. A bus stop for the CGB is proposed at the western end.
2. The site is of an irregular shape of approximately 1.606ha wrapping around Land Parcel B2 (23 Affordable Houses under construction). The site is generally flat and has no other distinguishing features.  
The reserved matter application received 7<sup>th</sup> November 2007 seeks reserved matters approval for the Layout; Scale; Appearance and Access for 98 dwellings with a mixture of three storey dwellings around the perimeter, two storey in the rear mews courts and a taller block rising to five storey to match that already built by the same developer on land parcel A2 on the western side of the main access.
3. Vehicular access is to be taken from three points off the northern most road but only one of these serves the majority of the development and the others serve small parking courts. The principle Mews roadway connects with a loop circulating around Land Parcel B2.
4. The application seeks 60 two bedroomed flats, 10 three bedroomed houses, 27 four bedroomed houses and 1 five bedroomed house. The flats are principally at the eastern and western ends of the site .A total of 158 car parking spaces (including 15 identified disabled spaces) and 156 cycle spaces are to be provided.



S-2101-07-RM

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Scale 1/2500

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Date 24/1/2008

Feb 2008 Planning Committee

5. A Design Statement accompanied the application. Four Character areas are referred to. Kings Hedges Road, Boulevard, Street, and Mews. Access has been varied slightly from the Design Guide and Car parking provided mainly to the rear of the Mews but with some on street "Mews" parking

### **Planning History**

Outline planning consent was granted 14<sup>th</sup> June 2005 following the signing of a Section 106 Agreement that covered the full range matters including education, transport, affordable housing, sustainability, community facilities, public open space and design guidance.

6. Reserved matters planning consent was granted 6<sup>th</sup> November 2007 for Land Parcel B2, **S/1496/07/RM**

### **Planning Policy**

Until recently, the adopted Local Plan 2004 formed part of the development Plan for South Cambridgeshire, setting out the planning policy framework for development within the District. With the introduction of the new planning system in 2004 the Council produced a suite of Development Plan Documents (DPD), known collectively as a Local Development Framework (LDF), which will replace the Local Plan

The Core Strategy DPD was adopted in January 2007 with the Development Control Policies DPD adopted in July 2007 and as such a number of the Local Plan 2004 policies have now been superseded. However the Site Specific Policies DPD is currently in a draft form dated January 2006 with the hearings for this Examination currently in progress. As such and until this DPD is formally adopted there are still some of the Local Plan 2004 policies which remain in force.

Core Strategy DPD (January 2007) policies relevant to this application: **ST/2 Housing Provision**. This policy seeks provision for 20,000 new homes in South Cambridgeshire during the period 1999 to 2016. Priority is given to development on the edge of Cambridge

Development Control Policies DPD (July 2007) policies relevant to this application: **DP/1 Sustainable Development; DP/2 Design Of new Development; DP/3 Development Criteria; DP/6 Construction Methods; HG/1 Housing Density; HG/2 Housing Mix; HG/3 Affordable Housing SF/6 Public Art; SF/10 Outdoor Playspace, Informal Open Space, and new Developments; SF/11 Open Space Standards; NE /1 Energy Efficiency; NE/3 Renewable Energy Technologies; NE/6 Biodiversity; NE/9 Water and Drainage Infrastructure; NE/16 Emissions; NE/15 Noise Pollution; R/1 Planning for more sustainable Travel; TR/2 Car and Cycle Parking.**

**Site Specific Policies DPD (January 2006) Policy SP/1 will replace CNF1 Cambridge Northern Fringe**

South Cambridgeshire Local Plan 2004 ("The Local Plan 2004") **Policies CNF1 Cambridge Northern Fringe; CS2 Water recourses; CS3 Foul and surface water drainage; CS4 Ground water protection; SC5 Flood protection; HG2 Requires the site to provide a minimum of 900 dwellings; HG7 30% Affordable Housing; SE9 Edges be sympathetically designed and landscaped to minimize impact on Countryside; EN5 Landscaping of new development; EN7 New tree and hedge planting; ES2 Road and footway lighting; ES5 Recycling/waste minimisation; ES6 Noise and pollution; ES7 Noise from road traffic; TP1 Planning for more**

**sustainable travel; TP3 St. Ives transport corridor; Appendix 7/1 Standards for car parking provision; Appendix 7/2 Standards for cycle provision; Appendix 11/1 Adopted noise standards; Appendix 11/2 Adopted protection against road noise.**

**Policy CNF1 Cambridge Northern Fringe**

This policy allocates the site for a minimum of 900 dwellings and up to 18,000 sq.m of B1 Development etc. The Housing potential of the site should be fully exploited with a minimum of 900 dwellings, including a mix of types with an emphasis on small units and lower cost accommodation. It requires development to take place in accordance with a Masterplan that will provide intra alia:

- Adequate attenuation measures in relation to noise and emissions generated by traffic on the A14, including the adoption of an appropriate layout and disposition of uses
  - The retention of an attractive urban edge to Cambridge through the use of high standards of design and landscaping and the creation of gateway features
  - The retention of appropriate existing features of ecological interest and the creation of new features which will enhance the interest of the site
- Appendix 7/2 Standards for cycle parking for CNF West requires one secure cycle space (within the curtilage where possible) for one-bed dwellings and two spaces for larger dwellings

Cambridgeshire and Peterborough Structure Plan 2003 (“The County Structure Plan”).

**Policy P1/3 Sustainable design in built development**

Government Policies: **PPS1 Delivering sustainable development; PPS7 Sustainable development in rural areas; PPS9 Biodiversity and Geological conservation; PPS11 Regional spatial strategies; PPG16 Archaeology and planning; PPS23 planning and pollution control; PPS22 Renewable energy; PPG24 Planning and noise; PPS25 Development and flood risk; PPG13 Transport.**

7. **The Arbury Camp Design Guide and Codes** show this site straddling two “neighbourhoods” the Circus to the west and the Square to the east. The Guide suggests a mix of housing densities with the highest to the western side with the Boulevard and the Circus in the range of 95-105 dwellings /hectare, with mixed town houses along the Kings Hedges road frontage, 60-95 d/ha and a density of 35/60 within the rear mews area. The Guide provides some “ordering principles” to guide the scale and form of buildings. This site falls within the “Boulevard, Kings Hedges Road frontage, street not for buses and mews categories.
- The Design Code shows Key Buildings at four points, at the entrance to the Boulevard, on both corners of the Circus and at the eastern most point facing Public Open Space No4 (POS4) and the Community Centre. A range of building heights is shown with 4+ at the entrance to the Boulevard, 3 storey town houses/apartments around the Circus and along the kings hedges road frontage and fronting POS4. Two storey houses are shown on the northern perimeter road which carries the east west cycle route and is not designed for the Bus route. The Design code shows two main vehicular access points from the north and a loop around land parcel B2. The code shows the provision of site two LAPS (Local areas for Play)

**Consultations**

**Impington Parish Council** recommends refusal based on

- Safety aspect-difficulties of access for fire service etc
- Potential obstruction by cars due to low parking provision
- Cycle provision too low

- Parking inadequate, based on experience already on the site

**The Local Highway Authority** has only specific comments relating to individual plots. The access between plots 3 and 4 crosses a footway/cycleway and needs visibility splays. That needs a condition restricting any obstacle on the frontage of plots 1 to 3 and northern side of plot 4 to 600mm. Same for the access adjacent to plot 31, restricting obstructions on frontages of plots 30 and 31, and south side of plots 19 to 30. The pedestrian/cycle route between plot 57 and plots 58 to 61 has its desire line cut by parked vehicles.

**The Environment Agency** comments that the application falls with Cell G7 (flood zone 1/greater than 1 hectare) of the EA PPS25 Flood Risk Standing Advice. It is not necessary for the Council to respond on behalf of the Agency in respect of land drainage/flood risk issues. Parcel B1 should comply with the original drainage strategy as coordinated for the site as a whole (as previously agreed)

**Police Architectural Liaison Officer** comments " while a degree of permeability is seen as necessary for community interaction, too many through routes and footpaths in a development make crime easier to commit by providing offenders with additional access and escape routes together with the anonymity they seek. The additional access points to the parking areas between plots 90&91 and 57&58 increase the vulnerability of parked vehicles to crime. It may be advantageous to consider reducing the size of parking courts thereby to reduce the number of necessary access points for each court. For the purposes of Secure by Design internal courtyards are actively discouraged as they result in exposure of rear dwelling boundaries. Where such parking arrangements are necessary they should be relatively small and secured by gates. Adjoining parking courts such as between plots 14&18 should be avoided, particularly as it is not clear how access to third garage either for plot 16 or 17 is to be achieved. All roads, footpaths and parking courts should be lit by means of column mounted white down lighters to BS 5489: code of practice for outdoor lighting."

**Cambridgeshire Fire and Rescue Service** has asked that should the authority be minded to grant permission adequate provision be made for fire hydrants, by way of S106 or planning condition. Access and facilities for the Fire Service should also be provided in accordance with the building Regulations Approved Document B5, Section 16.

**SCDC Design Officer** has commented that

" The main elevations of this development are the blocks fronting the north-south Boulevard, the Circus and Kings Hedges Road. The elevations to these blocks reflect the elevations already constructed on parcel A2. Having seen the existing development on A2, I am of the opinion that the proposals for B1 are appropriate and will help ensure the architectural form established in A2 is continued through into B1 where it is particularly important to achieve a consistency of treatment to the Boulevard and Circus. The treatment of Kings Hedges Road is also important as this marks one of the major entries into the development. The elevational compositions of A2 and B1 will be read together in long views from the south side of the junction with Kings Hedges Road, and I believe the current proposals will deliver this.

I am aware of officers concern over the treatment of the Kings Hedges Road elevation and in particular the need to provide architectural richness adjacent to the guided bus stop. This need for architectural embellishment around the guided bus stop might be equated to the treatment of buildings in central Cambridge. How many shoppers are aware of (& therefore could describe) the treatment of the upper floors of, say, Marks & Spencer's, or the new development opposite Grand Arcade? It is my opinion that any architectural enrichment should be at street level (say to the railings or entrance

canopies), where it can be appreciated by pedestrians, since (as mentioned above) the overall massing of this block will only be fully visible from the south side of the junction, and from that distance it is more important for the treatment to be consistent with that on A2.

My only real criticism of this proposal would be the step from 4 to two stories that occurs between the landmark building on the corner of the circus and the rest of the development along the street leading east from the circus. The step from 4 to two stories is a bit too abrupt for me, and exacerbated by the block then stepping down to a single storey. However, this is a relatively minor point and if all other aspects of the scheme work (housing mix, parking etc) then I would be inclined to consider this a minor failing.

**Cambridgeshire Guided Bus Team** has no comments on the layout.” standard CGB adjoining land interface matters as per the CGB operations Policy and Guidance for developers apply. Please can you ensure that they consult with the CGB Project as part of the build etc and ensure they check their boundaries are correct so we can avoid any encroachment onto CGB land already transferred through the Arbury S106. Use condition 10 as per S/1495/07/rm but can this also relate to setting out of roads etc”(“10. No development shall commence until the precise position of the building on plots 11,12 and 13 have been marked out and checked on site by the Local Planning Authority in consultation with the Local Highway authority and Cambridgeshire County Council, Guided Bus team. This shall be in accordance with the approved Plans”). (Reason – For the avoidance of doubt as the route of the planned route of the Cambridge Guided bus runs very close to the south of these properties and space for the required road width and landscaping are minimal.)

**SCDC Landscape Officer** comments specifically in relation to a draft amended plan which adds 10 car parking spaces in the area around the Circus frontage. The Distance to the trees is not too bad - approx 2m plus - but the proposed trees (Metasequoia) will eventually interfere with the cars

I'm not sure how the design relates to the POS to the north, and the right hand side looks very weak.

Drivers will cut through the planted areas to reach the dwellings - Gaps and fencing needed - or more limited planting and the design picked out with hard surfacing.

**Comments are awaited from**

- **Cambridge City Council**
- **SCDC Arts Officer**
- **SCDC Ecologist**
- **SDCD Commercial Officer**
- **SCDC Environmental Health Officer**

**Arbury Camp Design Review Panel** consider this proposal in draft prior to the applications submission on 11<sup>th</sup> June 2007 The proposals were welcomed, subject to detailed scrutiny of the refuse disposal arrangements and assessment of the design details of the scheme. It was agreed that a one-way street should be avoided if possible to preclude the need for intrusive traffic signs.

## Representations

8. None received .Two site notices were posted and immediate occupied properties were notified.

## Planning Comments – Key Issues

9. The principle of residential development on this site has already been established by the granting of the outline permission. The key issues in determining this reserved matters application are the Access, Density, Design form and Massing, Car and Cycle Parking.
10. *Access* .The application differs from the Design Code in that only one (instead of two) main vehicular access is proposed from the north. There is no objection to this although the second access, near the Circus is still proposed but serves a court yard rather than the whole development. Pedestrian access will still be possible through at this point to provide links to the CGB Stop and Land Parcel B2.The police have reservations regarding too many pedestrian links (such as this adjacent Plot 90) but in this particular case officers are of the opinion that the advantages of links at this point outweigh potential crime concerns. Since the original application the applicant has suggested closing general public access from a point off the Circus following discussions with the police. Without any pedestrian access adjacent plot 90 residents would not have a convenient walk to POS3 and the planned Local Centre to the north. The pedestrian link also has a number of properties directly facing/overlooking thus maximising surveillance. The Parish Council's concerned that the access and car parking will allow insufficient width for Fire access. The applicant has demonstrated through submission of a tracking plan that refuse vehicles can safely access the site and the Local Highway authority has raised no objection.
11. *Density, numbers and housing mix*. The gross density is 61 dwellings to the hectare, which accords with the Arbury Camp Design Guide. The high number of smaller two bed roomed properties (60) taken together with that on the adjoining site B2 accords with the mix agreed under condition 3 of the outline planning consent **S/2379/01/0** This high number of smaller properties is also consistent with the aspirations of the Inspector commenting on the Local Plan 2004
12. *Design Form and massing*. The general form and massing follows that suggested in the Arbury Camp Design Guide with possibly two main exceptions. At the point on the Circus frontage where it meets the east west cycle route the guide envisaged a three storey height. The proposal for four stories at this point mirrors that which occurred on the opposite corner at A2 but a) results in a significant drop from four stories to two in the adjoining street and b) does not accord with the Design Code for this site. However this change is not felt to be significant to warrant objection. The Design Guide showed only a few two storey dwellings in the rear Mews area and a higher number of single storey garages and carports. Given the number of housing units allocated to this site this was probably unrealistic but has resulted in small garden areas and tight car parking areas (see below)
13. *Car and Cycle Parking* The Arbury Camp Design Guide/Codes suggests a car parking ratio of 1; 1.5.This indeed is a maximum figure in government advice and it is indicated that the ratio can be lower in areas where good public transport exists. Immediately to the south of this site there will be a Stop for the CGB and as part of the S106 agreement contributions were received to facilitate the running of the Citi 4 Bus through the site. Whilst neither are up nor running at present both are likely to be before occupation (or soon after) of the houses on B1.

The applicant has indicated that the total number of car parking spaces is 158 (amended, to 164, following the addition of 6 spaces around the Circle.) and including 15 disabled spaces and 156 motorcycle/cycle spaces. (amended following discussions to 233 spaces). The submitted plans show some of these spaces being very tight and these totals may need updating at the committee. Nevertheless I am satisfied that this overall provision is adequate to meet these agreed standards.

The large number of car parking spaces around the flats on the western side creates security concerns. This has been discussed with the applicant and the Police Architectural Liaison Officer and amended plans showing security barriers are awaited. Additional car parking spaces have been proposed around the Circus but some of these may eventually conflict with the planned trees.

The applicant has agreed to provide two secure cycle parking spaces for each dwelling. In the case of dwelling houses this is either within the garage or within the garden space. Separate lockable space is provided in the flats and following a discussion with the applicants amended plans are awaited enlarging some of these spaces. Separately from this some additional open cycle loops are to be provided fronting POS 3, adjacent POS4 and near the CGB Stop .The applicant is to confirm the future management arrangements for these spaces.

14. *Amendments sought* A meeting was held with the applicant on the 16<sup>th</sup> January and a number of additional changes were discussed. These included some tight car parking arrangements; need to amend building materials to accord with the Design Guide; provision of window grills instead of dummy windows where integral parking spaces proposed; checking the layout does not conflict with the easement strip (buried electricity Cables) over which buildings are not permitted and checking there is no conflict with the route of the Cambridge guided bus. Amended plans are awaited.

#### **Recommendation**

15. Subject to the receipt of satisfactory amended plans addressing the comments above, Approve subject to conditions

#### **Conditions**

Approvals required prior to commencement of development:

1. No development shall commence until a schedule of the materials(including render colours) and finishes for the doors, windows, walls ,and roofs of the dwellings and garages on a plot by plot basis, hereby permitted to include samples of the materials and method of window opening have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved schedule, samples and window opening method.
2. No development shall commence until detailed designs, materials and finishes for all railings, bollards, and cycle stands hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved details and samples.
3. No development shall commence until a scheme of hard surfacing and road surfacing within the sites to include samples of the materials has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved scheme and samples



4. No development shall commence until full details of compliance with the surface water drainage Strategy (agreed as required by condition 8 S/2379/01/0) have been submitted to and agreed in writing with the Local Planning Authority.
5. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of ecological enhancement. The development shall be implemented in accordance with the approved scheme.
6. No dwellings shall be occupied until detailed designs of the proposed LAPS (Local Area Play) 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
7. No development shall commence until a plan specifying the location and extent of a compound to be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction, has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and no materials shall be stored, nor contractors' vehicles parked, outside the approved compound and parking area.
8. No development shall commence until details of finished floor levels of the dwellings, garages and road surfaces in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority. This shall include details of all finished road levels and specifically the levels in relation to all adjoining sites; the development shall be carried out in accordance with the approved details..
9. No development shall take place until details of external lighting for the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved details.
10. No development shall commence until a scheme for the programming of the provision of public art within the site has been submitted to and agreed in writing with the Local Planning Authority.
11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping: the principle areas for landscaping are agreed by this consent but not the details. Details to be submitted shall include details of species, density and size of stock.
12. 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.

Approvals/action required prior to occupation:

13. No dwellings shall be occupied until the access road and footpaths necessary to serve that development shall have been completed to wearing course level.
14. The permanent spaces to be provided on or near each dwelling for parking and turning of vehicles shall be provided before the respective dwellings are occupied, and those

spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles.

15. No dwelling shall be occupied until the refuse stores have been implemented in accordance with the approved details and timing.

Planning restrictions:

16. Meter boxes shall not be installed on any elevation facing a highway other than in accordance with a scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority.
17. Notwithstanding the provisions of Article 3, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order), the following classes of development are expressly prohibited in respect of all plots facing external roads 1a, 3a (namely Chariot Way, Central drive /Circus Drive) or Kings Hedges Road , the Circus POS 3 or POS 4 unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf: Part 1 (Satellite Antenna), Class H.

**Informative**

Note the conditions of the outline planning consent S/2379/01/o continue to apply. In particular condition 35 states

During the period of construction no power operated machinery shall be operated on the premises before 07.30 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.  
(Reason - In order to protect the residential amenities of neighbouring properties.)

Condition 36 states

Should driven pile foundations be proposed, then before those works commence, a statement of the method for construction of these foundations shall be submitted to and agreed by the Local Planning Authority so that noise and vibration can be controlled.  
(Reason - In order to protect the residential amenities of neighbouring properties.)

Condition 13 states.

Development shall not commence on any phase or Sub-Phase until a scheme for the provision and location of fire hydrants to serve that Phase or Sub-Phase of the site, to a standard recommended by the Cambridgeshire Fire and Rescue Service, has been submitted to and approved by the Local Planning Authority. No development shall take place otherwise than in accordance with the approved scheme  
(Reason- To ensure adequate water supply is available for emergency use)

**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 Development Control Policies DPD adopted July 2007.

- South Cambridgeshire Local Plan  
HG2 (900 dwellings Cambridge Northern Fringe West)  
CNF1 (CNF West (Arbury Camp))
- Cambridgeshire and Peterborough Structure Plan 2003  
P1/3 (Sustainable design in built development)  
P5/3 (Density)
- Arbury Design Guide
- Planning File Ref: S/2101/07/rm, S/2379/01/0.

**Case Officer:** John Pym – Senior Planning Officer (Major Developments)  
Telephone: (01954) 713166

**Presented to the Planning Committee by:** John Pym

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> February 2008**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**1APP – THE VALIDATION OF PLANNING APPLICATIONS****Purpose**

1. To review the responses to the consultation exercise and to adopt a local list of information requirements for the validation of applications.

**Background**

2. As part of the drive to provide a quicker, more predictable and efficient planning service, the Government has decided to introduce a mandatory standard electronic application form covering planning permission and other associated consent regimes to be used by all planning authorities. The proposals emphasise interactive electronic application forms, although there will be an opportunity to use a paper-based version.
3. In December 2007 the Government published guidance for local planning authorities upon the information supporting applications and the process for adopting a local list of information requirements.
4. This will mandate the use of 1APP when applying for planning permission. The legislative changes will commence on Sunday 6<sup>th</sup> April 2008.
5. From 6<sup>th</sup> April 2008, the 1APP will replace all existing types of planning application forms (except minerals) and will become the only legal way of submitting a planning application.
6. On 3<sup>rd</sup> October 2007, Planning Committee resolved to carry out a six week consultation period in accordance with the Government's recommended process and to receive a report in early 2008 so that a Local Validation List can be adopted.

**Requirements**

7. Different types of application and scale of applications will require different levels of information and supporting documentation to be submitted to render each application valid. In all cases the requirements will be specified by the local planning authority. They will comprise a national core list, that will apply in all cases, and additional items drawn from the recommended national defined list included in the Government's December 2007 Guidance Paper which updates an earlier August 2007 draft.

### **National List**

8. The National List requires, as a minimum, the following:
  - (a) be made in writing (paper or electronic application) to the local planning authority on a form published by the Secretary of State (or a form which is substantially the same);
  - (b) include the particulars specified in the form and be accompanied by a plan which identifies the land to which it relates;
  - (c) any other plans and drawings or information necessary to describe the development which is the subject of the application; which must be drawn to an identified scale and, in the case of plans, show the direction of North;
  - (d) for paper applications, include three copies of the form plus the original (or fewer if the local planning authority so indicates). No copies are required if the application is made electronically;
  - (e) be accompanied by any certificate or documents required by the Town and Country Planning Act 1990 or the GDPO;
  - (f) include any fee required to be paid in respect of the application. Lodging a cheque or making an electronic payment for the correct fee amount is taken as payment, and
  - (g) be accompanied by a Design and Access statement, if required.

### **Local List**

9. “The Government expects local planning authorities to seek information that is necessary for a decision to be made and should not require a level of detail to be provided that is unreasonable or disproportionate to the scale of the application. Local Lists should take account of the Government’s commitment in the Planning White Paper, Planning for a Sustainable Future, to reduce information requirements associated with the submission of planning applications.”

(Para 24 The Validation of Planning Applications: Guidance for Local Planning Authorities).

### **Consultations**

10. A consultation exercise upon the Local List of requirements was carried out between 12<sup>th</sup> November and 21<sup>st</sup> December 2007. This involved approximately 300 agents, approximately 70 statutory and non-statutory external and internal consultees and all Parish Councils.
11. This involved a questionnaire inviting comments on the local validation list and a series of questions on the electronic consultation process.
12. The results of the Local List consultation exercise are attached as appendix 4.
13. Twenty four Parish Councils and fifteen consultees responded. There were no responses from Agents.

### **Electronic Consultation**

14. In terms of electronic consultation only six Parish Councils (25%) expressed a willingness to accept application consultations electronically. The majority expressed difficulties as Councillors and the public are not necessarily able to access electronic

documents. Notwithstanding the reduction in the number of paper copies of applications, which will be received after 6<sup>th</sup> April, I consider that Parish Council's should continue to receive one only paper copy.

15. Statutory consultees, other than Parish Councils, have greater capacity to accept application consultations electronically. Indeed this should be encouraged to reduce paper, to speed up the process and hence to increase efficiency. I shall work with I.T. to provide electronic consultation with these consultees.

**The Local List**

16. Having taken on board comments from consultees (see appendix), together with Government's wish that the requirements should be reasonable and proportionate, a local list has been prepared and, for each of the 26 different types of application, the documents drawn from the local list specified.
17. (a) The List of 26 application types are included at appendix 1.  
 (b) The recommended Local List is included at appendix 2.  
 (c) The recommended documents required for each application type drawn from the Local List is included at appendix 3.

**The effect on Corporate Objectives**

18.	Affordable Homes	There are no specific Implications
	Northstowe and other Growth Areas	
	Customer Services	1APP is intended to provide a quicker, more predictable and efficient planning service
	Quality, Accessible Services	
	Village Life	
	Sustainability	There are no specific implications
	Partnership	

**Recommendations**

19. It is recommended that the Committee adopts the Local List and the documents drawn from the Local List for each application type and that delegated powers be granted to the Corporate Manager – Planning and Sustainable Communities to make any corrections, minor amendments or minor points of clarification before the commencement date of 6<sup>th</sup> April 2008.
20. In accordance with Government guidance: The Validation of Planning Applications (December 2007), the Local list be reviewed in three years but that any amendments in the meantime (other than minor amendments) should be the subject of reconsultation and adoption of new lists.
21. It is also recommended that Parish Councils be excluded from accepting application consultations electronically.

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

- The Validation of Planning Applications: Guidance for local planning authorities. Communities and Local Government December 2007.

**Contact Officer:** David Rush – Development Control Manager  
Telephone: (01954) 713153



## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

**REPORT TO:** Planning Committee  
**AUTHOR/S:** Development Control Manager

6<sup>th</sup> February 2008

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**Delegation Procedures**
**Purpose**

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

**Effect on Corporate Objectives**

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

**Background**

- In August 2007 Committee agreed changes to the delegation procedure. A copy of the Committee agenda report is attached, together with the agreed procedures (Appendix 1).
- This responded to the Department for Communities and Local Government (DCLG) Report (26<sup>th</sup> June 2006) which assessed this Authority's planning performance, particularly in regard to the determination of major applications. The report highlighted the need to work with Members to develop an improved scheme of delegation to officers. It noted that "delegation has recently been reviewed and a wider scheme has been agreed which is likely to further increase the delegation rate."
- In addition Hopher Dixon, who was formally instructed by the Planning Advisory Service (PAS) in November 2006 to carry out a review of the Council's procedures as they relate to performance on major planning applications, recommended a review of the scheme of delegation.

**Considerations**

- Prior to the changes introduced in August 2007 the percentage of decisions delegated to officers was consistently around 90%, as recommended by:  
  
"Delivering Delegation" (2004), a guide jointly produced by the former office of the Deputy Prime Minister (ODPM) and Local Government Association (LGA).
- In the period 1<sup>st</sup> September to 31<sup>st</sup> December 2007, the rate increased to 94.8%. This has had a bearing on the number of applications considered at Planning Committee. At the five meetings from September, an average of 11 applications per meeting have been considered. In the period July 06-June 07 the average was 19.

## Options

8. The Council's delegation scheme is based upon the "by-exception" model, one of two broad models noted in "Delivering Delegation".
9. In my opinion it has successfully achieved a balance between the need for efficiency in the determination of applications that are relatively straightforward and those that are more significant and controversial and which require Member scrutiny.
10. I am not recommending any further relaxation, in view of the success in meeting the national BV109 indicators for speed of determining applications and the additional capability of Committee in being able to assess Major Applications along with public speaking.
11. However, four matters need to be resolved:
  - (a) In view of Senior Management Team's decision to re-organise the four area development control teams into two teams, the existing powers delegated to Area and Senior Planning Officers should be transferred at the appropriate time to the new Team Leaders, Assistant Team Leaders and Senior Planning Officers respectively;
  - (b) In the absence of the Design and Conservation Manager, powers should also be exercised by the Conservation Area and Design Officer.
  - (c) The powers of Chairman's Delegation Meeting (ChDM) at paragraph A2 in Appendix 1 should be amended to include the matters in A1(iii) (Member written requests for 'other' developments to be referred to Committee) and A1(iv) (a recommendation of approval upon a 'major' development contrary to written representations from owners or occupiers of property), both of which were agreed by Committee in August 2007 and have been incorporated into the approved delegation procedure. This is, in effect, a correction to Paragraph A2, which was not updated at that time; and
  - (d) The role of ChDM was discussed at Scrutiny and Overview Committee on 11<sup>th</sup> October 2007. The Full Minute of the meeting is attached. In response to the discussion points:
    - (i) Four clear working days notice is provided;
    - (ii) A copy of the agenda will be sent to each relevant Parish Clerk;
    - (iii) The agenda for the meeting can be posted on the Council's intranet through the members' weekly bulletin;
    - (iv) In regard to a member of a Parish Council speaking at ChDM when the ward Member is absent, I consulted the Council's Principal Solicitor, who advises:

"You quite rightly point out that the process described is actually the exercise of officer's delegated powers in consultation with the Chair, Vice chair and local members. The officer decision is the decision of the authority. We must not lose sight of this. Delegated powers must be exercised lawfully i.e. within the powers and scope of the delegation.

A local authority may place reliance on the views of other persons or bodies in reaching the decision and this, therefore, extends to officer delegated decision making. Of course, the Local Planning Authority elicit those views through consultation including consultation with the Parish Council. It is reasonable to invite local members to these meeting as this is still an internal meeting relating to the officer exercising powers in consultation. Parish Councils will already have had an opportunity to comment on any application within their jurisdiction. I think it would be unhelpful to extend the meeting to include them. They are a third party organisation and their involvement will inevitably lead to calls of unfairness

and injustice in the regulatory decision-making where no other third party can be present. Parishes can always feed their views through their local member if they wish. If the local member cannot attend for whatever reason then their views can be presented in writing.”

I have nothing to add to this advice, with which I concur.

### **Financial Implications**

12. Maintaining an efficient delegation system will maximise the potential to achieve and sustain the Government’s performance indicator targets for determining major (60% in 13 weeks), minor (65% in 8 weeks) and other applications (80% in 8 weeks).
13. Although the new Housing and Planning Delivery Grant will focus exclusively on two areas (plan-making and housing delivery), the Government has indicated that an abatement of some HPDG payments in development control will be included where performance falls below acceptable levels. (ref Communities and Local Government: Housing and Planning Delivery Grant (HPDG) Consultation on allocation mechanism) October 2007.)

### **Legal Implications**

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

### **Staffing and Risk Management Implications**

15. If the Performance Indicator targets are not maintained, the Council could lose resource and make it difficult to meet all our targets. Increasing pressure on officers could lead to a leakage of experienced staff when it is increasingly difficult to recruit suitable professionals with relevant skills and experience.

### **Equal Opportunities**

16. None

### **Consultations**

17. See Paragraph 11(c)(iv) above.

### **Summary and Conclusions**

18. This review was required by Committee in August 2007. “Delivering Delegation” recommends that schemes be regularly reviewed and that an effective scheme of delegation will ensure economical use of time and allow focus on the more complex or contentious applications.
19. Although the Council achieved the three application determination performance indicator targets for the year ending September 2007 (Majors 77%, Minors 72% and Others 87%), there is a need to sustain that level of achievement.
20. I consider that the revisions to the delegation scheme agreed in August 2007 have worked well and have enabled the Committee to implement public speaking and to focus upon the most controversial and major applications. No changes are proposed.

**Recommendation**

21. That the points of clarification and correction at Paragraphs 11(a).11(b) and 11(c) be agreed, that the procedures for Chairman's Delegation Meeting be amended in accordance with Paragraph 11(d)(i) to (iii) and that Committee endorses the role of the Local Member in presenting the Parish Council views (in addition to the Case Officer) to the ChDM.

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

- (a) "Delivering Delegation": ODPM and LGA, March 2004.
- (b) Department for Communities and Local Government Report, "Evaluation of South Cambridgeshire District Council" dated 26<sup>th</sup> June 2006.
- (c) South Cambridgeshire District Council: Process Mapping for Determining Planning Applications – BV109A – A Review by Hephher Dixon (March 2007).
- (d) Housing and Planning Delivery Grant: Consultation on allocation mechanism, October 2007.

**Contact Officer:** David Rush - Development Control Quality Manager  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

6th February 2008

**AUTHOR/S:** Chief Executive / Principal Solicitor

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**FORMER LAND SETTLEMENT ASSOCIATION AGREEMENT AT FEN DRAYTON****Purpose**

1. The purpose of this Report is to ask Members to terminate an Agreement entered into on the 30th March 1937 between the Land Settlement Association Limited and the Chesterton Rural District Council (our predecessor authority).

**Executive Summary**

2. For the reasons as summarised in the background information it is felt that this Agreement is no longer of any use in planning terms, and therefore needs to be terminated.

**Background**

3. On the 30th March 1937, an Agreement was entered into between the Land Settlement Association Limited and the Chesterton Rural District Council. This Agreement was for "the reservation of open spaces in the Parish of Fen Drayton". The Agreement was entered into under Section 34 of the Planning Act 1932, and this would now be an Agreement under Section 106 of the Town and Country Planning Act 1990 which is, of course, a Planning Obligation.
4. The effect of the 1937 Agreement was that all properties within an area of 235 acres at Fen Drayton were subject to agricultural occupancy conditions which meant that on that particular Estate, only agricultural/horticultural use was allowed. Over the years, a few parcels of land had been exempted from the Agreement, such as the County School, some council housing, and some properties close to Fen Drayton High Street, which form part of the built framework of the village. However, most of the properties remain part of the Agreement and, as such, have the agricultural occupancy condition still applied to them.
5. In the seventy years that have elapsed since the Agreement was signed, as one would expect, the law relating to Town and Country Planning has changed considerably. There was a consolidating Act of Parliament in 1947, and the present major legislation is Town and Country Planning Act 1990. The effect of this legislations means that South Cambridgeshire District Council, like all other Planning Authorities in the country, have devised and adopted Planning Policies, and the present position with regard to the adoption of Planning Policies is that the land is subject to the South Cambridgeshire Local Plan Policy 2004, Policy Fen Drayton 1 and also the District Council Development Control Policies adopted in July 2007.
6. Paragraph 28.20 of the 2004 Local Plan states "It is the District Council's view that the Agreement now be replaced by the above statutory Local Plan Policy (Fen Drayton 1) which confirms that the former estate is to be subject to the countryside policies of the Development Plan".
7. This means that the terms of the original 1937 Agreement have been superseded by legislation and the existing Planning Policies in the District, such that the regulation of

the Fen Drayton land being subject to the 1937 Agreement can now be controlled by the Countryside Policies of the Development Plan.

**Considerations**

- 8. In light of the executive summary and background information Members are asked to consider whether this Agreement entered into over 70 years ago has any value now, given that it has been superseded by the adoption of planning policies.

**Options**

- 9. Members are asked to pass a resolution to terminate this Agreement.

**Implications**

- 10. There are no specific implications since bringing the Agreement to an end will still mean that the land in question is protected by the existing planning policies.

**Consultations**

- 11. This matter was considered by the Planning Committee on the 3rd October 2007 and 9th January 2008 when it was decided to defer the item and to consult Fen Drayton Parish Council. Letters of consultation sent on the 11th October, 26th November and the 11th December 2007 have not brought forth a response. Any communication received in the meantime will be verbally reported to Committee.

**The Effect on Annual Priorities and Corporate Objectives**

12.	Affordable Homes	}	There are no specific affects on these
	Customer Services		
	Northstowe and other growth areas		
	Quality, Accessible Services		
	Village Life		The termination of the Agreement will enable the land in question to be protected by existing planning policies.
	Sustainability	}	There are no specific implications
	Partnership		

**Conclusions/Summary**

- 13. When this Agreement was entered into 70 years ago it did have the benefit of protecting the properties concerned and ensuring that they would be subject to agricultural occupancy conditions. Since then such protection as is needed is now covered by existing planning policies such that this Agreement is no longer of any real benefit.

**Recommendation**

- 14. It is **RECOMMENDED** that the Agreement now be brought to an end.

**Background Papers:** All of the following background papers are contained on a file in the Legal Office reference PLAADV.1865 and these have been used in the preparation of this report. They are available for public inspection.

**Contact Officer:** Catriona Dunnett, Principal Solicitor - Telephone: (01954) 713308

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 6<sup>th</sup> February 2008  
**AUTHOR/S:** Corporate Manager – Planning & Sustainable Communities

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**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**

**Whitfield Group – Installation of extract fan sound attenuators and acoustic enclosure and amendment of condition preventing the use of machinery between the hours of 6 p.m. and 8 a.m. on weekdays and at any time on Sundays and Bank Holidays – Unit J, Broad Lane Lane, Cottenham – Appeal dismissed.**

2. This site is owned by Chemex Limited who carry out analysis of chemicals and compounds contained within either water borne samples or soil samples. The fume extraction and air conditioning units have already been installed and are on the side of the building facing a car park. The company wishes to amend the condition of an existing planning permission to allow occasional 24 hour working of machinery. The main issue was therefore whether the equipment/plant can be operated within limits that would not seriously harm the living conditions of occupiers of the adjacent mobile home park and houses in Courtyard Way.
3. The equipment is partly obscured by fencing, vegetation and angle of vision. Nonetheless, the inspector did not find it visually out of place on an industrial estate.
4. The conditions attached to the existing planning permission are designed to ensure that nearby residents are not unduly disturbed during the evenings and at night. In assessing the potential impacts on neighbours, the inspector made various observations. She found there were a number of inaccuracies and deficiencies in the appellant's evidence and was not therefore convinced that residents would continue to have the quiet enjoyment of their property. It might be that the various deficiencies could be overcome, but further works and tests would be necessary.
5. In deciding what was an appropriate course of action, it was necessary to have regard to the substantial investment in the equipment and that 40 jobs are at stake at what is described as one of the leading contamination analysis companies in Europe. Enforcement action had also been taken (against which there had been no appeal) and these were weighty considerations. In the absence of "sufficiently clear, specific and comprehensive evidence" the inspector concluded the existing condition remains reasonable and permission should not be given for the external equipment and acoustic enclosure.

6. *Comment: Chemex Ltd has pleaded guilty to breaching the enforcement notice and a breach of condition notice. The company was fined a total of £1500 and costs of £300. It is understood that the company will be submitting another planning application to take account of the inspector's concerns and misgivings.*

**A Rrahmani – Use of land as hand car wash – 2 Cambridge Road, Foxton – Appeals against refusal of planning permission and issue of enforcement notice allowed**

7. The reasons for the Council's actions were the effect that the use of the site would have on highway safety. The local highway authority supported the District Council.
8. Cambridge Road was found to be a busy road. The site lies close to the main London railway line and two road junctions a short distance to the north and south. There have been 8 accidents along this immediate stretch of road during the last three years. Although there was dispute between the parties as to the required visibility standards, the inspector was satisfied that even the higher standard was achievable in both directions. He found no evidence that it was limited to 55 metres to the south as claimed by the local highway authority. The adjoining lay-by may cause a partial obstruction to visibility, but this was only likely to happen when the lay-by is fully occupied. The inspector was therefore satisfied there was adequate visibility for the safe operation of the site as a hand car wash.
9. While there were other factors such as the level crossing and the nearby junctions which may influence driver behaviour, there was no evidence to suggest that the use has led to an decrease in highway safety. It was accepted that the two accesses into the site are not currently labelled and this could cause confusion. Such a matter, however, could be covered by a condition.
10. Planning permission was therefore granted on the basis that a revised layout for the site including a one-way system and entry/exit signing is submitted within one month of the decision. Details should therefore have been submitted for approval on or before 2 February 2008 and thereafter implemented within three months of any approval.